International Labour Conference

Eighty-first Session Geneva 1994

Record of Proceedings

International Labour
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PROVISIONAL RECORD

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CONFERENCE

EIGHTY-FIRST SESSION
GENEVA, 1994

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PREFACE

The 81st Session of the General Conference of the International Labour Organization was held in Geneva from 7 to 24 June 1994.

The agenda of the Conference was as follows:

Standing items

I. Reports of the Governing Body and of the Director-General.

II. Programme and budget proposals and other financial questions.

III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

IV. Part-time work *(second discussion).*

V. Safety and health in mines *(first discussion).*

VI. The role of private employment agencies in the functioning of labour markets *(general discussion).*

VII. Review of the Declaration concerning Action against Apartheid in South Africa.

The contents of the present volume constitute the *Record of Proceedings* of the 81st Session of the Conference in its final form. They are presented in the following order:

- a detailed table of contents;
- the *Provisional Record,* Nos. 1-28;
- a list of corrigenda to the *Provisional Record,* including corrections communicated in conformity with article 23, paragraph 3, of the Standing Orders;
- the authentic texts of instruments adopted by the Conference;
- the resolutions adopted by the Conference;
- the revised list of delegations (including all corrections received within the time-limits specified in the Standing Orders);
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International Labour Conference

Provisional Record

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Note for the delegates

The Secretary-General of the Conference presents his compliments to the delegates and submits for their information the following note concerning the work of the Conference, dealing with:

A. Material arrangements.
B. Procedure.
C. Subjects to be discussed by the Conference.
D. Entertainment during the Conference.

A. Material arrangements

Place of meeting

The necessary information concerning the place of meeting is contained in the *Guide for Delegates*, which will be supplied by the Distribution Service (in the entrance hall) to members of delegations.

Full particulars of the layout of the premises are given in the *Guide*, and in the interests of the smooth running of the Conference, delegates are requested to read the *Guide* carefully and keep it for reference.

The main entrance is situated on the floor below the Conference floor, and members of delegations will enter by the door on the right-hand side of the Assembly block (Door No. 13).

Duration of meeting

The Conference will open on Tuesday, 7 June 1994, at 10 a.m., and is expected to continue until 24 June.

Registration of delegations Quorum

On entering the Conference premises, delegates who have not already sent their registration forms should, if necessary, obtain such forms at the Information Desk and hand them in without delay to the Information Desk duly completed and signed.

The quorum is determined by the Credentials Committee on the basis of the number of delegates registered. It is therefore important that accredited delegates attending the Conference should register personally without delay, in order that the quorum may, from the beginning of the session, accurately reflect the composition of the Conference.

The information asked for on the registration form will also be required by the Secretariat of the Conference for the purpose of arranging for the distribution of documents, letters, invitations, etc., during the session and for the delivery of documents that have to be forwarded to members of delegations after the Conference is over. All members of delegations, in whatever capacity they are attending the Conference, and observers, are therefore asked to give the required information on the registration form supplied to them.

Identification cards (coded badges)

The identification cards issued to members of delegations upon their registration will be coded badges to be used for the purposes of voting, which will be conducted electronically (see section entitled "Electronic voting system").

In this connection, delegations may wish to note that members duly authorized to vote on behalf of titular delegates, either for the entire duration of the session or for a specific vote, must use their own badges for this purpose.

Participants are requested to note that strict security measures will be enforced at the entrances to the Conference premises and the Assembly Hall. The ushers on duty will ask them to produce their identification cards. Members of delegations and observers not already in possession of their identification cards should apply for them without delay to the Information Desk.

Seating arrangements for plenary sittings

Delegations of member States represented at the Conference will be accommodated as usual on the floor of the Assembly Hall and seated in the French alphabetical order of countries. Owing to the fact that the number of seats available on the floor of the Hall is barely sufficient to accommodate the delegations of member States, observers of non-member States and representatives of intergovernmental and non-governmental organizations may of necessity have to be accommodated in the fifth-floor galleries of the Assembly Hall.

List of members of delegations

A trilingual provisional list of members of delegations is distributed in time for the opening of the session. This list gives, in French alphabetical order of countries, the names and designations of the delegates and advisers as indicated in the official credentials and the names of representatives of the United Nations, specialized agencies and other official international organizations and the names of representatives or registered observers of non-governmental international organizations. A revised provisional list and a final list of members of delegations will be issued subsequently.

Programme of meetings and Daily Bulletin

Delegates may obtain information concerning the programme of the following morning's meetings by dialling the following telephone numbers each evening after 10 p.m.

English:	917 69 82
French:	917 69 83
Spanish:	917 68 44

The complete programme for each day will be published in the *Daily Bulletin*, which will be available at the Distribution Service from 8 a.m.

The programme of meetings will also be posted up on special notice boards in the entrance hall of the Palais des Nations and on Floor R.3 (near the delegates' bar) of the ILO building.

No room, whether in the Palais des Nations or in the ILO building, may be used for meetings without prior authorization of the Chief of the Secretariat Services (office A-577, telephone 76834).

Provisional Record

A *Provisional Record*, giving reports of all the speeches or interpretations at plenary sittings of the Conference, the texts of committee reports and other official documents of the Conference, is published in English, French and Spanish.

Delegates who wish to have corrections made to the report of their speeches as printed should communicate these to the International Labour Office (Conference Record Service) in writing not later than ten days after the close of the Conference. Such corrections will be published as an addendum to the record of the Conference.

For the sake of economy, the press-run of the *Provisional Record* is limited. Participants in the Conference should therefore keep their copies and refrain from asking for additional copies. As decided by the Conference in 1977, the issues reproducing debates in plenary sitting will appear after an interval which may be of up to two working days during the first part of the Conference. Thereafter, the *Provisional Record* of the plenary sittings of a given day will be distributed one and a half days later, during the afternoon of the following day.

Electronic voting system

Votes during plenary sittings of the Conference will be taken by means of the electronic voting system introduced last year. This system will also be used for the vote on the priority of resolutions.

The electronic voting system may be used for the three types of voting procedures provided for in the Standing Orders of the Conference: by show of hands, by a record vote and by secret ballot. The "voting stations" made available to delegates or persons empowered to vote on their behalf are equipped with a screen and a keyboard. The coded badge issued to them upon registration makes it possible to operate the voting station. When inserted into the voting station, it identifies the person voting and indicates the language used by this person.

When a vote is to be held, the subject to be voted on as well as the method of voting (show of hands, record vote or secret ballot) are displayed on the screen of the voting station. Instructions regarding the next steps to be taken will also appear on the screen.

Vote by show of hands: It should be noted first of all that this type of vote will, strictly speaking, no longer be "by show of hands", but will differ from a record vote in that no record will be published as to how each delegate voted. Once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required.

Record vote: Once all votes have been registered the final voting figures will be immediately displayed with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. These indications will subsequently be published together with a list of the delegates who have voted, showing how they have voted.

Secret ballot: Once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. There will be absolutely no access possible to individual votes: each voting station will be equipped with a plastic cover in order to ensure the secrecy of the vote and there will be no record of how the delegates have voted.

In all three cases it is important that delegates should have previously decided whether they or another member of their delegation will exercise their right to vote in a given case and that these persons use their own badges. Where more than one vote is nevertheless cast on behalf of a delegate at two different moments or from two different places, only the first vote will be recognized, whether made by the delegate, by a substitute delegate or by an adviser who has received a specific written authorization to that end. A standard form for this purpose will, as in previous years, be at the disposal of delegates at the Information Desk which is situated in the entrance hall of the Assembly Building. Delegates may also obtain these forms at the Secretariat of the Credentials Committee or at the office of the Clerk of the Conference. **These specific authorizations, which were formerly handed in to the Clerk's office, must henceforth be submitted to the Credentials Committee Secretariat preferably the day before the vote and, in any event, at least one hour before voting begins.**

The names of titular and deputy Government members of Conference *committees* should be communicated to the Clerk's office in order to allow those members to express their vote in committees.

An information session to familiarize delegates with the functioning of the electronic voting system will be organized at the beginning of the Conference. The time, date and place of this session will be announced in the *Daily Bulletin*.

B. Procedure

The procedure of the Conference is governed by the Constitution of the Organization and by the Standing Orders, which are reproduced in the publication entitled *Constitution of the International Labour Organisation and Standing Orders of the International Labour Conference* (obtainable from the Distribution Service). The following brief outline of the procedure may be helpful to members of delegations.

Group meetings

The Government, Employers' and Workers' groups will meet separately on the eve of the official opening of the Conference to elect their own officers. They will make proposals for the nomination of the three Vice-Presidents of the Conference, as well as for the nomination of the members of the Selection Committee, the Credentials Committee and of the various committees which will be constituted by the Conference. Only accredited delegates and their advisers may be so nominated. Information concerning the manner in which these nominations should be made is given to each group during its meeting.

Opening

On the first day the Conference meets in plenary sitting. The session is opened by the Chairman of the Governing Body of the International Labour Office. The Conference will then elect its President and nominate its three Vice-Presidents. In accordance with paragraph 3 of article 25 of the Standing Orders, at its first plenary sitting the Conference will also establish various committees and appoint their members on the basis of proposals made by the groups. The general debate in plenary sitting will begin at 3 p.m. on the same day and the Selection Committee will meet at 6 p.m.

Commemorative ceremony

On the occasion of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, a commemorative ceremony will be held at 11.30 a.m. on Tuesday, 7 June, immediately after the opening ceremony of the Conference.

Plenary sittings

The times of the plenary sittings are shown in the *Daily Bulletin* and on the notice boards.

The attention of delegates is called to the resolution concerning freedom of speech of non-governmental delegates to ILO meetings, which was adopted by the International Labour Conference at its 54th Session (June 1970). In this resolution the Conference affirms the importance it attaches to the application of article 40 of the Constitution in such manner that the right of Employers' and Workers' delegates to the Conference to express themselves freely on questions within the competence of the ILO is completely safeguarded.

Committee meetings

The committees will begin their work on Wednesday, 8 June in the morning.

The time and place at which the various committees will meet will be announced in the *Daily Bulletin* and on the notice boards.

The procedure of committees is governed by Section H of the Standing Orders of the Conference, the text of which is contained in the publication entitled *Constitution of the International Labour Organisation and Standing Orders of the International Labour Conference.*

In committees dealing with the items on the agenda, equal representation is given to the three groups in the Conference – Government, Employers and Workers. This is achieved by a weighting system.

At its first sitting each committee elects a Chairman. It also elects two Vice-Chairmen, chosen one from each of the other groups. The Reporter and Drafting Committee are also appointed, either at the beginning or at a later stage of the committee's work. Separate meetings of the Government, Employers' and Workers' members of the committee may be held. As far as possible these meetings are announced in the *Daily Bulletin* and on the notice boards but, to ensure that they are informed, members of committees should keep in touch with the Officers of their group.

Members of delegations wishing to speak at committee meetings should send their names up to the Chairman or secretariat of the committee (especially at the early meetings, it is desirable to send up names instead of merely "catching the eye" of the Chairman). Speakers are called on in the order in which their names are received. All speeches made in English, French or Spanish will be interpreted into the other two languages; interpretation inter alia from and into Arabic, Chinese, German and Russian is also given as required.

The work of committee secretariats is facilitated if members always sit in the same places.

Amendments to proposals before a committee must be handed in to the secretariat of the committee in writing.

In the interest of smooth and speedy working, members of committees are requested to make their speeches as brief as possible.

Members of committees who are not already in possession of the reports under discussion by their committee can obtain copies from the Distribution Service. Other documents (e.g. amendments) are supplied by the committee secretariat.

Space permitting, the public is admitted to committee meetings, unless a committee decides or the Standing Orders provide otherwise.

Committee reports

The report of each committee is prepared by the Reporter and submitted in draft in the first instance to the officers of the Committee and then to the committee itself. With the approval of the report the committee's work comes to an end. The report is then published in the *Provisional Record* and is considered by the Conference in plenary sitting; the time is announced in the *Daily Bulletin* and on the notice boards. Amendments to the committee's proposals for consideration by the Conference must be given in writing to the Clerk of the Conference. In the case of a proposed Convention or Recommendation, after the committee's proposals and any amendments thereto have been discussed and voted on by the Conference in plenary sitting, the text is referred to the Drafting Committee of the Conference to be put into final form. The text prepared by the Drafting Committee is then published in the *Provisional Record* and the final record vote is taken in plenary sitting at a time which is announced in the *Daily Bulletin* and on the notice boards.

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Members of delegations who are in any doubt or difficulty should not hesitate to apply to the officers of their group or to the secretariat of the committee.

C. Subjects to be discussed by the Conference

Agenda

Standing items

I. Oral report of the Chairman of the Governing Body and report of the Director-General.
II. Programme and budget and other financial questions.
III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

IV. Part-time work *(second discussion).*
V. Safety and Health in Mines *(first discussion).*
VI. The role of private employment agencies in the functioning of labour markets *(general discussion).*
VII. Review of the Declaration concerning Action against Apartheid in South Africa

With regard to the second item on the agenda, the Conference will be called upon to examine Report II: *Information concerning the programme and budget for 1994-95 and other financial and administrative questions,* as well as any further related matters that may be brought to its attention by the Governing Body.

Discussion of the oral report of the Chairman of the Governing Body and of the report of the Director-General

In accordance with article 12 of its Standing Orders, as amended by the Conference at its 80th Session, the Conference will discuss a report on the work of the Governing Body of the International Labour Office which will be orally presented by its Chairman. A report by the Director-General of the Office is also submitted to the Conference: the first part of this report is entitled *Defending values, promoting change – Social justice in a global economy:* an ILO agenda; the second part is devoted to the activities of the ILO during the preceding financial period.

The discussion of the oral report of the Chairman of the Governing Body and of the Director-General's report will begin in the afternoon of Tuesday, 7 June. In order to ensure the smooth working of the Conference, it is most desirable that a number of speakers should be prepared to speak early in the discussion.

Delegates who wish to take part in the discussion are requested to give their names to the office of the Clerk of the Conference (room A-571, telephone 76828) as early as possible and in any event before the closing day for the list of speakers which will be fixed by the Selection Committee at its first sitting. They are requested to hand in eight copies of their speeches for the use of the interpreters and the Conference Record Service. A ninth copy is requested from delegates who wish their speeches to be made available to the press and radio.

Time-limit for speeches

Article 14, paragraph 6, of the Conference Standing Orders sets at *10 minutes* the time-limit of speeches in the discussion of the reports of the Governing Body and of the Director-General.

Ministers attending the Conference and delegates who wish to take part in that discussion will certainly wish to bear this provision in mind so as to avoid the risk of being asked by the President to resume their seats before they have concluded.

Other business

1. *Standing Orders.* The Conference will have before it proposals for the amendment of its Standing Orders submitted by the Governing Body of the International Labour Office. The text of the proposals appears in the *Provisional Record,* No. 2.

2. *Resolutions.* The texts of the draft resolutions submitted for consideration by the Conference in accordance with article 17 of the Standing Orders appear in the *Provisional Record,* No. 1.

D. Entertainment during the Conference

Before deciding on a date and making arrangements for receptions, delegates should contact the Protocol Service (room A-525, telephone 76862), which will be pleased to help with any necessary information and advice.

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International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

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Resolutions

esolution concerning the need to harmonize and improve LO informatics systems for optimal utilization and accesbility by all States, submitted by the Government delegations of Canada, China and Pakistan

The General Conference of the International Laour Organization,

Recalling the Economic and Social Council resoltions 1991/70, 1992/60, and 1993/56 on the need to armonize and improve United Nations informatics ystems for optimal utilization and accessibility by all tates,

Noting with appreciation that the ILO is the first Jnited Nations agency to computerize the holdings f its libraries,

Mindful of the importance of the widest possible issemination of the ILO's Conventions, publications nd research work amongst all its constituents:

1. Calls upon the ILO to play a more active role as member of the International Computing Centre ICC) towards implementation of the relevant COSOC resolutions in consultation with its memers, including Permanent Missions and workers' nd employers' secretariats.

2. Reiterates the urgent need for representatives f States to be closely consulted and actively associted on the question of informatics within the ILO, o that the specific needs of States as internal endsers can be given due priority.

3. Calls upon the ILO to consider harmonizing its atabase system with other database systems in the Jnited Nations.

4. Requests the Director-General of the Interational Labour Office to report on the progress nade in this direction, in accordance with the Ecoomic and Social Council resolutions 1991/70, 1992/60 nd 1993/56, to the next session of the International abour Conference.

esolution concerning the commemoration of the 75th aniversary of the International Labour Organization, subitted by the following Employers' delegates: Mr. Cortina egarreta (Chile); Mr. Hultin (Finland); Mr. Lacasa Aso; liss Mackie (United Kingdom); Mr. Noakes (Australia); Ir. Oechslin (France); Mr. Owuor (Kenya); Mr. Pierides Cyprus); Mr. Thüsing (Germany); and Mr. Tsujino (Japan)

The General Conference of the International Laour Organization,

Commemorating the 75th anniversary of the Interational Labour Organization, which was established by Part XIII of the Treaty of Peace signed at Versailles on 28 June 1919,

Commemorating also the 50th anniversary of the adoption of the Declaration concerning the aims and purposes of the International Labour Organization, adopted at Philadelphia on 10 May 1944 and annexed to the Constitution,

Recognizing that in the 50 years since the Declaration of Philadelphia was adopted the world has undergone considerable change in many aspects of international and national life,

Considering that all institutions need to be reviewed from time to time in order to ensure that their respective missions remain relevant to the needs of their members in a changing environment, and that their structures and methods are the most appropriate for such missions,

Noting that other organizations which the world community has set up, notably the United Nations, have embarked on a reassessment of their roles and structures in order to adapt themselves to developments in the world,

Considering that the ILO, with its unique tripartite nature and its specific mandate in the social and labour field, has an important role to play in the United Nations system,

Noting that the Report of the Director-General to the present session of the Conference, entitled *Defending values, promoting change*, addresses these issues, as well as the contributions made by several others on the same theme,

Reaffirming continued faith in and commitment to the fundamental principles and values upon which the ILO was founded, and recognizing the new relevance they acquire in today's world,

Recognizing the need to review the objectives, priorities, strategies, procedures and structures of the Organization in order to optimize its usefulness to its membership in the light of developments up to now, and to prepare it to remain relevant and useful in the future;

1. Calls upon member States, employers, workers and their respective organizations to contribute to a renewal of the role, structures and activities of the International Labour Organization with a view to improving and optimizing the benefits it offers to its constituents in the light of changes in the world.

2. Calls upon the Governing Body of the International Labour Office to review the priorities and methods of the Organization, taking account of the discussion of the Director-General's Report to the

present session of the Conference, with a view to improving its capacity to meet its objectives and to be of service to governments, employers and workers in all its member States. In particular, the review should, where necessary:

(a) re-evaluate its means of action;

(b) review its practices and procedures; and

(c) develop a policy to improve its image.

Resolution concerning the 75th anniversary of the ILO and its future orientation, submitted by the Government delegations of Belgium, Canada, Chile, Denmark, Finland, Germany, Ireland, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and United States

The General Conference of the International Labour Organization,

On the occasion of the milestone of the 75th anniversary of the International Labour Organization,

Reaffirming the principles and fundamental values upon which the ILO was founded and which retain their relevance in the world today,

Recognizing that the world has undergone considerable social and economic changes in recent years, and anticipating that these will continue,

Considering that all institutions and structures need to be reviewed from time to time in order to ensure that their activities remain relevant to the needs of their members in a changing environment,

Noting that the Governing Body of the ILO has already taken steps to improve the functioning of the International Labour Conference and the regional conferences, and to improve its own methods of work,

Welcoming the ideas and the proposals of the Director-General on possible future orientations and activities of the ILO in his report to the 81st Session of the Conference, entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda*,

Noting with interest the recent contributions of several governments and of the social partners to the discussion of the ILO's future;

1. Calls upon member States, employers and workers and their respective organizations to contribute to a renewal of the role, structures and means of action of the International Labour Organization with a view to improving and optimizing the benefits it offers to its constituents in the light of changes in the world.

2. Requests the Director-General of the International Labour Office to develop further the ideas in his report, in response to its discussion by the Conference, at future sessions of the Governing Body.

3. Requests the Governing Body of the International Labour Office:

(a) to examine the ideas and proposals of the Director-General with a view to revitalizing the ILO, adapting its means of action to the changing world environment and increasing its effectiveness;

(b) to keep the Conference informed of conclusions it has reached or actions it has taken.

Resolution concerning the 75th anniversary of the ILO and the promotion of international labour law, submitted by the following Workers' delegates: Mr. Ba (Burkina Faso); Mr. Melgarejo (Uruguay); Mr. Ould Brahim (Mauritania); and Mr. Peirens (Belgium)

The General Conference of the International Labour Organization,

Considering the recurrent structural recession taking place in the world economy today,

Observing that human labour is increasingly subject to competition, which entails the risk of social dumping and, consequently, a general decline in social justice,

Believing that, in this context and particularly on the occasion of the Organization's 75th anniversary, more deliberate measures should be taken to establish international labour legislation within the spirit of the Constitution of the Organization,

Aware that this objective may be attained in a number of countries only gradually and in the long term, on the basis of ILO standards and with the Organization's technical assistance,

Convinced that non-protectionist social clauses in trade and cooperation agreements may well be used as vehicles for progress towards the objective of international labour legislation;

1. Invites governments:

(a) in the spirit of the Declaration of Philadelphia, to place human and social concerns at the centre of all development policies so that they respect the principles of equity, social justice and solidarity, and contribute to a fair distribution of income, wealth, employment, effort and sacrifice;

(b) to ratify and apply ILO Conventions, in particular those concerning the fundamental rights of workers;

(c) to strengthen tripartism at the national level, so that trade union organizations may participate as equal partners in the formulation of national economic and social policy;

(d) to encourage and strengthen the participation of women in social and political life.

2. Calls upon all governments to ratify five Conventions on the occasion of the 75th anniversary of the ILO.

3. Invites governments and, where appropriate, employers' and workers' organizations to give their support to the establishment of non-protectionist social clauses and positive provisions, through which the contracting parties undertake to adopt the most appropriate measures for ensuring the observance of minimum standards set by the ILO, in particular Conventions Nos. 87 and 98, 138, 100 and 111, 29 and 105.

4. Requests the constituents of the ILO to:

(a) reaffirm and respect their commitment to the ideals of the ILO and to translate this commitment into practical action to improve the lives of workers and the most disadvantaged members of society;

(b) to spare no effort to assign social objectives to economic activities.

5. Requests the Governing Body of the International Labour Office to instruct the Director-General to:

(a) assist governments, within the framework of the ILO's technical cooperation activities, in removing obstacles to the ratification of Conventions and Recommendations;

(b) intensify cooperation with the international financial institutions, with a view to rapidly reaching a world social contract;

(c) become involved in the formulation and implementation of any social clause which may be introduced in international trade and cooperation, as well as in the application and supervisory mechanisms and procedures related to such a clause.

Resolution concerning ILO action in preparation for the World Summit for Social Development, submitted by the following Workers' delegates: Mr. Ba (Burkina Faso); Mr. Melgarejo (Uruguay); Mr. Ould Brahim (Mauritania); and Mr. Peirens (Belgium)

The General Conference of the International Labour Organization,

Considering the recurrent structural recession taking place in the world economy today,

Considering also the repercussions of this recession on employment, the increase of all forms of exclusion and poverty, as well as the rise in migration for economic reasons,

Observing the increasing dualism in national societies as well as in the resulting world economic order,

Considering the structural adjustment policies promoted by the International Monetary Fund and the World Bank and their social consequences,

Taking into consideration the latest developments in world trade, in particular the agreement reached by the Uruguay Round, as well as the establishment of the World Trade Organization,

Recalling furthermore that the Declaration of Philadelphia proclaimed the concept whereby human labour cannot be considered a commodity,

Observing nevertheless that in fact human labour has become subject to increasingly severe competition, which entails unprecedented rivalry between the centres of production, a decline in efficiency, as well as a reduction in the coverage of labour law and social rights,

Stressing the importance and significance of tripartism, particularly within the ILO, for the consideration, analysis and establishment of balanced standards, and at national level, in the ratification and application of these standards,

Believing that the ILO should be fully associated with any measure which is likely to have an impact on its areas of competence,

Taking into consideration the convening by the United Nations of a World Summit for Social Development in 1995 and the corresponding measures and work already undertaken by the ILO;

1. Invites governments to:

(a) respect the commitments made upon becoming members of the ILO, in particular the obligation to promote social justice;

(b) ratify and apply ILO Conventions;

(c) fully guarantee the respect, within the United Nations, of the competence and prerogatives of the ILO in the social and economic spheres, both during the process of making decisions and in the application of these decisions;

(d) establish in the economic and social decision-making procedures of their countries a tripartite system such as that which characterizes the functioning of the ILO;

(e) ensure the tripartite nature of their representation at the World Summit for Social Development in 1995.

2. Invites governments and, where appropriate, employers' and workers' organizations to:

(a) promote the social inclusion of all citizens by promoting the creation of productive employment as far as possible;

(b) institute or stimulate the participation of their populations, in particular workers, in the formulation of policy, especially in the economic and social spheres;

(c) prepare for the World Summit for Social Development in 1995, taking into consideration the competence, mandate and work of the ILO, and in particular the position adopted by its Governing Body at its 258th Session in November 1993;

(d) advocate respect for social justice in international trade mechanisms;

(e) promote the insertion of non-protectionist social clauses in trade and cooperation contracts, under the supervision of the ILO.

3. Invites the Governing Body of the International Labour Office to instruct the Director-General to:

(a) ensure that new ways and means are found to take account of the social dimension in the formulation and implementation of structural adjustment policies;

(b) become involved in the formulation and implementation of any non-protectionist social clause which may be introduced in world trade and in international cooperation, as well as in the application and supervisory mechanisms and procedures related to such a clause;

(c) become involved, on the occasion of the World Summit for Social Development in 1995, in the preparation and promulgation of a World Social Charter which should be based in a coherent and complete manner on the principles and Conventions of the ILO, and which should serve as a basis for action for the United Nations system, as well as for cooperation agencies, and trade and economic agencies.

Resolution concerning the strengthening of tripartism and the universal application of fundamental rights in the face of enterprise networks and economic interdependence, submitted by the following Workers' delegates: Mr. Ba (Burkina Faso); Mr. Melgarejo (Uruguay); Mr. Ould Brahim (Mauritania); and Mr. Peirens (Belgium)

The General Conference of the International Labour Organization,

Recalling the preamble of the Constitution of the ILO which states that the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions [of workers] in their own countries, Recalling that the Declaration of Philadelphia highlights the essential function of tripartism and the need for the universal application of social and labour rights,

Noting the Report of the Director-General to the present session of the Conference, entitled *Defending values, promoting change,* which indicates in particular that "even the governments of the most powerful States are finding it hard to pursue autonomous economic and social policies successfully owing to the domestic repercussions of decisions taken by extra-territorial actors, and particularly by the networks of enterprises that can easily shift their production sites across borders or oceans to cut costs and maximize profits",

Considering that the transition to a market economy in a number of countries, globalization and the interdependence of enterprises, enterprise networks, investments and capital flows give rise to new centres of decision-making which are partially or totally outside the framework of tripartism and the consultation procedures advocated by the ILO,

Considering that these developments entail adverse consequences for the effectiveness of labour legislation, as well as for tripartite relations at the national and international levels,

Noting with great concern the rapid expansion of free export zones in which international labour standards are often not applied or applied only very partially, as well as the excessive number of tax and other exemptions granted in these zones which are likely to undermine the stable financing of social protection systems,

Noting that certain enterprise networks have recently adopted binding codes of conduct for all their subsidiaries, co-contractors and subcontractors,

Taking into consideration the convening by the United Nations of a World Summit for Social Development in 1995, as well as the steps taken and the work already done by the ILO in this regard:

1. Requests all the ILO's constituents to:

(a) take every opportunity to strengthen tripartism at the national, supranational and international levels;

(b) promote effectively the universal application of international labour standards by giving high priority to the principles enshrined in the Constitution and the basic human rights Conventions;

(c) undertake to ensure the respect of international labour standards, including those concerning social protection, in their entire national territory and in every sector, including export-processing zones or sectors.

2. Invites employers' organizations and enterprises to:

(a) promote actively the application of international labour standards, in particular through the widespread adoption of internal codes of conduct and binding contractual clauses in relation to their subsidiaries, co-contractors and subcontractors;

(b) involve workers' organizations and workers in the evaluation and monitoring of codes of conduct and contractual clauses.

3. Invites the Governing Body of the International Labour Office to instruct the Director-General to:

(a) strengthen the presence of the ILO and of its guiding principles and objectives within international and supranational economic, financial and trade organizations;

(b) encourage enterprises and enterprise networks to adhere explicitly to the standards, principles and objectives of the ILO, through the establishment of model codes of conduct or model contractual clauses which are binding for all the entities of the network or group.

Resolution calling upon the ILO to resist the introduction of the social clause in international trade and to review ILO standards, submitted by the Government delegations of Indonesia, Malaysia, Philippines, Singapore and Thailand

The General Conference of the International Labour Organization,

Recalling the ILO's objectives as set out in the Preamble of its Constitution to contribute to lasting peace through the promotion and development of social justice which can only be achieved through economic growth and job creation,

Expressing concern at the serious problem of unemployment facing the developing and developed countries,

Expressing the importance of free trade for economic growth and employment creation,

Recognizing the importance of promoting national development through job creation and better employment prospects, particularly for those who have been deprived of opportunities to improve their economic and social well-being,

Noting with concern that developed countries are increasingly resorting to protectionist measures to restrict the free flow of trade and investments, which will lead to economic stagnation and more serious unemployment in both the developed and developing countries,

Noting the attempts to use ILO standards as a vehicle of protectionism to restrict the free flow of trade and to pressure developing countries to adhere to rigid standards as a condition for market access,

Expressing grave concern that some developed countries and International Trade Secretariats are attempting to introduce social clauses into international trade agreements to restrict market access, which would have adverse consequences on the employment opportunities of workers in the developing countries,

Emphasizing that ASEAN is not opposed to the application of ILO labour standards and is committed to improving the economic and social well-being of its workers, but is concerned with the rigid imposition of labour standards and the use of rigid standards to stifle free trade and economic development,

Noting that many ILO standards which are mainly based on norms, values and aspirations of developed countries are not appropriate to the different economic, cultural and social conditions of developing countries and their divergent needs, and that such out-dated standards do not reflect the prevailing economic and technological conditions in developing countries,

Recalling the ASEAN Resolution tabled at the 80th Session of the International Labour Conference which called for the ILO immediately to review and update certain labour standards to permit their flexible and fair implementation.

Welcoming with appreciation the concern of the Director-General of the ILO in his Report to the 81st Session of the Conference, entitled *Defending values, promoting change,* which supports the updating of standards and the review of certain recent Conventions which have not been ratified because their provisions are too rigid;

1. Calls upon the ILO to resist attempts to link the social clause to international trade.

2. Appeals to ILO constituents to support efforts for the flexible and fair implementation of ILO standards to reflect the dynamic socio-economic changes resulting from the globalization of the economy and the needs of developing countries.

3. Requests the Director-General of the ILO:

(a) On the occasion of the 75th anniversary to carry out a fundamental review of out-dated standards as a follow-up to his Report and recommendations, taking into account the different norms and needs of both developed and developing countries;

(b) To take into account in such review the concern of developing countries expressed in operative paragraph 1 above, and to oppose any linkage of ILO standards and the social clause with international trade and market access;

(c) To report his findings to the Conference within two years from the adoption of this resolution.

Resolution concerning the World Summit for Social Development, submitted by the following Workers' delegates: Ms. Aerenlund (Denmark); Mr. Blondel (France); Mr. Brett (United Kingdom); Ms. Buverud Pedersen (Norway); Mr. Doucouré (Mali); Mr. Douglas (New Zealand); Mr. Edström (Sweden); Mrs. Engelen-Kefer (Germany); Mr. Falbr (Czech Republic); Mr. Gray (United States); Mr. Itoh (Japan); Mr. Krzaklewski (Poland); Mr. Lettieri (Italy); Mr. Maitland (Australia); Mr. Mendoza (Philippines); Mr. Mukasa (Uganda); Mr. Parrot (Canada); Mr. Sánchez Madariaga (Mexico); Mr. Sibanda (Zimbabwe); Mr. Sundaram (Sri Lanka); Mr. Tapiola (Finland); Ms. Van de Burg (Netherlands); and Mr. Verzetnitsch (Austria)[*]

The General Conference of the International Labour Organization,

Welcoming the convening by the United Nations General Assembly of the World Summit for Social Development in Denmark in 1995,

Underlining the critical importance of the struggle against unemployment, poverty and social exclusion which have been chosen as the Summit's core issues,

Recognizing the urgent need for a major initiative by the international community to tackle the global social crisis, and the opportunity that the Summit offers in this respect,

Considering that the core issues to be examined by the Summit are central to the mandate of the ILO, which therefore has primary responsibility and competence in its preparation, conduct, and follow-up,

Stressing the need for tripartite input and representation at all stages of the Summit process,

Noting the work accomplished by the Governing Body Working Party on the World Summit for Social Development and the inputs by the ILO Secretariat to the preparation of the Summit,

Considering that the informal tripartite meeting on employment held on 10 June in the framework of this session of the Conference should significantly advance the principles and objectives of the ILO in respect of the Summit:

1. Invites all member States and, where appropriate, workers' and employers' organizations:

(a) to commit themselves to ensuring the success of the Summit and to adopting and implementing a declaration and programme of action which will address effectively the social evils of unemployment, poverty and social exclusion;

(b) to promote actively the practice of tripartism in the Summit process by:

  (i) involving fully trade unions and employers' organizations in national preparatory mechanisms for the Summit;

  (ii) including trade union and employers' representatives in national delegations at meetings of the Summit Preparatory Committee and the Summit itself;

  (iii) making practical arrangements for substantial active participation by trade union and employers' representatives at the Summit;

(c) to ensure that the primary competence of the ILO regarding the core themes is fully recognized in the continuing preparation, conduct and follow-up of the summit.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General:

(a) to continue to make the necessary provisions for a full ILO input to the Summit process;

(b) to take all opportunities to promote tripartite participation in that process;

(c) to take fully into account the need for the ILO to play the leading role in follow-up to the Summit when preparing his programme and budget proposals for 1996-97 and in convening the second High-Level Meeting on Employment and Structural Adjustment.

Resolution concerning the 75th anniversary of the ILO, submitted by the following Workers' delegates: Ms. Aerenlund (Denmark); Mr. Blondel (France); Mr. Brett (United Kingdom); Ms. Buverud Pedersen (Norway); Mr. Doucouré (Mali); Mr. Douglas (New Zealand); Mr. Edström (Sweden); Mrs. Engelen-Kefer (Germany); Mr. Falbr (Czech Republic); Mr. Gray (United States); Mr. Itoh (Japan); Mr. Lettieri (Italy); Mr. Maitland (Australia); Mr. Mendoza (Philippines); Mr. Mukasa (Uganda); Mr. Parrot (Canada); Mr. Sánchez Madariaga (Mexico); Mr. Sibanda (Zimbabwe); Mr. Tapiola (Finland); Ms. Van de Burg (Netherlands); and Mr. Verzetnitsch (Austria)[*]

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[*] The following Workers' delegates: Mr. Agyei (Ghana), Mr. Ahmed (Pakistan), Mr. Ben Seddik (Morocco), and Mr. Mayaki (Niger), were also amongst the authors of the resolution. Their credentials had not reached the Office at the date of publication of the resolution.

[*] The following Workers' delegates: Mr. Agyei (Ghana), Mr. Ahmed (Pakistan), and Mr. Trotman (Barbados), were also amongst the authors of the resolution. Their credentials had not reached the Office at the date of publication of the resolution.

The General Conference of the International Labour Orgnization,

Considering that 1994 marks the 75th anniversary of the International Labour Orgnization, and the 50th anniversary of the Declaration of Philadelphia,

Saluting the pioneer role of the ILO in advancing social justice and world peace through the defence and promotion of the rights and interests of workers and the improvement of working conditions,

Affirming that this basic mandate, set out in the ILO's Constitution and in the Declaration of Philadelphia, must continue to guide the Organization and to be pursued with vigour,

Underlining that the setting and supervision of international labour standards have been critical to the ILO's work and achievements and remain its principal means of action,

Considering also that the ILO derives its strength and unique importance from its tripartite structure,

Noting the report *Defending values, promoting change*, presented by the Director-General to the Conference,

Acknowledging that the rapid changes taking place in the world of work, and particularly the globalization of the world economy, require the ILO to adapt in order to be able to most effectively pursue its established mandate and objectives, including the promotion of full, freely chosen and productive employment;

1. Declares that the ILO's Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), Right to Organize and Collective Bargaining Convention, 1949 (No. 98), Abolition of Forced Labour Convention, 1957 (No. 105), Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Minimum Age Convention, 1973 (No. 138), constitute a World Charter of Workers' Rights which should be fully observed in all countries.

2. Calls on governments and, where appropriate, on workers' and employers' organizations:

(a) to rededicate themselves to the values and objectives of the ILO, and to the principle and practice of tripartism;

(b) to recognize the growing responsibilities facing the ILO in carrying out its established mandate in rapidly changing and increasingly complex circumstances, and to make available to it the resources needed to meet those responsibilities;

(c) to meet fully their obligations under the ILO Constitution, particularly those arising from the ratification of Conventions, and to comply with the conclusions of its supervisory mechanisms;

(d) to mark the ILO's anniversary by taking action to ratify and strengthen the application of the Conventions contained in the World Charter of Workers' Rights;

(e) to recognize and reinforce the standing of the ILO within the international community as the global organization with exclusive competence in social and labour matters.

3. Invites the Governing Body of the International Labour Office:

(a) to take into full account the views expressed in the debate on the Director-General's Report to the Conference when considering proposals concerning the future activities of the Organization;

(b) to instruct the Director General to ensure, when presenting such proposals, that they:

  (i) reflect the ILO's core mandate and advance its basic objectives of social justice and world peace;

  (ii) equip the ILO to address effectively the challenges of globalization, particularly in respect of the relationship between international trade and workers' rights and to the activities of multinational enterprises;

  (iii) contain concrete initiatives to strengthen the role of the ILO in the formulation and implementation of structural adjustment programmes, including through the establishment of effective and cooperative arrangements with the International Monetary Fund and the World Bank to strengthen the social dimension of adjustment;

  (iv) give priority to the creation of good quality jobs on the scale required by the global unemployment crisis;

  (v) promote the strength and capacities of workers' and employers' organizations;

  (vi) reassert the role of international labour standards as the ILO's primary means of action;

  (vii) promote the World Charter of Workers' Rights.

Resolution concerning the role of the ILO in the elimination of child labour, submitted by the following Workers' delegates: Ms. Aerenlund (Denmark); Mr. Blondel (France); Mr. Brett (United Kingdom); Ms. Buverud Pedersen (Norway); Mr. Doucouré (Mali); Mr. Douglas (New Zealand); Mr. Edström (Sweden); Mrs. Engelen-Kefer (Germany); Mr. Falbr (Czech Republic); Mr. Gray (United States); Mr. Itoh (Japan); Mr. Krzaklewski (Poland); Mr. Lettieri (Italy); Mr. Maitland (Australia); Mr. Mendoza (Philippines); Mr. Mukasa (Uganda); Mr. Parrot (Canada); Mr. Sánchez Madariaga (Mexico); Mr. Sibanda (Zimbabwe); Mr. Sundaram (Sri Lanka); Mr. Tapiola (Finland); Ms. Van de Burg (Netherlands); and Mr. Verzetnitsch (Austria) *

The General Conference of the International Labour Organization,

Recalling the Resolution concerning the International Year of the Child and the Progressive Elimination of Child Labour and Transitional Measures, adopted at its 65th Session in 1979,

Recalling also the debate on the Director-General's Report on Child Labour which took place at its 69th Session in 1983,

Welcoming the increased attention paid by the ILO to the elimination of child labour through its 1992-93 interdepartmental project,

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* The following Workers' delegates: Mr. Agyei (Ghana), Mr. Ahmed (Pakistan), Mr. Mayaki (Niger), and Mr. Trotman (Barbados), were also amongst the authors of the resolution. Their credentials had not reached the Office at the date of publication of the resolution.

Considering that proper and full follow-up should be given to the outcome of the project,

Expressing appreciation of the allocation of substantial extra-budgetary resources to the International Programme on the Elimination of Child Labour (IPEC),

Considering that there is need for full coordination between the IPEC and the activities of relevant ILO technical units, and that the ILO policy statement "Towards the abolition of child labour" provides the appropriate basis for such coordination,

Reaffirming that the elimination of child labour remains a priority objective for the ILO, and that all activities aimed at the regulation and humanization of child labour must contribute to the attainment of that objective, in line with the provisions of the Minimum Age Convention, 1973 (No. 138),

Encouraged by the fact that an unprecedented number of States have become signatories and parties to the United Nations Convention on the Rights of the Child:

1. Invites governments and, where appropriate, employers' and workers' organizations:

(a) to renew their commitment to the elimination of child labour, where necessary, through the adoption and full implementation of national strategies involving the ratification and application of Convention No. 138;

(b) to give priority attention to bringing to an immediate end all forms of child bondage and slavery, child labour in onerous and hazardous conditions, and work by younger children;

(c) to take effective steps to prevent commercial gain from the exploitation of child labour and to apply sanctions against those responsible;

(d) to cooperate in the formulation and implementation of the educational and development policies essential for the long-term elimination of all forms of child labour.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General:

(a) to make provisions to ensure adequate follow-up to the Interdepartmental Project on the Elimination of Child Labour;

(b) to coordinate such follow-up activities with those of the IPEC, and to keep it informed regularly of developments and progress in this regard;

(c) to ensure that the elimination of child labour is given due priority in the work of the multidisciplinary teams;

(d) to ensure full cooperation between the ILO and other United Nations bodies working in the field of child labour;

(e) to undertake comprehensive studies on child labour in various industries and to intensify ILO efforts to disseminate information on the international labour standards relating to minimum age for employment, with a view to promoting their ratification and application by governments;

(f) to present to it at an early opportunity detailed proposals for the convening of a World Conference on the Elimination of Child Labour.

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No. 1 – Friday, 27 May 1994

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International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

2

Standing Orders questions

Note concerning Standing Orders questions placed by the Governing Body of the International Labour Office before the Conference at its 81st Session

AMENDMENTS TO THE STANDING ORDERS OF THE INTERNATIONAL LABOUR CONFERENCE

1. The Governing Body has proposed to the Conference an amendment to articles 38 and 39 of the Conference Standing Orders that would facilitate the preparatory stages of standard-setting work. At its 256th Session (May 1993), the Governing Body had decided to advance its decision on the agenda of the Conference from its November session to the preceding pre-Conference session and to combine the March and May sessions into a single session in March. This decision meant that there would be a period of *26* months before the first discussion of a technical item instead of the *18* months as at present. The Committee on Legal Issues and International Labour Standards recommended to the Governing Body at its 258th Session (November 1993) an amendment to the Standing Orders of the Conference which would extend the time-limit for the first reports to reach governments from 12 to 18 months before the opening of the Conference session and would give governments three additional months in which to prepare their replies.

2. On the recommendation of the Committee, the Governing Body submits to the Conference, for adoption, the following proposed amendments to article 38, paragraphs 1 and 3 and article 39, paragraphs 1 and 2, of the Conference Standing Orders:[1]

Article 38

Preparatory stages of single-discussion procedure

1. When a question is governed by the single-discussion procedure, the International Labour Office shall communicate to the governments, so as to reach them not less than [12] *18* months before the opening of the session of the Conference at which the question is to be discussed, a summary report upon the question containing a statement of the law and practice in the different countries and accompanied by a questionnaire drawn up with a view to the preparation of Conventions or Recommendations. This questionnaire shall request governments to consult the most representative organizations of employers and workers before finalizing their replies and to give reasons for their replies. Such replies should reach the Office as soon as possible and not less than [eight] *11* months before the opening of the session of the Conference at which the question is to be discussed. In the case of federal countries and countries where it is necessary to translate questionnaires into the national language the period of [four] *seven* months allowed for the preparation of replies shall be extended to [five] *eight* months if the government concerned so requests.

. . . .

3. These arrangements shall apply only in cases in which the question has been included in the agenda of the Conference not less than [18] *26* months before the opening of the session of the Conference at which it is to be discussed. If the question has been included in the agenda less than [18] *26* months before the opening of the session of the Conference at which it is to be discussed, a programme of reduced intervals shall be approved by the Governing Body; if the Officers of the Governing Body do not consider it practicable for the Governing Body to approve a detailed programme, it shall be in their discretion to agree on a programme of reduced intervals with the Director-General.

Article 39

Preparatory stages of double-discussion procedure

1. When a question is governed by the double-discussion procedure, the International Labour Office shall prepare as soon as possible a preliminary report setting out the law and practice in the different countries and any other useful information, together with a questionnaire. The report and the questionnaire requesting the governments to consult the most representative organizations of employers and workers before finalizing their replies and to give reasons for their replies shall be communicated by the Office to the governments so as to reach them not less than [12] *18* months before the opening of the session of the Conference at which the question is to be discussed.

2. The replies should reach the Office as soon as possible and not less than [eight] *11* months before the opening of the session of the Conference at which the question is to be discussed. In the case of federal countries and countries where it is necessary to translate questionnaires into the national language, the period of [four] *seven* months allowed for the preparation of replies shall be extended to [five] *eight* months if the government concerned so requests.

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[1] Words that it is proposed to delete are between square brackets whilst those to be inserted are in italics.

No. 2 – Monday, 30 May 1994

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International Labour Conference
Provisional Record 3
Eighty-first Session, Geneva, 1994

Reports of the Selection Committee

First report

1. Election of the Officers of the Committee

The Selection Committee elected its Officers as follows:

Chairman:	Mr. Ilabaca Orphanopoulos (Government member, Chile)
Employers' Vice-Chairman:	Mr. M'Kaissi (Employers' member, Tunisia)
Workers' Vice-Chairman:	Mr. Brett (Workers' member, United Kingdom)

2. Discussion of the Reports of the Chairman of the Governing Body and the Director-General: closing date for the list of speakers

The Selection Committee decided that the list of speakers would be closed on Wednesday, 15 June at 12 noon, under the usual conditions.

3. Plan of work of Conference committees

The Selection Committee endorsed a plan of work for committees, which is not binding but will enable them, in organising their work, to take maximum possible account of the overall needs and possibilities of the Conference. The plan is appended in tabular form for the information of the Conference (Appendix II).

4. Electronic voting at the Conference

A system of electronic voting was used for the first time at the 80th (1993) Session of the Conference during plenary sittings and for the vote held by the Resolutions Committee under article 17 of the Standing Orders.

Prior to last year's session of the Conference, at its 256th (May 1993) Session the Governing Body gave consideration to the implications of the introduction of electronic voting for the application of the Standing Orders. The only issues that arise concern terminology (for example, in the case of a "vote by show of hands"), and the Governing Body decided that it was premature to make terminological changes in the Standing Orders without taking account of the broader practical implications and potentialities of electronic voting in the light of sufficient experience. The present session of the Conference offers an opportunity to gain further experience with a view to the subsequent amendment of the Standing Orders on the basis of an assessment of the potential and practical implications of the system.

At its 259th (March 1994) Session, the Governing Body hence decided to propose to the Conference that at its present session it should again simply decide on an ad hoc basis to use the electronic voting system, and accordingly recommends that the Conference adopt the following decision at the beginning of its present session:

> *Unless the Officers of the Conference otherwise decide for a given question or a given sitting, the different methods of voting set out in article 19 of the Standing Orders shall be implemented in the plenary by means of the electronic system of voting outlined in Appendix I to this report. This system of voting may also be used for the Resolutions Committee in the framework of article 17 of the Standing Orders if the necessary facilities are available.*

The Selection Committee recommends that the Conference adopt the above decision.

A description of the electronic voting system is attached in Appendix I.

5. Suggestions to facilitate the work of the Conference

(a) Quorum

As in previous years, the Selection Committee invites the Conference to confirm the following principles:

(i) the quorum will be fixed provisionally, on the basis of the credentials received, in the brief report of the Chairman of the Governing Body on the day before the opening of the Conference, which is appended to the record of the first sitting of the Conference. This provisional quorum will remain unchanged until the Credentials Committee determines the quorum on the basis of registrations, it being understood that, if an important vote were to take place in the initial stages of the Conference (once the Credentials Committee has been appointed), the Conference might request the Credentials Committee to determine the quorum in an urgent report;

(ii) thereafter, the quorum will be adjusted, under the authority of the Credentials Committee, so as to take into account new registrations and notices of departure from delegates leaving the Conference;

(iii) delegates should register immediately on arrival, since the quorum is calculated on the basis of the number of delegates registered;

(iv) acceptance of appointment as a delegate implies an obligation to be available in Geneva personally or through an adviser authorised to act as a substitute for the work of the Conference until its end, since important votes often take place on the last day;

(v) delegates who are nevertheless obliged to leave the Conference before it finishes should give notice of their forthcoming departure to the secretariat of the Conference. (The form provided for indicating their date of departure also enables them to authorise an adviser to act and to vote in their place.) At group meetings held during the second half of the Conference the attention of members of the groups will be drawn to the importance of completing and handing in this form;

(vi) in addition, one Government delegate of a country may report the departure of the other Government delegate, and the Secretaries of the Employers' and Workers' groups may also give notice of the final departure of members of their groups who have not authorised advisers to act in their place;

(vii) when a record vote is taken in plenary while committees are sitting, delegates are both entitled and expected to leave committees to vote unless they are replaced by a substitute in plenary. Announcements are made in the committees to ensure that all delegates are aware that a record vote is about to take place. Appropriate arrangements will be made for committees meeting in the ILO building.

(b) Punctuality

The Selection Committee recommends the Conference to ask committee chairmen to start proceedings very punctually — except where a technical section has not yet completed its preliminary discussions — irrespective of the number of persons present, but on condition that votes will not be taken unless a quorum is clearly present.

(c) *Negotiations*

In order to facilitate more continuous negotiation in committees between the different groups, representatives of each group should meet with the chairman and reporter of the committee and with the representative of the Secretary-General, whenever this is desirable, to ensure that the leaders of each group know fully the minds of their colleagues in the other groups; normally such meetings are held before each group has committed itself to a definite position. The function of these informal meetings is to afford opportunities for a fuller understanding of differences of view before definite positions have crystallised.

6. Participation in Conference committees by Members having lost the right to vote

At its 239th Session (February-March 1988), the Governing Body considered the implications of the appointment, as regular members of Conference committees, of representatives of a member State which had lost the right to vote under Article 13.4 of the Constitution of the ILO. It noted that, while the appointment of employers' and workers' representatives from such a State had no practical implications, because the employers' and workers' groups operated an effective system under Article 56, paragraph 5(b) of the Conference Standing Orders for ensuring that deputy members of a committee voted in the place of regular members deprived of the right to vote, the same was not true of the Government group. As a result, if a Government that has lost the right to vote is appointed as a regular member of a committee, the distribution of votes between the three groups is distorted because the weighting of votes is based on the full regular membership and in practice the Government regular members of committees who are unable to vote do not make use of the possibility afforded by Article 56, paragraph 5(a) of appointing a deputy member to vote in their place.

The Governing Body accordingly recommended that, in order to avoid such distortions, members of the Government group should not apply for regular membership of committees if they were not at the time in question entitled to vote. Should this practice, which has been maintained at all sessions of the Conference since 1987, for any reason not be fully respected, the weighting coefficients in committees should be calculated on the basis of the number of Government members entitled to vote.

The Selection Committee accordingly recommends to the Conference that the calculation of weighting coefficients for votes in committees should be based on the number of regular Government members entitled to vote.

The electronic voting system takes account of this practice.

7. Request by a non-member State to be represented by a delegation of observers at the 81st (1994) Session of the International Labour Conference

The Secretary-General has received a letter dated 20 May 1994 from the Ambassador, Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office in Geneva, requesting on behalf of the Government of that country an invitation to be represented by a delegation of observers at the present session of the Conference.

The Governing Body has authorized the Director-General to invite the Democratic People's Republic of Korea to be represented at several sessions of the Conference since the 70th (1984) Session, in accordance with article 2, paragraph 3(e) of the Conference Standing Orders.

The Selection Committee accordingly recommends that the Conference authorize the Secretary-General to invite the Democratic People's Republic of Korea to be represented at the 81st (1994) Session of the Conference, in accordance with article 2, paragraph 3(e) of the Conference Standing Orders.

8. Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with article 2, paragraph 3(j) of the Standing Orders of the Conference, ***the Selection Committee recommends to the Conference that the following organizations be invited to be represented in the Committees stated:***

Committee on the Application of Standards
Amnesty International
Arab Organization for Human Rights
International Alliance of Women
International Centre for Trade Union Rights
International Council of Nurses
International Council of Women
International Federation of Building and Woodworkers
International Federation of Business and Professional Women
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Workers' Education Associations
International Movement ATD Fourth World
International Society for Labour Law and Social Security
Miners International Federation
Organization of Trade Unions of Central Africa
Pax Christi International
Postal, Telegraph and Telephone International
Public Services International
World Federation of United Nations Associations
World Jewish Congress
World Organization against Torture
World Veterans Federation

Committee on Part-Time Work
Hassan Fathy Institute for Construction Workers
International Alliance of Women
International Christian Union of Business Executives
International Council for Adult Education
International Council of Jewish Women
International Council of Nurses
International Council of Women
International Federation of Building and Woodworkers
International Federation of Business and Professional Women
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Workers' Education Associations
International Federation on Ageing
International Secretariat for Arts, Mass Media and Entertainment Trade Unions/ International Federation of Audiovisual Workers
International Society for Labour Law and Social Security
International Young Christian Workers
Miners International Federation
Postal, Telegraph and Telephone International
Public Services International
Socialist International Women
Soroptimist International
Trade Unions International of Textile, Clothing, Leather and Fur Workers
World Federation of United Nations Associations

World Movement of Christian Workers
World ORT Union
World Union of Catholic Women's Organizations
World Union of Professions
Zonta International

Committee on Safety and Health in Mines
Hassan Fathy Institute for Construction Workers
International Council on Metals and the Environment
International Federation of Building and Woodworkers
International Federation of Workers' Education Associations
International Society for Labour Law and Social Security
Miners International Federation
Pax Christi International
Trade Unions International of Workers in Energy
World Federation of Industry Workers

Committee on Private Employment Agencies
Hassan Fathy Institute for Construction Workers
International Abolitionist Federation
International Alliance of Women
International Christian Union of Business Executives
International Confederation of Temporary Work Organizations
International Council of Nurses
International Council of Women
International Federation of Building and Woodworkers
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Workers' Education Associations
International Secretariat for Arts, Mass Media and Entertainment Trade Unions/ International Federation of Audiovisual Workers
International Society for Labour Law and Social Security
Miners International Federation
Organization of Trade Unions of Central Africa
Postal, Telegraph and Telephone International
Public Services International
Soroptimist International
World Movement of Christian Workers
World ORT Union
World Union of Professions

Committee on Apartheid
International Centre for Trade Union Rights
International Federation of Building and Woodworkers
International Federation of Commercial, Clerical, Professional and Technical Employees
International Young Christian Workers
Miners International Federation
Pax Christi International
Postal, Telegraph and Telephone International
Public Services International
World Federation of United Nations Associations
World Movement of Christian Workers
World Union of Professions
World Veterans Federation

9. Consideration of the Director-General's Report on the situation of workers of the occupied Arab territories

On the basis of proposals submitted to it by the Director-General at the invitation of the Governing Body, the Selection Committee has decided to convene a special sitting for the discussion of the Appendix to the Director-General's Report dealing with the situation of workers of the occupied Arab territories, it being understood that speakers would have to confine their remarks at that sitting to this Appendix and that, conversely, that subject would not be discussed in the framework of the discussion on the remainder of the Report. It decided that the special sitting should be held in the afternoon of Thursday, 16 June.

In addition, the Selection Committee recommends the Conference to allow speakers who so wish to take the floor both on the General Report and during the special sitting, it being understood that the subject to be discussed in that sitting would not be discussed in the debate on the remainder of the Report.

It should be recalled in this connection that, according to Article 14, paragraph 6 of the Standing Orders of the Conference, the time-limit for speeches is a matter for the Conference to decide on the proposal of its Officers. In view of experience at the special sittings held during the 77th (1990), 78th (1991), 79th (1992) and 80th (1993) Sessions of the Conference, and in particular of the large number of speakers who will probably wish to take the floor, the Selection Committee invites the President, after consulting the Vice-Presidents, to submit to the Conference for decision without debate a proposal concerning the duration of speeches in the special sitting, taking due account of the number of speakers registered. For this purpose the Selection Committee has decided that the list of speakers for the special sitting will be closed at 6 pm on Tuesday, 14 June.

The Selection Committee also noted that the Director-General intended to devote a part of his comprehensive reply to the discussion of his Report to drawing lessons from the special sitting.

Lastly, the Selection Committee decided that the following committees should not meet at the same time as the special sitting: Finance Committee, Resolutions Committee, Committee on Apartheid.

10. Composition of the Credentials Committee

The Selection Committee proposes to the Conference that the three members of the Credentials Committee should be the following:

Government member:	Mr. Spencer (Trinidad and Tobago)
Employers' member:	Mr. Funes de Rioja (Argentina)
Workers' member:	Mr. Trotman (Barbados).

11. Appointment of the Conference Drafting Committee

The Selection Committee recommends that, in accordance with the provisions of Article 6, paragraph 1 of the Standing Orders, the Conference Drafting Committee should be composed as follows:

The President of the Conference

The Secretary-General of the Conference

The Legal Adviser of the Conference

The Director of the International Labour Standards Department

The Deputy Legal Adviser of the Conference.

12. Composition of committees

The full lists of the composition of committees are given in Appendix III.

Signed

J.L. Ilabaca Orphanopoulos,
Chairman

Geneva, 7 June 1994.

Appendix I

Description of the electronic voting system

The electronic system provides for votes (in most cases: yes, no, abstention) to be expressed by means of a keyboard on a "voting station" that will be made available to all delegates or persons empowered to vote on their behalf.

Where the electronic system is used, the subject and question to be voted on will be displayed, as well as the nature of the vote (show of hands, record vote or secret ballot) and the President or Chairman will announce the beginning of the vote. After the President or Chairman has made sure that all delegates have been given sufficient opportunity to record their vote in one of the voting stations available to them, the President or Chairman will announce the closure of the vote.

Where the method of vote is by show of hands, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required.

Where a record vote is taken, once all votes have been registered the final voting figures will be immediately displayed with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. These indications will subsequently be published together with a list of the delegates who have voted, showing how they have voted.

In the case of a secret ballot, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. There will be absolutely no access possible to individual votes nor any record of how the delegates have voted.

It is important that, as at present, delegates should have previously decided whether they or another member of their delegation will exercise their right to vote in a given case. Where more than one vote is nevertheless cast on behalf of a delegate at two different moments or from two different places, only the first vote will be recognized, whether made by a delegate, by a substitute delegate or by an adviser who has received a specific written authorization to that end. Such specific authorizations must reach the secretariat sufficiently before the opening of voting is announced so as to be duly recorded.

Appendix II

81st Session of the Conference (June 1994) - Plan of work

	Mon 6	Tue 7	Wed 8	Thu 9	Fri 10	Sat 11	Mon 13	Tue 14	Wed 15	Thu 16	Fri 17	Sat 18	Mon 20	Tue 21	Wed 22	Thu 23	Fri 24	Sat 25
Group meetings	■	■																
Plenary sittings		■	■	■	ITM	■	■	■	■	■	■	■	■	■	■	■	▌	
Finance Committee								■			A			Pl				
Committee on the Application of Standards			■	■	■	■	■	■	■	■	■	■		A			Pl	
Committee on Part-Time Work			■	■	■	■	■	■	■	■	■	■	DC	A		Pl.1	Pl.2	
Committee on Safety and Health in Mines			■	■	■	■	■	■	■	■	■	■	■		A		Pl	
Committee on Private Employment Agencies			■	■	■	■	■	■	■	■	■		A			Pl		
Committee on Apartheid				▐	▐	▐	▐	▐	▐		A				Pl			
Resolutions Committee			▐	■	■	■	■	■	■	■	■	A				Pl		
Standing Orders Committee				■	■			A		Pl								
Governing Body						■												■

A: adoption by the Committee of its report.
DC: Drafting Committee
Pl/Pl.1: presentation of the report by the Conference in plenary sitting.
Pl.2: record vote in plenary sitting of the Conference.

■ sittings all day as required
▌ morning sitting only
▐ afternoon sitting only
ITM: Informal Tripartite Meeting at the Ministerial Level on Employment

Appendix III

Composition des commissions
Composition of committees
Composición de las comisiones

(Note: Names of countries are given in French; los nombres de los paises figuran en frances.)

COMMISSION DE L'APPLICATION DES NORMES
COMMITTEE ON THE APPLICATION OF STANDARDS
COMISION DE APLICACION DE NORMAS

Membres gouvernementaux - Government members - Miembros gubernamentales

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ESTONIE
ETATS-UNIS
FIDJI
FINLANDE
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GABON
GHANA
GRECE
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INDE
INDONESIE
REP. ISLAMIQUE D'IRAN
IRAQ
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JAMAIQUE
JAPON
JORDANIE
KAZAKHSTAN
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LESOTHO
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LUXEMBOURG
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PAYS-BAS
PEROU
PHILIPPINES
POLOGNE
PORTUGAL
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ROYAUME-UNI
FEDERATION DE RUSSIE
SENEGAL
SINGAPOUR
SOUDAN
SRI LANKA
SUEDE
SUISSE
SURINAME
SWAZILAND
REP. ARABE SYRIENNE
REP.-UNIE DE TANZANIE
REPUBLIQUE TCHEQUE
THAILANDE
TUNISIE
TURQUIE
UKRAINE
URUGUAY
VENEZUELA
YEMEN
ZIMBABWE

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BENIN
CAMEROUN
MEXIQUE
QATAR
SAINT-MARIN
SAO TOME-ET-PRINCIPE
SLOVAQUIE
TOGO
ZAMBIE

Membres employeurs - Employers' members - Miembros empleadores

Mr. H.R. AMONOO (Ghana)
S: Mr. T. MINTA JACOBS

Sr. Carlos Arturo ANGEL ARANGO (Colombie)
S: Sr. Enrique ALVAREZ POSADA

S = suppléant; substitute; suplente

S: Sr. Guillermo LOPEZ GUERRA

Sr. José ARGÜELLO CARDENAL (Nicaragua)

Mr. Kubilay ATASAYAR (Turquie)

S: Mr. Kemal OGUZMAN

Sr. Cesar AVALOS (Paraguay)

Mrs. Inger BREVIG (Norvège)

S: Mr. Arvid R. ODEGARD

S: Mrs. Kirsti STOKLAND

S: Mr. Olav MAGNUSSEN

S: Mr. Niels Chr. HALD

Sr. Bingen DE ARBELOA (Venezuela)

S: Sr. Alexis GARRIDO SOTO

Sr. Carlos DE CHAZAL (Bolivie)

S: Sr. Raúl ESPAÑA SMITH

M. Mircia DOBRIN (Roumanie)

S: M. Ion PACURARU

S: M. Stefan CHELARIU

Sr. Murat EURNEKIAN (Argentine)

S: Sr. Patricio SPAGHI

Sr. Javier FERRER DUFOL (Espagne)

S: Sr. Ricardo MORENO DUARTE

S: Sra. Paloma ADRADOS GAUTIER

Sr. Ricardo Daniel GONZALEZ VARGAS (Costa Rica)

Mr. H. Sutatno HADISUWITO (Indonésie)

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S: Mr. SUTRISNO

Mr. Mike HILL (Namibie)

S: Mr. Johan LOUW

Mr. Ton HUNTJENS (Pays-Bas)

S: Ms. Cornélie HAK

M. Mostafa JAWISH (République arabe syrienne)

S: M. Yehia AL-HENDI

S: M. Abdul-Hamid MALAKANI

Ms. Birte JOHANSEN (Danemark)

S: Mr. Steen MÜNTZBERG

S: Mr. Keld BURMOLLE

S: Mr. Henrik MORKEBERG

Mr. Faiz KORDOFANI (Soudan)

S: Mr. Izeldien ELSAYED

Mr. J. LIEBENBERG (République sud-africaine)

S: Mr. A. LAMPBRECHT

S: Mr. A. VAN NIEKERK

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S: Mr. Krzysztof RACZKA

Ms. Anne MACKIE (Royaume-Uni)

S: Ms. Deborah A. FRANCE

Mr. Steve MARSHALL (Nouvelle-Zélande)

S: Mr. Richard TWEEDIE

Mr. Thomas B. MOORHEAD (Etats-Unis)

S: Mr. Edward E. POTTER

Sr. Jorge NAVARRO CABRERA (Cuba)

Mr. Bryan NOAKES (Australie)

S: Mr. John MARKHAM

M. Gaspard NZISABIRA (Burundi)

M. Jean-Jacques OECHSLIN (France)

S: Mme Marie-Paule ROILAND

S: M. Pierre VINCENSINI

Ms. Helgi ROOS (Estonie)

Mr. Mukubesa SANYAMBE (Zambie)

S: Mr. Davey MUSANA

Mr. Rajendra SINGH (Inde)

S: Mr. I.P. ANAND

Mr. Rolf THÜSING (Allemagne)

S: Mr. Alfred WISSKIRCHEN

M. Jan VAN HOLM (Belgique)

S: M. Jacques DA COSTA

S: M. Willy MINNE

M. Francisco Bello VAN ZELLER (Portugal)

S: M. Marcelino PENA COSTA

S: Mme Ana Cristina VIEIRA

S = suppléant; substitute; suplente

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

- **M. Nicolaos ANALYTIS (Grèce)**
  - S: Mme Evgenia TSOUMANI-SPENTZA
  - S: Mme Anastasia KOUTSIDIKOU
  - S: M. Antonis VAGIAS
  - S: M. Alexandros SKIADAS
  - S: M. Harilaos HARAKAS
- **Mr. Taher Mostafa BESHER (Egypte)**
- **Sr. Francisco José CASTILLO (République dominicaine)**
  - S: Sr. Pablo NADAL
- **Mr. E. CHIWESHE (Zimbabwe)**
- **Mr. Abd. Rahim DATUK MOKHZANI (Malaisie)**
  - S: Mr. Majid ZAIN
- **Sr. Jorge A. DE REGIL GOMEZ MURIEL (Mexique)**
  - S: Sr. Jorge Delfino GARDUÑO MORALES
- **M. Roger DECOSTERD (Suisse)**
  - S: M. Alexandre PLASSARD
- **M. Lucien GLELE G. (Bénin)**
- **Mr. Abdel Nour HABAYBEH (Jordanie)**
  - S: Mr. Moh'd Saleh AMMAR
  - S: Mr. Ali I. DAJANI
- **Mr. Michal LACH (Slovaquie)**
- **Mr. A.T. MAENDA (République-Unie de Tanzanie)**
  - S: Mr. Pakoni A. MAGANYA
  - S: Mr. D.E. MATTAKA
- **Mr. T. MAKEKA (Lesotho)**
- **M. Alessandro MORRI (Saint-Marin)**
  - S: Mlle Romina MENICUCCI
- **Mr. Tom Diju OWUOR (Kenya)**
  - S: Mr. Francis WANGANJU
- **Mr. Pavel PRIOR (République tchèque)**
  - S: Mr. Jiri STADNIK
- **Sr. Luis Alberto REYES MAYEN (Guatemala)**
  - S: Sr. Adolfo MENEÑDEZ CASTEJÓN
- **Mme Lucia SASSO MAZZUFFERI (Italie)**
  - S: M. Carlo BESUSSO
  - S: M. Giuseppe FABRETTI
  - S: M. Armando OCCHPINTI
- **M. Kwaku Gadzodzi SEDDOH (Togo)**
- **Mr. Sten SELANDER (Suède)**
  - S: Mr. Hans-Göran MYRDAL
  - S: Mr. Bengt HULDT
  - S: Mr. Sigurd CARLBERG
  - S: Ms. Margareta REGNELL
  - S: Ms. Sonja ÖSTERBERG GROLL
- **Ms. Hrafnhildur STEFÁNSDÓTTIR (Islande)**
  - S: Mr. Jón MAGNÚSSON
- **Mr. Gilbert SULTAN (Seychelles)**
- **Mr. Ashraf W. TABANI (Pakistan)**
- **Mr. Hiroshi TSUJINO (Japon)**
  - S: Mr. Toshio SUZUKI
  - S: Mr. Takayuki ANDO
- **Mr. Antonio Ernesto WERNA DE SALVO (Brésil**
  - S: Ms. Lúcia Maria Rondon LINHARES
  - S: Mr. Renato de Oliveira RODRIGUES
- **Mr. Jung-Hyun WHANG (République de Corée)**
  - S: Mr. Dong-Eung LEE
- **Mr. Peter WOOLFORD (Canada)**
  - S: Mrs. Madeleine MCNICOLL

S = suppléant; substitute; suplente

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ADAMY (Allemagne)
Mr. AGYEI (Ghana)
Mr. AHMED (Pakistan)
Mr. AL-ASFOOR (Koweït)
M. AL-LOUZY (République arabe syrienne)
M. BLONDEL (France)
M. BOILLAT (Suisse)
Mr. BRAZZODURO (Croatie)
Mr. BULGAK (Bélarus)
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Mr. DAHL (Norvège)
M. DALEIDEN (Luxembourg)
M. DASSIS (Grèce)
Mr. DRZEWICKI (Pologne)
Sr. DUTÁN ERRÁEZ (Equateur)
Mr. EDSTRÖM (Suède)
M. EL BRIKI (Tunisie)
M. EL MOUKHARIK (Maroc)
Sra. ESCOLÁSTICO PINZÓN (Guatemala)
Mr. ETTY (Pays-Bas)
Mr. FASSA (Israël)
Mr. FU (Chine)
Sr. GARZON (Colombie)
M. GBIKPI-BENISSAN (Togo)
M. GIARDI (Saint-Marin)
Sr. GIL R. (Venezuela)
Sr. GONZALEZ ZAMORA (Espagne)
Mr. GOPALAKRISHNAN (Malaisie)
Mrs. HALIMAH (Singapour)
Mr. HATSUOKA (Japon)
Mr. HICKEY (Etats-Unis)
Ms. HLÖDVERSDÓTTIR (Islande)
M. HOSSU (Roumanie)
Mr. HUANG (Chine)
Sr. HUEMBES (Nicaragua)
Mr. JALLOUD (Jamahiriya arabe libyenne)
Mr. KHAN (Bangladesh)
M. KRYLOV (Fédération de Russie)
M. LAWANI (Bénin)
Mr. LEMKE (Danemark)
Sr. LUNA-ROJAS (Pérou)
M. MAGNANI (Italie)
Mr. MALLON (Canada)
Mr. MATHESON (Australie)
Mr. MATTENJE (Malawi)
M. MAZETTE (République centrafricaine)
M. MBAYE (Sénégal)
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Mr. OLIPHANT (République sud-africaine)
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Mr. RUSANEN (Finlande)
Mr. RYCHLY (République tchèque)
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Mr. SIBANDA (Zimbabwe)
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Mr. SUKHBAATAR (Mongolie)
Mr. SUNDERAM (Sri Lanka)
Mr. THOMAS (Royaume-Uni)
Sr. VENTURINI (Argentine)
Mr. YOUSSIF (Bahreïn)

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Mr. ABERDEEN (Trinité-et-Tobago)
Mr. ABOUZEID (Jamahiriya arabe libyenne)
M. ADIKO (Côte d'Ivoire)
Ms. AERENLUND (Danemark)
Mr. AL-BAKER (Koweït)
M. ALLINI (Gabon)
Mr. ATHUKORALE (Sri Lanka)
Mr. BACON (Australie)
M. BECCARI (Saint-Marin)
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M. DOEVI-TSIBIAKU (Togo)
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Mr. GUNNES (Norvège)
M. HAAS (Luxembourg)
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Mr. KIM (République de Corée)
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Mr. MABUMO (Mozambique)
Mr. MBONINI (Botswana)
M. MEDOR (Sénégal)
Mr. MORIKAGE (Japon)
Mrs. MORIN (Norvège)
Sr. NAVARRO (Venezuela)
Mr. NGCUCKANA (République sud-africaine)

S = suppléant; substitute; suplente

Ms. NIIA (Suède)
Mrs. OOSTVEEN (Pays-Bas)
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Mr. PODOLINSKY (Bélarus)
Ms. REDDY (République sud-africaine)
Mr. RIBIC (Croatie)
Mr. SCOFANO (Brésil)
Mr. SHILOWA (République sud-africaine)
Mr. STEVKO (Slovaquie)
Mr. TAKAYANAGI (Japon)
M. TIXIER (France)
M. TUDORAN (Roumanie)
Sr. VARELA (Uruguay)
Mr. WOZNIEWSKI (Pologne)

Mr. NILSEN (Norvège)
M. PAVLIDAKIS (Grèce)
Mrs. PEDERSEN (Norvège)
Mr. PURBA (Indonésie)
Mr. REUNA (Finlande)
Mr. ROY (Maurice)
Mr. SHAHEEN (Pakistan)
M. SIGNORELLI (Italie)
Mr. STEYNE (Royaume-Uni)
Mr. TIAGI (Inde)
M. TORCHE (Suisse)
Sr. VALDERRAMA (Colombie)
Mr. WANG (Chine)
Sr. ZURITA GIL (Equateur)

S = suppléant; substitute; suplente

COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMMITTEE ON PART-TIME WORK
COMISION DEL TARBAJO A TIEMPO PARCIAL

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BAHREIN
BARBADE
BELARUS
BELGIQUE
BELIZE
BRESIL
BURKINA FASO
BURUNDI
CANADA
CHILI
CHINE
REPUBLIQUE DE COREE
DANEMARK
EGYPTE
ESPAGNE
ESTONIE
ETATS-UNIS
FIDJI
FINLANDE
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PAYS-BAS
PEROU
PHILIPPINES
PORTUGAL
QATAR
ROUMANIE
ROYAUME-UNI
FEDERATION DE RUSSIE
SENEGAL
SLOVAQUIE
SLOVENIE
SOUDAN
SRI LANKA
SUEDE
SUISSE
SURINAME
SWAZILAND
REP. ARABE SYRIENNE
REP.-UNIE DE TANZANIE
REPUBLIQUE TCHEQUE
THAILANDE
TUNISIE
TURQUIE
UKRAINE
URUGUAY
VENEZUELA
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CAMEROUN
COLOMBIE
COTE D'IVOIRE
CROATIE
CUBA
EMIRATS ARABES UNIS
GUYANA
KENYA
MEXIQUE
PANAMA
POLOGNE
TOGO
ZAMBIE

Membres employeurs - Employers' members - Miembros empleadores

M. Jean ABOUGHE-OBAME (Gabon)
  S: M. Claude AKOULOU-EYELEKO
Mr. Aqeel Ahmed AL-JASEM (Koweït)
  S: Mr. Hamad Jarrah AL-OMAR
Mr. H.R. AMONOO (Ghana)
  S: Mrs. Rose KARIKARI ANANG
M. Nicolaos ANALYTIS (Grèce)
  S: Mme Evgenia TSOUMANI-SPENTZA
  S: Mme Anastasia KOUTSIDIKOU
  S: M. Antonis VAGIAS
  S: M. Harilaos HARAKAS
  S: M. Lambros PAPAIOANNOU
  S: M. Démosthène DASKALAKIS
Sr. Carlos Arturo ANGEL ARANGO (Colombie)
  S: Sr. Rodrigo BECERRA TORO
Mr. Max ARBESSER-RASTBURG (Autriche)

S = suppléant; substitute; suplente

S: Mr. Heinrich BRAUNER
S: Mr. Dietmar STIMITZER
Mrs. Inger BREVIG (Norvège)
S: Mrs. Kirsti STOKLAND
S: Mr. Olav MAGNUSSEN
S: Mr. Arvid R. ODEGARD
S: Mr. Niels Chr. HALD
Mr. Edward BUSHELL (Barbade)
M. Moussa Balla COULIBALY (Mali)
S: M. Ousmane TOURE
Mr. Gheorghe CUCU (République de Moldova)
Mr. Christopher DAMBE (Botswana)
Sr. Bingen DE ARBELOA (Venezuela)
S: Sr. Alejandro FEO LA CRUZ
Sr. Jorge A. DE REGIL GOMEZ MURIEL (Mexique)
S: Sr. Octavio CARVAJAL BUSTAMANTE
M. Mircia DOBRIN (Roumanie)
S: M. Sorin HIDOS
S: M. Ion PACURARU
S: M. Ion SANDU
Sr. Murat EURNEKIAN (Argentine)
S: Sr. Daniel FUNES DE RIOJA
S: Sr. Juan Carlos GELMI
S: Sr. Jorge L. SABATÉ
Sr. Javier FERRER DUFOL (Espagne)
S: Sr. Roberto SUAREZ GARCIA
S: Sr. PEDRO BUGALLAL ORTIZ
Mr. Ko Ko GYI (Myanmar)
Mr. Abdel Nour HABAYBEH (Jordanie)
S: Mr. Ali I. DAJANI
Mr. H. Sutatno HADISUWITO (Indonésie)
S: Mr. H.M. Rienaldo THAMRIN
Mr. Göran HULTIN (Finlande)
S: Ms. Eeva-Liisa INKEROINEN
Mr. Ton HUNTJENS (Pays-Bas)
S: Mr. Ton SCHOENMAECKERS
S: Mr. Marinus CORDESIUS
S: Ms. Cornélie HAK
Mr. Imonitie Christopher IMOISILI (Nigéria)
S: Mr. E.O. OLANNIYI

M. Mostafa JAWISH (République arabe syrienne
S: M. Yehia AL-HENDI
S: M. Abdul-Hamid MALAKANI
M. Hédi JILANI (Tunisie)
S: M. Khaled BEN M'BAREK
Ms. Birte JOHANSEN (Danemark)
S: Mr. Keld BURMOLLE
S: Mr. Henrik MORKEBERG
S: Mr. Steen MÜNTZBERG
Mr. Max KEP (Papouasie-Nouvelle Guinée)
Mr. Jonathan KING (Sierra Leone)
Mr. Michal LACH (Slovaquie)
S: Mr. Martin KATRIAK
Mr. J. LIEBENBERG (République sud-africaine)
S: Mr. J.J. KLEYNHANS
S: Mr. A.W. SMITH
Mr. Andrzej MACIEJCZYK (Pologne)
S: Mrs. Malgorzata GERSDORF
Ms. Anne MACKIE (Royaume-Uni)
S: Mr. Alan WILD
Mr. Alfred MALLIA-MILANES (Malte)
S: Mr. John SCICLUNA
M. Vitali MAYKO (Ukraine)
S: M. Vassyl PONOMAREV
M. Mustapha MEKIDECHE (Algérie)
S: M. Lanouar HADDOUD
Mr. Thomas B. MOORHEAD (Etats-Unis)
S: Mr. Michael CANNING
Mr. Exson MUYENZA (Malawi)
Mr. Bryan NOAKES (Australie)
S: Mr. John MARKHAM
M. Jean-Jacques OECHSLIN (France)
S: M. Olivier DRAGUE
S: M. Jean-François VEYSSET
S: M. Pierre VINCENSINI
Mr. Chenglie PAN (Chine)
S: Mrs. Ying CHEN
Sr. Nelson PENINO (Uruguay)
S: Sr. Jacabo VARELA TRAVERSO
Mr. Antonis PIERIDES (Chypre)

S = suppléant; substitute, suplente

S: Mr. Michael PILICOS

S: Mr. Christos KYTHREOTIS

S: Mr. Athanasios PANAYIOTOU

Mr. Pavel PRIOR (République tchèque)

S: Mrs. Daniela KUBICKOVA

Mr. Mukubesa SANYAMBE (Zambie).

S: Mr. Max Musunga MWILA

S: Mr. Dann Kunda MUSENGE

Mme Lucia SASSO MAZZUFFERI (Italie)

S: M. Carlo BESUSSO

S: M. Giancarlo FERRARA

S: M. Stefano GIARDINA

S: M. Sergio MACCIO'

S: M. Giuseppe FABRETTI

Mr. Sten SELANDER (Suède)

S: Mr. Sigurd CARLBERG

S: Mr. Bengt HULDT

S: Ms. Margareta REGNELL

S: Ms. Sonja ÖSTERBERG GROLL

S: Mr. Hans-Göran MYRDAL

Mr. Rajendra SINGH (Inde)

S: Mr. J.P. CHOWDHARY

Mr. Gyorgy SZUCS (Hongrie)

S: Mr. Tibor VOROS

S: Mr. Laszlo FILIPSZ

Mr. Ancheta K. TAN (Philippines)

S: Mr. Miguel VARELA

Mr. Rolf THŪSING (Allemagne)

S: Mr. Siegfried VOSSIEG

Mr. Hiroshi TSUJINO (Japon)

S: Mr. Shigeru HASEGAWA

M. Jan VAN HOLM (Belgique)

M. Francisco Bello VAN ZELLER (Portugal)

S: M. Heitor FERNANDES SALGUEIRO

S: M. Grégório ROCHA NOVO

S: M. Rui Manuel P. FERNANDES

S: M. Mario Jorge CORREIA CUSTÓDIO

Mr. Antonio Ernesto WERNA DE SALVO (Brésil)

S: Mr. Ubajara Alves SFOGGIA CARVALHO

S: Mr. Ataide ALVES

S: Mr. Renato de Oliveira RODRIGUES

Mr. Jung-Hyun WHANG (République de Corée)

S: Mr. Moon-Wan OH

Mr. Peter WOOLFORD (Canada)

S: Mrs. Madeleine MCNICOLL

Mr. Darko ZUPANCIC (Slovénie)

S: Mrs. Majda KOCMUR

S = suppléant; substitute; suplente

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. Ahmed ABOU LAHCEN (Maroc)

S: M. Mohamed Abdelkader BELARBI

Mr. E.F.G. AMARASINGHE (Sri Lanka)

Mr. Kubilay ATASAYAR (Turquie)

S: Mr. Vefik EVIN

S: Mr. Ercüment RONA

Mr. E. CHIWESHE (Zimbabwe)

S: Mr. HENSON

Mr. Abd. Rahim DATUK MOKHZANI (Malaisie)

S: Mr. Mohamed DATO' SOPIEE

Sr. Carlos DE CHAZAL (Bolivie)

M. Roger DECOSTERD (Suisse)

S: M. Daniel LEHMANN

S: M. Blaise MATTHEY

Sr. José Antonio GUZMAN MATTA (Chili)

S: Sr. Manuel MONTT BALMACEDA

Mr. Hector Rex HATCH (Fidji)

Mr. Mike HILL (Namibie)

S: Mr. Johan LOUW

M. Lucien JUNG (Luxembourg)

S: Mlle Christiane SCHAUL

S: M. Romain BEFFORT

Mr. Padma JYOTI (Népal)

Mr. Max S. KUNYAVSKY (Bélarus)

S: Mr. Victor I. SHORIKOV

Mr. A.T. MAENDA (République-Unie de Tanzanie)

S: Mr. Pakoni A. MAGANYA

S: Mr. D.E. MATTAKA

Mr. T. MAKEKA (Lesotho)

Mr. Khalifa Khamis MATAR (Emirats arabes unis)

Mr. Emru MILLETTE (Trinité-et-Tobago)

S: Mr. Walton Allison HILTON-CLARKE

M. Félix MOUKOKO KINGUE (Cameroun)

M. Mohamed Ali OULD SIDI (Mauritanie)

Mr. Tom Diju OWUOR (Kenya)

S: Mr. Francis WANGANJU

Mr. Gediminas RAINYS (Lituanie)

Sr. Luis Alberto REYES MAYEN (Guatemala)

S: Sr. Adolfo MENEÑDEZ CASTEJÓN

Mr. Joël Max RWAMURA KASWARRA (Ougan

M. Kwaku Gadzodzi SEDDOH (Togo)

Ms. Hrafnhildur STEFÁNSDÓTTIR (Islande)

S: Mr. Jón MAGNÚSSON

Mr. Ashraf W. TABANI (Pakistan)

Mr. Peng Boo TAN (Singapour)

Mr. Thiva THANESUEN (Thaïlande)

S: Mr. Chalit HONGSAKUL

S: Mr. Boonsang CHIEMPRICHA

Mrs. Greta Martha WILLIAMS (Belize)

Mr. David YANKANA (Guyana)

Sr. Jaime ZAVALA-COSTA (Pérou)

S: Sr. Julio César BARRENECHEA-CALDERÓN

S = suppléant; substitute; suplente

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ABERDEEN (Trinité-et-Tobago)
Mr. AL-ABDOOLI (Emirats arabes unis)
Mrs. ALMOG (Israël)
M. BAUSCH (Luxembourg)
Mrs. BEYER (Allemagne)
Mr. BODYE (Bahamas)
M. CHAHIR (Maroc)
Ms. COLLINS (Australie)
M. D'ALOIA (Italie)
Mrs. DESORMEAUX (Canada)
Mme DRION (Belgique)
Sr. ETCHEHUN (Argentine)
M. GHODHBANI (Tunisie)
Mme GUIMARÃES (Portugal)
Mr. JONATHAN (Lesotho)
Mr. KARIM (Indonésie)
Ms. KIMBERLE (Etats-Unis)
Mr. KUMAGAI (Japon)
Mr. LEWIS (Guyana)
Mr. MAHMADI (Bahreïn)
M. MEDVEDEV (Fédération de Russie)
Mr. MOHAMED (Malaisie)
M. MOSIMANN (Suisse)
Mrs. NEYKOVA (Bulgarie)
Ms. PUURA (Finlande)
Mr. RAMASAWMY (Maurice)
Mr. SANDRASEKARA, (Sri Lanka)
Mrs. TAPPA (Chypre)
M. TOZOUN (Togo)
Sr. TURRA PAREDES (Chili)
Sra. VARAS GARCIA (Espagne)
Ms. VARGA (Hongrie)
Mr. WON (République de Corée)
Mr. AGIUS (Malte)
Mr. AL-BUAINAIN (Qatar)
M. BATHILY (Mali)
Mrs. BEI (Autriche)
Mr. BIN SALAMAH (Arabie saoudite)
Mr. CETIN (Turquie)
Sr. CHANG CRESPO (Equateur)
M. COSTIN (Roumanie)
M. DELHOMENIE (France)
Sra. DEUSTH (Venezuela)
Sr. ESPONDA ZEBADUA (Mexique)
Mrs. FORROVA (Slovaquie)
Mr. GRAHAM (République sud-africaine)
M. GUIRO (Sénégal)
Mr. KAADU (Estonie)
Mr. KEMBA (Namibie)
Mr. KLUNSUWAN (Thaïlande)
Mr. KVEDARAVICIUS (Lituanie)
Ms. LOVE (Royaume-Uni)
Mr. MARTINES BARGAS (Brésil)
Ms. MIKKELSEN (Danemark)
Mrs. MORIN (Norvège)
Mr. MUGALLA (Kenya)
Ms. NIIA (Suède)
Mr. RAMAN (Fidji)
Mr. RIBIC (Croatie)
Mr. TAN (Singapour)
Mr. TIAGI (Inde)
M. TSIRIMOKOS (Grèce)
Mrs. VAN DEN BURG (Pays-Bas)
Sr. VARELA (Uruguay)
Mr. WOJCIK (Pologne)
Mr. YEVDOKIMCHIK (Bélarus)

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Ms. AERENLUND (Danemark)
Mr. AL-KHALDI (Jordanie)
Mr. BACON (Australie)
Ms. BODEN (Suède)
Mr. CHARLES (Seychelles)
Mme CRIDAZZI (Suisse)
Mrs. DOLDONOVA (Bélarus)
M. FERRARI (Italie)
M. GBIKPI-BENISSAN (Togo)
Mr. GUNNES (Norvège)
Sr. HERMOSO (Argentine)
Mr. IDRISS (Jamahiriya arabe libyenne)
Mr. JAKOBSEN (Brésil)
M. LVOV (Fédération de Russie)
Sr. MELGAREJO GARCIA (Uruguay)
Mme MEUNIER (Belgique)
Mr. NILSEN (Norvège)
Mr. OLIVEROS (Philippines)
Mrs. PASSCHIER (Pays-Bas)
Mr. PERERA (Sri Lanka)
Mr. PUROHIT (Inde)
Mrs. ROY (Canada)
Mr. AHMED (Pakistan)
Mr. ALCAN (Turquie)
M. BAHIJ (Maroc)
Mrs. BULS (Allemagne)
M. COUTO DOS SANTOS (Portugal)
Mr. DAHL (Norvège)
Sr. DUTÁN ERRÁEZ (Equateur)
Sr. FRADES PERNAS (Espagne)
Mme GONORD (France)
Mme HAGNE (Sénégal)
Mr. HEYMANS (République sud-africaine)
Mr. IWAMOTO (Japon)
M. KYRIAKOPOULOS (Grèce)
Sr. MELÉNDEZ (Venezuela)
Mr. MELI (Malte)
Mrs. MOKGALE (République sud-africaine)
Mr. NYAMUHOKYA (République-Unie de Tanzan
Mr. PASARIBU (Indonésie)
Mrs. PEDERSEN (Norvège)
M. PIZZAFERRI (Luxembourg)
Ms. REDDY (République sud-africaine)
M. RULIE (France)

S = suppléant; substitute; suplente

Sr. SILVA ALARCON (Chili)
Mr. THITAYANPONG (Thaïlande)
Mr. TYMOWSKI (Pologne)
Mr. STEYNE (Royaume-Uni)
Ms. TRUMP (Etats-Unis)
Mrs. WILKE (Allemagne)

S = suppléant; substitute; suplente

COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMMITTEE ON SAFETY AND HEALTH IN MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE	ALLEMAGNE	ARGENTINE
AUSTRALIE	AUTRICHE	BAHREIN
BELGIQUE	BOTSWANA	BRESIL
BURKINA FASO	BURUNDI	CANADA
CHILI	CHINE	REPUBLIQUE DE COREE
DANEMARK	EGYPTE	ESPAGNE
ESTONIE	ETATS-UNIS	FIDJI
FINLANDE	FRANCE	GABON
GRECE	HONGRIE	INDE
INDONESIE	REP. ISLAMIQUE D'IRAN	IRAQ
JAPON	JORDANIE	KOWEIT
LESOTHO	LIBAN	LUXEMBOURG
MALAISIE	MALAWI	MAROC
MONGOLIE	NICARAGUA	NIGERIA
NORVEGE	NOUVELLE-ZELANDE	PAPOUASIE-NOUVELLE-GUI
PAYS-BAS	PHILIPPINES	POLOGNE
PORTUGAL	ROUMANIE	ROYAUME-UNI
FEDERATION DE RUSSIE	SENEGAL	SLOVAQUIE
SLOVENIE	SRI LANKA	SUEDE
SURINAME	REP. ARABE SYRIENNE	REPUBLIQUE TCHEQUE
THAILANDE	TUNISIE	TURQUIE
UKRAINE	VENEZUELA	ZAMBIE
ZIMBABWE		

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

COLOMBIE	GHANA	KAZAKHSTAN
MEXIQUE	PANAMA	

Membres employeurs - Employers' members - Miembros empleadores

Mr. H.R. AMONOO (Ghana)
S: Mr. F.K. ASHIADEY

M. Nicolaos ANALYTIS (Grèce)
S: Mme Anastasia KOUTSIDIKOU
S: M. Alexandros SKIADAS
S: Mme Evgenia TSOUMANI-SPENTZA
S: M. Lambros PAPAIOANNOU
S: M. Antonis VAGIAS
S: M. Harilaos HARAKAS

Sr. Carlos Arturo ANGEL ARANGO (Colombie)
S: Sr. Ernesto FAJARDO LIEVANO

Mrs. Inger BREVIG (Norvège)
S: Mr. Niels Chr. HALD
S: Mr. Olav MAGNUSSEN
S: Mrs. Kirsti STOKLAND
S: Mr. Arvid R. ODEGARD

Sr. Aguilera Hernán CUEVA (Equateur)

M. Mircia DOBRIN (Roumanie)
S: M. Constantin GHEORGHITOIU

Sr. Murat EURNEKIAN (Argentine)
S: Sr. Daniel FUNES DE RIOJA
S: Sr. Carlos ALDAO ZAPIOLA

Sr. Javier FERRER DUFOL (Espagne)
S: Sr. Andrés VILLALOBOS BELTRAN

Mr. H. Sutatno HADISUWITO (Indonésie)
S: Mr. I.A.W. PAKASI

S = suppléant; substitute; suplente

Mr. Göran HULTIN (Finlande)

S: Mr. Markku HUVINEN

M. V. P. KOLMOGOROV (Fédération de Russie)

S: M. Ye. Ya. DIKOLENKO

Mr. Michal LACH (Slovaquie)

S: Mr. Fedor BOROSKA

Mr. J. LIEBENBERG (République sud-africaine)

S: Mr. J. STEWART

Mr. Andrzej MACIEJCZYK (Pologne)

S: Mr. Eugeniusz CISZAK

Ms. Anne MACKIE (Royaume-Uni)

S: Mr. Barrie JONES

S: Mr. David SEATH

M. Mustapha MEKIDECHE (Algérie)

S: M. Mohamed Arezki BENALI

Mr. Thomas B. MOORHEAD (Etats-Unis)

S: Mr. David D. LAURISKI

Mr. Bryan NOAKES (Australie)

S: Mr. Jeffrey HORT

M. Jean-Jacques OECHSLIN (France)

S: M. Jean BERLAND

S: M. Jean-pierre LARREUR

S: M. Pierre VINCENSINI

Mr. Chenglie PAN (Chine)

S: Mr. Jieming QIN

Mr. Pavel PRIOR (République tchèque)

S: Mr. Vaclav POSTA

S: Mr. Renato de Oliveira RODRIGUES

Mr. Mukubesa SANYAMBE (Zambie)

Mme Lucia SASSO MAZZUFFERI (Italie)

S: M. Carlo BESUSSO

S: M. Giancarlo FERRARA

S: M. Stefano GIARDINA

S: M. Sergio MACCIO'

S: M. Giuseppe FABRETTI

Mr. Sten SELANDER (Suède)

S: Mr. Bengt HULDT

S: Mr. Hans-Göran MYRDAL

S: Ms. Sonja ÖSTERBERG GROLL

S: Mr. Sigurd CARLBERG

S: Ms. Margareta REGNELL

Mr. Rajendra SINGH (Inde)

S: Mr. G.C. MRIG

Mr. Gyorgy SZUCS (Hongrie)

S: Mr. Etele BARATH

Mr. Ancheta K. TAN (Philippines)

S: Mr. Ranulfo PAYOS

Mr. Rolf THÜSING (Allemagne)

S: Mr. Erwin-Albrecht VON BERGEN

Mr. Hiroshi TSUJINO (Japon)

S: Mr. Yoshio AKEZUMI

M. Jan VAN HOLM (Belgique)

S: M. Georges COUNET

S: M. Philippe KODECK

Mr. Peter WOOLFORD (Canada)

S: Mr. Jim PIRIE

S = suppléant; substitute; suplente

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. Ahmed ABOU LAHCEN (Maroc)

S: M. Mohamed Abdelkader BELARBI

Mr. Kubilay ATASAYAR (Turquie)

S: Mr. Engür OZUSTUN

S: Mr. Sancar BAYAZIT

Mr. E. CHIWESHE (Zimbabwe)

S: Mr. J.A. EAGLING

M. Moussa Balla COULIBALY (Mali)

S: M. Ousmane TOURE

Sr. Carlos DE CHAZAL (Bolivie)

S: Sr. Raúl ESPAÑA SMITH

Sr. José Antonio GUZMAN MATTA (Chili)

S: Sr. Martín FRUNS QUINTANA

M. Mostafa JAWISH (République arabe syrienne)

S: M. Yehia AL-HENDI

S: M. Abdul-Hamid MALAKANI

Mr. Max KEP (Papouasie-Nouvelle Guinée)

Mr. Max S. KUNYAVSKY (Bélarus)

S: Mr. Yefim I. KUZMIN

Mr. Steve MARSHALL (Nouvelle-Zélande)

S: Mr. Richard TWEEDIE

Mr. Antonis PIERIDES (Chypre)

S: Mr. Michael PILICOS

S: Mr. Photos SAVVIDES

Sr. Luis Alberto REYES MAYEN (Guatemala)

S: Sr. Adolfo MENEÑDEZ CASTEJÓN

M. Issoufou SABO (Niger)

M. Kwaku Gadzodzi SEDDOH (Togo)

S: Mr. Peter SLUNCIK

Mr. Ashraf W. TABANI (Pakistan)

S: Mr. Mohammed Mustafa SHARIF

Mr. Antonio Ernesto WERNA DE SALVO (Brésil)

S: Mr. José Braúlio BASSINI

S: Ms. Lúcia Maria Rondon LINHARES

Mr. Jung-Hyun WHANG (République de Corée)

Sr. Jaime ZAVALA-COSTA (Pérou)

S: Sr. Julio César BARRENECHEA-CALDERÓN

Membres travailleurs - Workers' members - Miembros trabajadores

M. AFILAL (Maroc)

S = suppléant; substitute; suplente

Mr. BENJAMIN (République sud-africaine)
Mme BRIGHI (Italie)
M. BUDKO (Fédération de Russie)
Sr. CAVAZOS CORTES (Mexique)
M. CONDESCU (Roumanie)
M. DELIGIANNAKIS (Grèce)
Mr. DO VALE (Brésil)
M. ETTE (Côte d'Ivoire)
Mr. IDRISS (Jamahiriya arabe libyenne)
Mr. KUNDA (Zambie)
Mr. LIU (Chine)
Mr. MAITLAND (Australie)
Mr. MBONINI (Botswana)
M. MOHR (France)
Mr. NILSEN (Norvège)
Mr. PADILLA (Philippines)
Mr. PASKA (Papouasie-Nouvelle Guinée)
Mr. PERQUIN (Canada)
Mr. SAUNDRY (Royaume-Uni)
Mr. STENDALEN (Suède)
Sr. VELASQUEZ SANCHEZ (Colombie)
Sr. VELOZ CUEVA (Equateur)
Mr. WOLF (République tchèque)
Mr. AL-SHRAIDEH (Jordanie)
Mr. BOGOMYA (Bélarus)
M. BRISCOLINI (Belgique)
Sr. CABRERA (Argentine)
Mr. CHARLES (Seychelles)
Mr. CSETE (Hongrie)
Mr. DENIZER (Turquie)
M. EL YACOUBI (Tunisie)
Mme HAGNE (Sénégal)
Mr. KRZAKLEWSKI (Pologne)
Sr. LABRAÑA MENA (Chili)
Mr. MAIN (Etats-Unis)
Mr. MAY (Allemagne)
Mr. MESIARIK (Slovaquie)
Mr. MUHEUA (Namibie)
Mr. NUNOO-QUAYE (Ghana)
Sr. PALOMINO SALCEDO (Pérou)
Mr. PATOMBONG (Indonésie)
Sr. PETIT (Venezuela)
Mr. SHIDO (Japon)
Sr. VAZQUEZ FERNANDEZ (Espagne)
Mr. VELAUTHAN (Sri Lanka)
Mr. VENUGOPAL (Inde)

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Mr. AHMED (Pakistan)
Mr. BACON (Australie)
Sr. CHANG CRESPO (Equateur)
M. COSMA (Roumanie)
M. DOUCOURE (Mali)
M. GOEREND (Luxembourg)
Mr. GUNNES (Norvège)
Mr. JONATHAN (Lesotho)
Sr. LEÓN TRUJILLO (Venezuela)
Mr. MARTINES BARGAS (Brésil)
M. MBAYE (Sénégal)
M. MEDVEDEV (Fédération de Russie)
Mr. MPANGALA (République-Unie de Tanzanie)
Mrs. PEDERSEN (Norvège)
Mr. SASAKI (Japon)
M. SIGNORELLI (Italie)
Mr. TAY (Singapour)
Mr. YOUSSIF (Bahreïn)
M. AL-LOUZY (République arabe syrienne)
M. BAHIJ (Maroc)
Sr. CORRIOLS HERNANDEZ (Espagne)
Mr. DAHL (Norvège)
Mr. EDSTRÖM (Suède)
Mr. GORE (Inde)
Mrs. HORAKOVA (République tchèque)
Mr. KULAK (Bélarus)
Sr. LUNA-ROJAS (Pérou)
Mr. MAUNG (Myanmar)
Mr. MCGRAW (Canada)
Mrs. MORIN (Norvège)
M. ONDO-BEKALE (Gabon)
Mr. PEDJIONO (Indonésie)
Mr. SCHELTER (Allemagne)
M. STAMOU (Grèce)
Mr. THOMAS (Royaume-Uni)
Mr. ZOKWANA (République sud-africaine)

S = suppléant; substitute; suplente

COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE
ALLEMAGNE
ARGENTINE
AUSTRALIE
AUTRICHE
AZERBAIDJAN
BAHAMAS
BAHREIN
BELGIQUE
BENIN
BOTSWANA
BRESIL
BULGARIE
BURKINA FASO
BURUNDI
CANADA
REP.CENTRAFRICAINE
CHILI
CHINE
REPUBLIQUE DE COREE
COTE D'IVOIRE
CROATIE
DANEMARK
EGYPTE
ESPAGNE
ESTONIE
ETATS-UNIS
FINLANDE
FRANCE
GABON
GRECE
GUATEMALA
HONGRIE
INDE
INDONESIE
REP. ISLAMIQUE D'IRAN
JAPON
KENYA
KOWEIT
LIBAN
LUXEMBOURG
MALAISIE
MALAWI
MALTE
MAROC
MONGOLIE
NICARAGUA
NIGERIA
NORVEGE
OMAN
OUGANDA
OUZBEKISTAN
PANAMA
PAYS-BAS
PHILIPPINES
POLOGNE
PORTUGAL
ROUMANIE
ROYAUME-UNI
FEDERATION DE RUSSIE
SENEGAL
SLOVAQUIE
SLOVENIE
SRI LANKA
SUEDE
SUISSE
SURINAME
SWAZILAND
REP. ARABE SYRIENNE
REPUBLIQUE TCHEQUE
THAILANDE
TOGO
TUNISIE
TURQUIE
URUGUAY
VENEZUELA
YEMEN
ZAMBIE
ZIMBABWE

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

BELIZE
CAMEROUN
COLOMBIE
EMIRATS ARABES UNIS
GHANA
GUINEE
LESOTHO
LITUANIE
MAURICE
MEXIQUE
MYANMAR
SEYCHELLES
REP.-UNIE DE TANZANIE

Membres employeurs - Employers' members - Miembros empleadores

M. Jean ABOUGHE-OBAME (Gabon)
S: M. Claude AKOULOU-EYELEKO
Mr. Aqeel Ahmed AL-JASEM (Koweït)
S: Mr. Abdul Aziz Mohamed Saleh SUBEIHY
Mr. Abbas Abdul Ridha AL-KHAFAF (Iraq)
S: Mr. Fuad Dawood AL-WATAR
Mr. Ben Seif AL-RABI'I (Oman)
Mr. Abdul Aziz Mohammud Bin Saud AL-THAN (Qatar)
Mr. H.R. AMONOO (Ghana)
S: Mr. E.K. ADJIERTEH
M. Nicolaos ANALYTIS (Grèce)
S: Mme Evgenia TSOUMANI-SPENTZA
S: Mme Anastasia KOUTSIDIKOU
S: M. Alexandros SKIADAS

S = suppléant; substitute; suplente

S: M. Démosthène DASKALAKIS

S: M. Harilaos HARAKAS

Sr. Carlos Arturo ANGEL ARANGO (Colombie)

S: Sra. Martha MONSALVE CUELLAR

Mr. Max ARBESSER-RASTBURG (Autriche)

S: Mr. Heinrich BRAUNER

S: Mr. Dietmar STIMITZER

M. Rachid BEYDOUN (Liban)

S: M. Muhi El Din EL KAISSI

Mr. George BIJNOE (Suriname)

Mrs. Inger BREVIG (Norvège)

S: Mr. Olav MAGNUSSEN

S: Mrs. Kirsti STOKLAND

S: Mr. Niels Chr. HALD

S: Mr. Arvid R. ODEGARD

Mr. E. CHIWESHE (Zimbabwe)

Sr. Bingen DE ARBELOA (Venezuela)

M. Roger DECOSTERD (Suisse)

S: M. Georg STAUB

M. Mircia DOBRIN (Roumanie)

S: M. Emil MANOLACHE

S: M. Liviu POPOVICI

Mr. Syed Manzur ELAHI (Bangladesh)

S: Mr. C.K. HYDER

Sr. Murat EURNEKIAN (Argentine)

S: Sr. Dario HERMIDA MARTINEZ

S: Sr. Adolfo PERTIERRA MENÉNDEZ

Sr. Javier FERRER DUFOL (Espagne)

S: Sr. Pablo GOMEZ ALBO

S: Sr. PEDRO BUGALLAL ORTIZ

M. Lucien GLELE G. (Bénin)

Mr. Abdel Nour HABAYBEH (Jordanie)

S: Mr. Amin HUSSEINI

Mr. H. Sutatno HADISUWITO (Indonésie)

S: Mr. SYAMBUDI

S: Mr. Subingar SUKARTIN

Mr. Gõran HULTIN (Finlande)

Mr. Ton HUNTJENS (Pays-Bas)

S: Ms. Cornélie HAK

S: Mrs. Anne Marie MUNTZ

S: Mr. Fred VAN HAASTEREN

Mr. Imonitie Christopher IMOISILI (Nigéria)

S: Mr. E.O. OLANNIYI

Mr. Azad JEETUN (Maurice)

Ms. Birte JOHANSEN (Danemark)

S: Mr. Keld BURMOLLE

S: Mr. Henrik MORKEBERG

S: Mr. Steen MÜNTZBERG

Mr. Michal LACH (Slovaquie)

S: Mr. Peter SLUNCIK

Mr. J. LIEBENBERG (République sud-africaine)

S: Mr. L. B. DE WET

S: Mr. J.P. LANDMAN

Mr. Andrzej MACIEJCZYK (Pologne)

S: Mr. Mariusz SMIGIEL

Ms. Anne MACKIE (Royaume-Uni)

S: Mrs. Christine LITTLE

Mr. A.T. MAENDA (République-Unie de Tanzani

S: Mr. D.E. MATTAKA

S: Mr. Pakoni A. MAGANYA

Mr. T. MAKEKA (Lesotho)

Mr. Alfred MALLIA-MILANES (Malte)

S: Mr. John SCICLUNA

Mr. Thomas B. MOORHEAD (Etats-Unis)

S: Mr. Joel W. BILLER

Mr. Bryan NOAKES (Australie)

S: Mr. Lyndon ROWE

M. Jean-Jacques OECHSLIN (France)

S: M. Paul-Robert MORIN

S: M. Pierre VINCENSINI

S: M. Jean-François VEYSSET

Mr. Tom Diju OWUOR (Kenya)

S: Mr. Francis WANGANJU

Mr. Chenglie PAN (Chine)

S: Mrs. Ying CHEN

Sr. Nelson PENINO (Uruguay)

S: Sr. Rafael BARRENECHEA

Mr. Antonis PIERIDES (Chypre)

S: Mr. Michael PILICOS

S: Mr. Christos KYTHREOTIS

S = suppléant; substitute; suplente

S: Mr. Emilios MICHAEL

Mr. Pavel PRIOR (République tchèque)

S: Mr. Roman PAUL

S: Mr. Jiri SKALA

Mr. Gediminas RAINYS (Lituanie)

Mr. Joël Max RWAMURA KASWARRA (Ouganda)

M. Issoufou SABO (Niger)

Mr. Mukubesa SANYAMBE (Zambie)

Mme Lucia SASSO MAZZUFFERI (Italie)

S: M. Carlo BESUSSO

S: M. Giancarlo FERRARA

S: M. Stefano GIARDINA

S: M. Sergio MACCIO'

S: M. Giuseppe FABRETTI

M. Kwaku Gadzodzi SEDDOH (Togo)

Mr. Sten SELANDER (Suède)

S: Ms. Margareta REGNELL

S: Mr. Sigurd CARLBERG

S: Mr. Bengt HULDT

S: Mr. Hans-Göran MYRDAL

S: Ms. Sonja ÖSTERBERG GROLL

Mr. Tzvetan SIMEONOV (Bulgarie)

S: Mr. Bojidar DIMITROV

S: Mr. Mintcho KORALSKY

Mr. Rajendra SINGH (Inde)

S: Mr. V. MOHAN RAO

Mr. Gyorgy SZUCS (Hongrie)

S: Mr. Peter SZIRMAI

Mr. Ancheta K. TAN (Philippines)

S: Mr. Aniano BAGABALDO

Mr. Thiva THANESUEN (Thaïlande)

S: Mr. Boonsang CHIEMPRICHA

S: Mr. Chalit HONGSAKUL

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S: Mme Ana Cristina VIEIRA

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Mr. Kubilay ATASAYAR (Turquie)

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Sr. BENCE (Argentine)
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EMIRATS ARABES UNIS
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- S: Sr. Enrique MANTILLA

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S: M. Abdul-Hamid MALAKANI

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S: M. Ali M'KAISSI

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Ms. AERENLUND (Danemark)
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Mr. JALLOUD (Jamahiriya arabe libyenne)
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ZIMBABWE
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ROYAUME-UNI
SUEDE
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S: M. Yehia AL-HENDI
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S: M. Carlo BESUSSO
S: M. Giancarlo FERRARA
S: M. Stefano GIARDINA

S = suppléant, substitute, suplente

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S: M. Giuseppe FABRETTI

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S: Ms. Sonja ÖSTERBERG GROLL

S: Mr. Sigurd CARLBERG

S: Mr. Bengt HULDT

S: Mr. Hans-Göran MYRDAL

S: Ms. Margareta REGNELL

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M. BAHIJ (Maroc)
Mr. ETTY (Pays-Bas)
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Mr. MOOKERJEE (Inde)
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Mr. AHMED (Pakistan)
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Mr. SAMIOEN (Indonésie)

Second report

Composition of the Committee on Apartheid

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the composition of the Committee on Apartheid, which is reproduced in the Appendix.

Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with article 56, paragraph 9 of the Standing Orders of the Conference, the Officers of the Selection Committee recommend to the Conference that the Friends World Committee for Consultation be invited to be represented in the Committee on the Application of Standards, the Committee on Part-Time Work, and the Committee on Apartheid; and that the African Federation of Miners, Energy, Chemical and Allied Trade Unions be invited to be represented in the Committee on Safety and Health in Mines.

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

	Previous status Statut antérieur Calidad anterior	**New status [1] Nouveau statut Nueva calidad**
ALGERIE	-	T
ARABIE SAOUDITE	-	T
BOLIVIE	-	T
COMORES	-	T

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[1] T: Regular member / membre Titulaire / miembro titul S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observador

COSTA RICA	-	T
GRENADE	-	T
HONDURAS	-	T
ISRAEL	-	A
ITALIE	-	T
MALI	-	T
NAMIBIE	-	T
SAINT-SIEGE	-	O

Employers - Employeurs - Empleadores

add/ajouter/añadir

Sr. ARRATIA ALVARADO (Chili)	-	Suppléant de Sr. GUZMAN MATTA
Sr. FEO LA CRUZ (Venezuela)	-	Suppléant de Sr. DE ARBELOA
Sr. GUZMAN MATTA (Chili)	-	T
M. MATTHEY (Suisse)	-	Suppléant de M. DECOSTERD
Sr. ZAVALA-COSTA (Pérou)	-	A

delete/supprimer/suprimir

Sr. GARRIDO SOTO (Venezuela)	S	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. AL KAHLANY (Yémen)	-	T
Mr. ALMANAN (Soudan)	-	T
Sr. BERNAL CAMERO (Cuba)	-	T
Sr. BROWN YOUNG (Costa Rica)	-	T
Sr. CARTAGENA CRUZ (El Salvador)	-	A
Ms. DJELODAR ZADEH (République islamique d'Iran)	-	A
Mr. EL-BORAÏ (Egypte)	-	T
Mr. GHANDOUR (Soudan)	-	A
Sr. GUTIERREZ (El Salvador)	-	T
Mrs. IVANOVA (Bulgarie)	-	A
Mr. MOUSTAFA (Egypte)	-	A
Mr. OLIVEROS (Philippines)	-	T
Mr. SALIKHOV (Tadjikistan)	-	T
Mr. SALIMIAN (République islamique d'Iran)	-	T
Mr. SEMEREL (Pays-Bas)	-	A

delete/supprimer/suprimir

Mr. HUANG (Chine)	T	

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
ALGERIE	-	T
ARABIE SAOUDITE	-	T
CHYPRE	-	T
COSTA RICA	-	A
ITALIE	-	T
MALI	-	T
SAINT-SIEGE	-	O
delete/supprimer/suprimir		
SLOVENIE	T	
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Ms. ARTHUR (Ghana)	-	Suppléant de Mr. AMONOO
Mr. BASS (Antigua-et-Barbuda)	-	A
Mr. KOVCEQARSKI (L'Ex-Rép. yougos. de Macédoine)	-	A
M. PLASSARD (Suisse)	-	Suppléant de M. DECOSTERD
Mr. ROBINSON (Jamaïque)	-	A
changer/change/cambiar		
Mr. OH (République de Corée)	S	Suppléant de Mr. WHANG
Mr. WHANG (République de Corée)	T	A
delete/supprimer/suprimir		
Mr. TAN (Singapour)	A	
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. ABDOUN (Soudan)	-	A
Mr. ALI (Soudan)	-	T
Mr. AMINI (République islamique d'Iran)	-	T
Mr. ANTONIOU (Chypre)	-	A
M. GHANES (Algérie)	-	T
Mr. GHEITASI (République islamique d'Iran)	-	A
Mr. HUANG (Chine)	-	T

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M. KIKONGI DI MWINSA LEKULA (Zaïre)	-	T
Mr. LABIB (Egypte)	-	T
Mr. ROBINSON (Antigua-et-Barbuda)	-	A
Mr. ROJER (Pays-Bas)	-	A
Mr. SENO (Philippines)	-	T
M. SILVA (Cap-Vert)	-	T
Mr. SMITH (Antigua-et-Barbuda)	-	T
M. SOW (Sénégal)	-	T
Mr. URECHEANU (République de Moldova)	-	T
Mr. WATERBERG (Suriname)	-	T

delete/supprimer/suprimir

M. GUIRO (Sénégal)	T	

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COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status Statut antérieur Calidad anterior	**New status [1] Nouveau statut Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
ALGERIE	-	T
ITALIE	-	T
MALI	-	T
NAMIBIE	-	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. CECUTTI (Canada)	-	Suppléant de Mr. WOOLFORD
M. EL HARRAS (Maroc)	-	Suppléant de M. ABOU LAHCEN
M. PERSIA (Italie)	-	Suppléant de Mme SASSO MAZZUFFERI
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. BOUSLAH (Tunisie)	-	A
Mr. DARAHEM (Egypte)	-	T
M. GUIRO (Sénégal)	-	T
Ms. HOZOURI (République islamique d'Iran)	-	T
Mr. PRENTZAS (Chypre)	-	T
Mr. ROBINSON (Antigua-et-Barbuda)	-	T
Mr. ROJER (Pays-Bas)	-	A
Mr. SMITH (Antigua-et-Barbuda)	-	A
M. SOCK (Sénégal)	-	A
changer/change/cambiar		
M. DELIGIANNAKIS (Grèce)	T	A
delete/supprimer/suprimir		
Mme HAGNE (Sénégal)	T	
M. MBAYE (Sénégal)	A	

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COMMITEE ON PRIVATE EMPLOYMENT AGENCIES

COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI

COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

	Previous status Statut antérieur Calidad anterior	**New status [1] Nouveau statut Nueva calidad**

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

ALGERIE	-	T
ARABIE SAOUDITE	-	T
CHYPRE	-	T
ISRAEL	-	A
ITALIE	-	T
MALI	-	T
NAMIBIE	-	T

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. EL HARRAS (Maroc)	-	Suppléant de M. ABOU LAHCEN
Sr. GUEVARA (Venezuela)	-	Suppléant de Sr. DE ARBELOA
Mr. RUGGENBERG (Pays-Bas)	-	Suppléant de Mr. HUNTJENS
Mr. TABET (Yemen)	-	T

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. ALMANAN (Soudan)	-	A
M. CONSTANTIN (Roumanie)	-	A
M. DIOP (Sénégal)	-	A
Ms. DJELODAR ZADEH (République islamique d'Iran)	-	T
Mr. GHANDOUR (Soudan)	-	T
Mrs. HANNING (Allemagne)	-	T
Ms. HOZOURI (République islamique d'Iran)	-	A
Ms. MOKOENA (République sud-africaine)	-	A
Mr. PRENTZAS (Chypre)	-	A
Mr. SEMEREL (Pays-Bas)	-	A
Mr. TAN (Singapour)	-	A
Mme TSOGO (Cameroun)	-	T

delete/supprimer/suprimir

M. NIASSE (Sénégal)	A	

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RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

	Previous status Statut antérieur Calidad anterior	New status[1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
ALGERIE	-	T
ARABIE SAOUDITE	-	T
CAMEROUN	-	T
GRENADE	-	T
HONDURAS	-	T
ISRAEL	-	T
ITALIE	-	T
SAINT-SIEGE	-	O
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. BOEDJOSASTRO (Indonésie)	-	Suppléant de Mr. HADISUWITO
Mr. CLARO DE OLIVEIRA (Brésil)	-	T
Mr. DATUK MOKHZANI (Malaisie)	-	T
M. EL HARRAS (Maroc)	-	Suppléant de M. ABOU LAHCEN
M. PLASSARD (Suisse)	-	Suppléant de M. DECOSTERD
Mr. TABET (Yémen)	-	A
Mr. TAN (Singapour)	-	A
M. VAN HOLM (Belgique)	-	T
delete/supprimer/suprimir		
Mr. IVANCEVIC (Croatie)	T	
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. ABDOUN (Soudan)	-	T
Mr. AL GHADRY (Yémen)	-	T
Mr. ALI (Soudan)	-	A
Mr. AMINI (République islamique d'Iran)	-	A
Sr. BERNAL CAMERO (Cuba)	-	A
Sr. BROWN YOUNG (Costa Rica)	-	A
Mr. GHEITASI (République islamique d'Iran)	-	T
M. KIKONGI DI MWINSA LEKULA (Zaïre)	-	A
Mr. MANOLOV (Bulgarie)	-	A

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

Mr. MONGI (Egypte)	-	T
Mr. MORSI (Egypte)	-	A
Mr. TAN (Singapour)	-	A
Mr. TAN (Philippines)	-	T
Mr. THAUMATURGO CORTIZO (Brésil)	-	T

changer/change/cambiar

Ms. AERENLUND (Danemark)	T	A
Ms. KJAER (Danemark)	A	T
Mr. MOSTAFAWI (Emirats arabes unis)	A	T
Ms. RODRIGUES PIMENTEL (Brésil)	T	A

delete/supprimer/suprimir

M. BOUSLAH (Tunisie)	T
Mr. JUMMA (Arabie saoudite)	A

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STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
COSTA RICA	-	T
ITALIE	-	T
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Ms. MOKOENA (République sud-africaine)	-	A
M. SOCK (Sénégal)	-	A
Mr. TAN (Singapour)	-	A
changer/change/cambiar		
Ms. RODRIGUES PIMENTEL (Brésil)	A	T
delete/supprimer/suprimir		
M. GUIRO (Sénégal)	A	

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Composition provisoire des commissions
Provisional composition of committees
Composición provisional de las comisiones

(Note: Names of countries are given in French; los nombres de los paises figuran en frances.)

COMMISSION DE L'APARTHEID
COMMITTEE ON APARTHEID
COMISION DEL APARTHEID

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE
CHILI
ETATS-UNIS
NIGERIA
FEDERATION DE RUSSIE
ALLEMAGNE
CUBA
GRECE
OUGANDA
SUEDE
BOTSWANA
EGYPTE
NICARAGUA
ROUMANIE
REP.-UNIE DE TANZANIE

Membres employeurs - Employers' members - Miembros empleadores

M. Ahmed ABOU LAHCEN (Maroc)

Mr. H.R. AMONOO (Ghana)

Sr. Javier FERRER DUFOL (Espagne)

S: Sr. Pedro BUGALLAL ORTIZ

Mr. Mike HILL (Namibie)

S: Mr. Johan LOUW

Mr. Ton HUNTJENS (Pays-Bas)

S: Ms. Cornélie HAK

M. Emile René KABORE (Burkina Faso)

S: M. Belco Pierre KABORE

Mr. J. LIEBENBERG (République sud-africaine)

S: Mr. J.W. BOTHA

S: Mr. J. MOGALE

Ms. Anne MACKIE (Royaume-Uni)

Mr. A.T. MAENDA (République-Unie de Tanzanie)

S: Mr. Pakoni A. MAGANYA

Mr. Tom Diju OWUOR (Kenya)

S: Mr. Francis WANGANJU

Mr. Ancheta K. TAN (Philippines)

S: Mr. Benildo HERNANDEZ

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. Aqeel Ahmed AL-JASEM (Koweït)

S: Mr. Abdulaziz AL-SUBAIHI

Sr. Carlos Arturo ANGEL ARANGO (Colombie)

M. Edmund C. St. Aubyn de Sousa CARVALHO (Cap-Vert)

Sr. Murat EURNEKIAN (Argentine)

S: Sr. Daniel FUNES DE RIOJA

S = suppléant; substitute; suplente

M. Mostafa JAWISH (République arabe syrienne)

S: M. Yehia AL-HENDI

S: M. Abdul-Hamid MALAKANI

M. Hédi JILANI (Tunisie)

S: M. Ali M'KAISSI

M. Jean-Jacques OECHSLIN (France)

S: M. Pierre VINCENSINI

Sr. Luis Alberto REYES MAYEN (Guatemala)

S: Sr. Adolfo MENEÑDEZ CASTEJÓN

Mr. Rajendra SINGH (Inde)

S: Mr. Kulwant RAI

Membres travailleurs - Workers' members - Miembros trabajadores

M. AMAR (Algérie)
Sr. BERNAL CAMERO (Cuba)
M. DOEVI-TSIBIAKU (Togo)
Mr. KEMBA (Namibie)
Mr. MABUMO (Mozambique)
Mr. NGCUCKANA (République sud-africaine)
Mr. PARROT (Canada)
M. POPELLO (Fédération de Russie)
Mr. SIBANDA (Zimbabwe)
Mr. TROTMAN (Barbade)
Mr. BAFYAU (Nigéria)
Mr. BRETT (Royaume-Uni)
Mr. FUJIMOTO (Japon)
Sr. LEÓN TRUJILLO (Venezuela)
Mr. MPANGALA (République-Unie de Tanzanie)
Mr. O'FARRELL (Etats-Unis)
M. PE (France)
Mr. PRENTZAS (Chypre)
M. TIXIER (France)
Ms. ZETTERVALL-THAPPER (Suède)

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Mr. AHMED (Pakistan)
Mr. HOLZMAN (Israël)
Mr. KHAN (Bangladesh)
Mr. MAHJUB (République islamique d'Iran)
Mme NEURY (Suisse)
Mr. SALIMIAN (République islamique d'Iran)
Mr. SIFINGO (République sud-africaine)
Mr. SUNDERAM (Sri Lanka)
Mr. CORET (Pays-Bas)
M. ISSA (République arabe syrienne)
Mr. LIU (Chine)
M. N'ZAKUNDOMBA (République d'Angola)
Mr. PUROHIT (Inde)
Mr. SHAMENDA (Zambie)
M. SIGNORELLI (Italie)
Mr. WOJCIK (Pologne)

Third report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

	Previous status Statut antérieur Calidad anterior	**New status[1] Nouveau statut Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
CONGO	T	T
IRLANDE	T	T
JAMAHIRIYA ARABE LIBYENNE	T	T
MOZAMBIQUE	T	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Sr. BARRENECHEA-CALDERÓN (Pérou)	-	Suppléant de Sr. ZAVALA-COSTA
Mr. IACONA (Ethiopie)	-	A
Mr. KIFLE (Ethiopie)	-	Suppléant de Mr. IACONA
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. ERCAKIR (Turquie)	-	A
M. ETAME NDEDI (Cameroun)	-	T
Mr. MOGOS (Erythrée)	-	T
M. MOUSSENI (Cameroun)	-	A
Mr. WOLDEKIDAN (Erythrée)	-	A

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COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

CONGO	T	T
IRLANDE	T	T
JAMAHIRIYA ARABE LIBYENNE	T	T

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ALVES (Brésil)	-	Suppléant de Mr. WERNA DE SALVO
Mme BOUSQUIE (Congo)	-	A
Mr. GONÇALVES DOS SANTOS (Brésil)	-	Suppléant de Mr. WERNA DE SALVO
M. MINNE (Belgique)	-	Suppléant de M. VAN HOLM

changer/change/cambiar

Mr. AL-JASEM (Koweït)	T	A
Mr. AL-OMAR (Koweït)	S	Suppléant de Mr. AL-JASEM
M. HADDOUD (Algérie)	S	Suppléant de M. MEKIDECHE
M. MEKIDECHE (Algérie)	T	A

delete/supprimer/suprimir

Mr. ALVES (Brésil)	S	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. ANIGBO (Nigéria)	-	A
Mrs. CHROSTEK (Pologne)	-	A
Mr. GOODLEIGH (Jamaïque)	-	T
Mr. MURUGU (Kenya)	-	T
Sra. ORTEGA (Colombie)	-	A
Sr. ORTEGA (Colombie)	-	T
Mr. PIERRE (Grenade)	-	T
Mr. WOLDEKIDAN (Erythrée)	-	A

changer/change/cambiar

M. BAUSCH (Luxembourg)	T	A

delete/supprimer/suprimir

Mr. AL-BUAINAIN (Qatar)	T	

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Mrs. BEI (Autriche)	T
Sr. CHANG CRESPO (Equateur)	T
M. GHANES (Algérie)	T
Mr. KARIM (Indonésie)	T
Mr. MUGALLA (Kenya)	T
Mr. RIBIC (Croatie)	T

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status Statut antérieur Calidad anterior	**New status[1] Nouveau statut Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
CONGO	T	T
IRLANDE	T	T
MOZAMBIQUE	T	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. IACONA (Ethiopie)	-	A
Mr. KIFLE (Ethiopie)	-	Suppléant de Mr. IACONA
Mr. MIRZA (République islamique d'Iran)	-	Suppléant de Mr. SAFAR
Mr. SAFAR (République islamique d'Iran)	-	A
changer/change/cambiar		
Sr. ANGEL ARANGO (Colombie)	T	A
Mr. BARATH (Hongrie)	S	Suppléant de Mr. SZÜCS
M. BENALI (Algérie)	S	Suppléant de M. MEKIDECHE
Sr. FAJARDO LIEVANO (Colombie)	S	Suppléant de Sr. ANGEL ARANGO
M. MEKIDECHE (Algérie)	T	A
Mr. SZÜCS (Hongrie)	T	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. BANDARSAK (Thaïlande)	-	A
Mr. CHAILUNGGA (Thaïlande)	-	T
M. GHANES (Algérie)	-	T
Mr. JUMMA (Arabie saoudite)	-	T
Mr. KOTOWICZ (Pologne)	-	A
Mr. MOGOS (Erythrée)	-	A
Mr. WOLDEKIDAN (Erythrée)	-	T

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COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

	Previous status Statut antérieur Calidad anterior	**New status[1] Nouveau statut Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
CONGO	T	T
IRLANDE	T	T
JAMAHIRIYA ARABE LIBYENNE	T	T
MOZAMBIQUE	T	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mme BOUSQUIE (Congo)	-	T
Mr. GATTEGNO (Israël)	-	Suppléant de Mr. HILB
Mr. HILB (Israël)	-	A
Mme SOW (Guinée)	-	T
changer/change/cambiar		
Mr. AMONOO (Ghana)	T	A
M. BEYDOUN (Liban)	T	A
M. EL KAISSI (Liban)	S	Suppléant de M. BEYDOUN
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. NOGAL (Pologne)	-	A

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RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

	Previous status Statut antérieur Calidad anterior	New status[1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
BULGARIE	T	T
CONGO	T	T
IRLANDE	T	T
JAMAHIRIYA ARABE LIBYENNE	T	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. DA COSTA (Belgique)	-	Suppléant de M. VAN HOLM
Mr. HILB (Israël)	-	T
Mr. IVANCEVIC (Croatie)	-	A
changer/change/cambiar		
Sr. ANGEL ARANGO (Colombie)	T	A
Mr. TAN (Singapour)	A	T
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. AL-LOUZY (République arabe syrienne)	-	A
M. BOUSLAH (Tunisie)	-	T
M. SILVA (Cap-Vert)	-	T
changer/change/cambiar		
Mr. PAAVO (Estonie)	A	T
delete/supprimer/suprimir		
M. KONZ (Luxembourg)	T	

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[1] T: Regular member / membre Titulaire / miembro titul S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observado

STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

	Previous status Statut antérieur Calidad anterior	New status[1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
CONGO	T	T
IRLANDE	T	T
JAMAHIRIYA ARABE LIBYENNE	T	T
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. MOGOS (Erythrée)	-	A
Mr. WOLDEKIDAN (Erythrée)	-	T
delete/supprimer/suprimir		
M. BOUSLAH (Tunisie)	A	

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITTEE ON APARTHEID
COMMISSION DE L'APARTHEID
COMISION DEL APARTHEID

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
AUSTRALIE	T	T
CHINE	T	T
MALAISIE	T	T
REP. ISLAMIQUE D'IRAN	T	T
ZIMBABWE	T	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. CHESHIRE (Royaume-Uni)	-	Suppléant de Ms. MACKIE
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. ANIGBO (Nigéria)	-	T
Mr. DOUGLAS (Nouvelle-Zélande)	-	A
Mr. ITOH (Japon)	-	A
delete/supprimer/suprimir		
Mr. BAFYAU (Nigéria)	T	

Fourth report

Request by a liberation movement to be represented in a Conference committee

The Officers of the Selection Committee, on behalf of the Committee, recommend that the Conference invite Palestine, which has been invited to the Conference in accordance with Article 2, paragraph 3(k) of the Conference Standing Orders, to be represented in the Committee on Apartheid in accordance with article 56, paragraph 10 of the Standing Orders.

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

	Previous status Statut antérieur Calidad anterior	**New status [1] Nouveau statut Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
CAP-VERT	-	A
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. BEYE (Sénégal)	-	Suppléant de M. SOW
M. BOYE (Sénégal)	-	Suppléant de M. SOW
M. CAMA (Sénégal)	-	Suppléant de M. SOW
M. DIOP (Sénégal)	-	Suppléant de M. SOW
Sr. GARRIDO SOTO (Venezuela)	-	Suppléant de Sr. DE ARBELOA
M. MBACKE (Sénégal)	-	Suppléant de M. SOW
M. NDIAYE (Sénégal)	-	Suppléant de M. SOW
M. SOW (Sénégal)	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. KEBE (Guinée)	-	T
M. KUBWIMANA (Burundi)	-	T
M. OSSOMBI (Congo)	-	T

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A: Deputy member / membre adjoint / miembro adjunt   O: Observer member / membre observateur / miembro observadore

COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. BEYE (Sénégal)	-	Suppléant de M. SOW
M. BOYE (Sénégal)	-	Suppléant de M. SOW
M. CAMA (Sénégal)	-	Suppléant de M. SOW
M. DIOP (Sénégal)	-	Suppléant de M. SOW
M. MBACKE (Sénégal)	-	Suppléant de M. SOW
M. MEUWLY (Suisse)	-	Suppléant de M. DECOSTERD
M. NDIAYE (Sénégal)	-	Suppléant de M. SOW
Mr. PIRLER (Turquie)	-	Suppléant de Mr. ATASAYAR
M. SOW (Sénégal)	-	A
changer/change/cambiar		
M. AL-HENDI (République arabe syrienne)	S	Suppléant de M. JAWISH
M. BEN M'BAREK (Tunisie)	S	Suppléant de M. JILANI
M. COULIBALY (Mali)	T	A
Mr. DAJANI (Jordanie)	S	Suppléant de Mr. HABAYBEH
Mr. HABAYBEH (Jordanie)	T	A
M. JAWISH (République arabe syrienne)	T	A
M. JILANI (Tunisie)	T	A
M. MALAKANI (République arabe syrienne)	S	Suppléant de M. JAWISH
M. TOURE (Mali)	S	Suppléant de M. COULIBALY
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. MUSAS ZAND (Zaïre)	-	A
changer/change/cambiar		
Mr. ALI (Soudan)	T	A
M. CHAHIR (Maroc)	T	A
Mme CRIDAZZI (Suisse)	A	T
Mr. LABIB (Egypte)	T	A
M. MOSIMANN (Suisse)	T	A
Mr. WON (République de Corée)	T	A
delete/supprimer/suprimir		
M. SOW (Sénégal)	T	

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. BEYE (Sénégal)	-	Suppléant de M. SOW
M. BOYE (Sénégal)	-	Suppléant de M. SOW
M. CAMA (Sénégal)	-	Suppléant de M. SOW
M. DIOP (Sénégal)	-	Suppléant de M. SOW
Mr. HILL (Namibie)	-	A
Mr. LOUW (Namibie)	-	Suppléant de Mr. HILL
M. MBACKE (Sénégal)	-	Suppléant de M. SOW
M. NDIAYE (Sénégal)	-	Suppléant de M. SOW
M. SOW (Sénégal)	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. FESSENKO (Ukraine)	-	T
M. KAFOUNI (Maroc)	-	A
changer/change/cambiar		
M. AFILAL (Maroc)	T	A
Mr. AL-SHRAIDEH (Jordanie)	T	A
Sr. CABRERA (Argentine)	T	A
Sr. CAVAZOS CORTES (Mexique)	T	A
Mr. IDRISS (Jamahiriya arabe libyenne)	T	A
Mr. KOTOWICZ (Pologne)	A	T
Mr. PRENTZAS (Chypre)	T	A
Mr. ROBINSON (Antigua-et-Barbuda)	T	A
delete/supprimer/suprimir		
Mr. KRZAKLEWSKI (Pologne)	T	

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COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

Employers - Employeurs - Empleadores

add/ajouter/añadir

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Mrs. BAIN (Bahamas)	-	T
M. BEYE (Sénégal)	-	Suppléant de M. SOW
M. BOYE (Sénégal)	-	Suppléant de M. SOW
M. CAMA (Sénégal)	-	Suppléant de M. SOW
M. DIOP (Sénégal)	-	Suppléant de M. SOW
M. MBACKE (Sénégal)	-	Suppléant de M. SOW
M. NDIAYE (Sénégal)	-	Suppléant de M. SOW
M. SOW (Sénégal)	-	A

changer/change/cambiar

Sr. ANGEL ARANGO (Colombie)	T	A
Mr. CHIEMPRICHA (Thaïlande)	S	Suppléant de Mr. THANESUEN
Mr. DIMITROV (Bulgarie)	S	Suppléant de Mr. SIMEONOV
Mr. HADISUWITO (Indonésie)	T	A
Mr. HONGSAKUL (Thaïlande)	S	Suppléant de Mr. THANESUEN
Mr. KORALSKY (Bulgarie)	S	Suppléant de Mr. SIMEONOV
Sra. MONSALVE CUELLAR (Colombie)	S	Suppléant de Sr. ANGEL ARANGO
Mr. OWUOR (Kenya)	T	A
Mr. SIMEONOV (Bulgarie)	T	A
Mr. SUKARTIN (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. SYAMBUDI (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. THANESUEN (Thaïlande)	T	A
Mr. WANGANJU (Kenya)	S	Suppléant de Mr. OWUOR
Mrs. WILLIAMS (Belize)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. OLOENA (Indonésie)	-	A
M. OSSOMBI (Congo)	-	A

delete/supprimer/suprimir

Mr. PURBA (Indonésie)	A	

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro ob

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. BEYE (Sénégal)	-	Suppléant de M. SOW
M. BOYE (Sénégal)	-	Suppléant de M. SOW
M. CAMA (Sénégal)	-	Suppléant de M. SOW
Mr. CHOWDHARY (Inde)	-	Suppléant de Mr. SINGH
M. DIOP (Sénégal)	-	Suppléant de M. SOW
M. MBACKE (Sénégal)	-	Suppléant de M. SOW
M. NDIAYE (Sénégal)	-	Suppléant de M. SOW
Mr. SHARIF (Pakistan)	-	Suppléant de Mr. TABANI
M. SOW (Sénégal)	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. KONZ (Luxembourg)	-	T
M. MUSAS ZAND (Zaïre)	-	T
changer/change/cambiar		
Mr. ABOUZEID (Jamahiriya arabe libyenne)	T	A
M. DOUCOURE (Mali)	T	A
Mr. MANOLOV (Bulgarie)	A	T
M. POPELLO (Fédération de Russie)	T	A
M. SCHMID (Suisse)	T	A
Mr. SHAHEEN (Pakistan)	T	A
Mr. SIFINGO (République sud-africaine)	T	A
M. ZADI (Côte d'Ivoire)	T	A

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A: Deputy member / membre adjoint / miembro adjunt   O: Observer member / membre observateur / miembro observadore

STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

Employers - Employeurs - Empleadores

add/ajouter/añadir

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
M. BEYE (Sénégal)	-	Suppléant de M. SOW
M. BOYE (Sénégal)	-	Suppléant de M. SOW
M. CAMA (Sénégal)	-	Suppléant de M. SOW
M. DIOP (Sénégal)	-	Suppléant de M. SOW
M. MBACKE (Sénégal)	-	Suppléant de M. SOW
M. NDIAYE (Sénégal)	-	Suppléant de M. SOW
M. SOW (Sénégal)	-	A

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITTEE ON APARTHEID

COMMISSION DE L'APARTHEID

COMISION DEL APARTHEID

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. BEYE (Sénégal)	-	Suppléant de M. SOW
M. BOYE (Sénégal)	-	Suppléant de M. SOW
M. CAMA (Sénégal)	-	Suppléant de M. SOW
M. DIOP (Sénégal)	-	Suppléant de M. SOW
M. MBACKE (Sénégal)	-	Suppléant de M. SOW
M. NDIAYE (Sénégal)	-	Suppléant de M. SOW
M. SOW (Sénégal)	-	A

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member membre observateur / miembro observadore

Fifth report

Request for representation in a Conference committee submitted by a non-governmental international organization

In accordance with article 56, paragraph 9 of the Standing Orders of the Conference, the Officers of the Selection Committee recommend to the Conference that the International Miners' Organization be invited to be represented in the Committee on Safety and Health in Mines.

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
NIGER	-	A
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. KWAIRY (Jamahiriya arabe libyenne)	-	A
Mr. MEGHERBI (Jamahiriya arabe libyenne)	-	**Suppléant de Mr. KWAIRY**
changer/change/cambiar		
M. AL-HENDI (République arabe syrienne)	S	**Suppléant de M. JAWISH**
Mr. ANAND (Inde)	S	**Suppléant de Mr. SINGH**

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A: Deputy member / membre adjoint / miembro adjunt   O: Observer member / membre observateur / miembro observadore

Sr. AVALOS (Paraguay)	T	A
Ms. HAK (Pays-Bas)	S	Suppléant de Mr. HUNTJENS
Mr. HUNTJENS (Pays-Bas)	T	A
M. JAWISH (République arabe syrienne)	T	A
M. MALAKANI (République arabe syrienne)	S	Suppléant de M. JAWISH
Mr. SINGH (Inde)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. BINTOU' A-TSHIABOLA (Zaïre)	-	T
Mr. IDRISS (Jamahiriya arabe libyenne)	-	A
Mr. JOYCE (Etats-Unis)	-	A
Mme NDAYIZEYE (Burundi)	-	A
Mr. NHACA (Mozambique)	-	T
Ms. O'DONOVAN (Irlande)	-	A

changer/change/cambiar

Mr. ERCAKIR (Turquie)	A	T

delete/supprimer/suprimir

Mr. MERAL (Turquie)	T	

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
GUINEE	-	A
NIGER	-	A
Employers - Employeurs - Empleadores		
changer/change/cambiar		
Sr. ANGEL ARANGO (Colombie)	T	A
Sr. BECERRA TORO (Colombie)	S	Suppleant de Sr. ANGEL ARANGO
Mr. CHOWDHARY (Inde)	S	Suppléant de Mr. SINGH
Mr. HADISUWITO (Indonésie)	T	A
Mr. IMOISILI (Nigéria)	T	A
Mr. OLANNIYI (Nigéria)	S	Suppléant de Mr. IMOISILI
Mr. SINGH (Inde)	T	A
Mr. TAN (Philippines)	T	A
Mr. THAMRIN (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. VARELA (Philippines)	S	Suppléant de Mr. TAN
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mrs. BEI (Autriche)	-	T
Mr. KILA (Papouasie-Nouvelle Guinée)	-	A
Ms. O'DONOVAN (Irlande)	-	T
M. RADI (Roumanie)	-	A
Mr. RIBIC (Croatie)	-	A
Mr. WALL (Irlande)	-	A
changer/change/cambiar		
M. BATHILY (Mali)	T	A
Mr. CETIN (Turquie)	T	A
M. CHAHIR (Maroc)	A	T
Sr. ETCHEHUN (Argentine)	T	A
Mme GOUVERI (Grèce)	A	T
Mr. KEMBA (Namibie)	T	A
M. KIKONGI DI MWINSA LEKULA (Zaïre)	T	A
M. SILVA (Cap-Vert)	T	A

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delete/supprimer/suprimir

M. TSIRIMOKOS (Grèce)	T

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
GUINEE	-	A
Employers - Employeurs - Empleadores		
changer/change/cambiar		
Mr. PAN (Chine)	T	A
Mr. QIN (Chine)	S	Suppléant de Mr. PAN
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. MOUSSAVOU (Gabon)	-	A
Mr. NHACA (Mozambique)	-	A
Ms. O'DONOVAN (Irlande)	-	A
Mme TSOGO (Cameroun)	-	A
Mr. WALL (Irlande)	-	T
delete/supprimer/suprimir		
M. BUDKO (Fédération de Russie)	T	
M. CONDESCU (Roumanie)	T	

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

	Previous status Statut antérieur Calidad anterior	New status[1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
NIGER	-	A
changer/change/cambiar		
SEYCHELLES	A	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. ALLEN (Royaume-Uni)	-	Suppléant de Ms. MACKIE
changer/change/cambiar		
Mr. CHIWESHE (Zimbabwe)	T	A
Mr. KIM (République de Corée)	S	Suppléant de Mr. WHANG
Mr. MOHAN RAO (Inde)	S	Suppléant de Mr. SINGH
M. MORIN (France)	S	Suppléant de M. OECHSLIN
M. OECHSLIN (France)	T	A
Mr. RWAMURA KASWARRA (Ouganda)	T	A
M. SABO (Niger)	T	A
Mr. SANYAMBE (Zambie)	T	A
M. SEDDOH (Togo)	T	A
Mr. SINGH (Inde)	T	A
Mme SOW (Guinée)	T	A
Mr. TABET (Yémen)	T	A
M. VEYSSET (France)	S	Suppléant de M. OECHSLIN
M. VINCENSINI (France)	S	Suppléant de M. OECHSLIN
Mr. WHANG (République de Corée)	T	A
delete/supprimer/suprimir		
Mr. AL-KHAFAF (Iraq)	T	
Mr. AL-WATAR (Iraq)	S	
M. BEYDOUN (Liban)	A	
M. EL KAISSI (Liban)	S	
Mrs. LITTLE (Royaume-Uni)	S	
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. BINTOU' A-TSHIABOLA (Zaïre)	-	A

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

Mr. REBOLJ (Slovénie)	-	A
Mr. WALL (Irlande)	-	A

changer/change/cambiar

Mr. AL-KHALDI (Jordanie)	T	A
M. BAHIJ (Maroc)	T	A
Sr. CROPEZA (Venezuela)	T	A
Mr. SHAMENDA (Zambie)	T	A
Mme TSOGO (Cameroun)	T	A
M. WEBER (Luxembourg)	T	A
M. ZIBOROV (Fédération de Russie)	T	A
Sr. ZURITA GIL (Equateur)	T	A

delete/supprimer/suprimir

Mr. SKELDAR (Slovénie)	A

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

RESOLUTIONS COMMITTEE

COMMISSION DES RESOLUTIONS

COMISION DE RESOLUCIONES

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Governments - Gouvernements - Gobiernos		
changer/change/cambiar		
MYANMAR	A	T
REPUBLIQUE DE COREE	A	T
delete/supprimer/suprimir		
GUINEE	T	
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. BALBOUL (Liban)	-	Suppléant de M. BEYDOUN
Mr. KWAIRY (Jamahiriya arabe libyenne)	-	A
Mr. MEGHERBI (Jamahiriya arabe libyenne)	-	Suppléant de Mr. KWAIRY
changer/change/cambiar		
M. DECOSTERD (Suisse)	T	A
M. MATTHEY (Suisse)	S	Suppléant de M. DECOSTERD
M. PLASSARD (Suisse)	S	Suppléant de M. DECOSTERD
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Ms. O'DONOVAN (Irlande)	-	A
Mr. WALL (Irlande)	-	A
changer/change/cambiar		
Mr. AL GHADRY (Yémen)	T	A
M. BAHIJ (Maroc)	A	T
Mr. BERAN (République tchèque)	T	A
Mr. CHEN (Singapour)	T	A
M. MAURIACA (Saint-Marin)	T	A
Mr. MONGI (Egypte)	T	A
M. MUSAS ZAND (Zaïre)	T	A
M. POTTIE (Belgique)	T	A
Sra. VILCHES ARRIBAS (Espagne)	T	A
delete/supprimer/suprimir		
M. BEN SEDDIK (Maroc)	T	
Mr. PAAVO (Estonie)	T	

best copy available

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

COMMITTEE ON APARTHEID
COMMISSION DE L'APARTHEID
COMISION DEL APARTHEID

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
CONGO	-	A
MOZAMBIQUE	-	A

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A: Deputy member / membre adjoint / miembro adjunt O: Observer member / membre observateur / miembro observadore

Sixth report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

Workers - Travailleurs - Trabajadores

changer/change/cambiar

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
M. BECCARI (Saint-Marin)	A	T
M. GIARDI (Saint-Marin)	T	A

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COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
LITUANIE	-	A
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. TIAGO GOMES (République d'Angola)	-	A
changer/change/cambiar		
Mr. CUCU (République de Moldova)	T	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. ABDELALE (Jamahiriya arabe libyenne)	-	A
Mr. IVANY (Hongrie)	-	T
changer/change/cambiar		
M. BATHILY (Mali)	A	T
Ms. VARGA (Hongrie)	T	A
delete/supprimer/suprimir		
Mr. MELI (Malte)	A	

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status Statut antérieur Calidad anterior	New status[1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
PAKISTAN	-	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. TIAGO GOMES (République d'Angola)	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Ms. NIIA (Suède)	-	A
delete/supprimer/suprimir		
M. BRISCOLINI (Belgique)	T	
Mr. EDSTRÖM (Suède)	A	

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. FIGUEIREDO LOURO NETO (République d'Angola)	-	Suppléant de M. TIAGO GOMES
M. TIAGO GOMES (République d'Angola)	-	A
Workers - Travailleurs - Trabajadores		
delete/supprimer/suprimir		
M. FLAMBOURAS (Grèce)	T	

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Employers - Employeurs - Empleadores		
changer/change/cambiar		
Mr. ANAND (Inde)	S	Suppléant de Mr. SINGH
Mr. CHOWDHARY (Inde)	S	Suppléant de Mr. SINGH
Mr. DIMITROV (Bulgarie)	S	Suppléant de Mr. SIMEONOV
Mr. SIMEONOV (Bulgarie)	T	A
Mr. SINGH (Inde)	T	A
Workers - Travailleurs - Trabajadores		
changer/change/cambiar		
Sr. BELTRAN VALLEJO (Venezuela)	T	A
M. MAURIACA (Saint-Marin)	A	T

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Seventh report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status **Statut antérieur** **Calidad anterior**	**New status [1]** **Nouveau statut** **Nueva calidad**
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. HOLDSWORTH (Nouvelle-Zélande)	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. BUHAGIAR (Malte)	-	T
changer/change/cambiar		
Mr. BIN SALAMAH (Arabie saoudite)	T	A
Mme CRIDAZZI (Suisse)	T	A
Mr. TIAGI (Inde)	T	A
delete/supprimer/suprimir		
Mr. AGIUS (Malte)	T	

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

Employers - Employeurs - Empleadores

changer/change/cambiar

M. COUNET (Belgique)	S	Suppléant de M. VAN HOLM
M. KODECK (Belgique)	S	Suppléant de M. VAN HOLM
M. VAN HOLM (Belgique)	T	A

Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mr. DENIZER (Turquie)	T	A
Sr. VELOZ CUEVA (Equateur)	T	A
Mr. WOLDEKIDAN (Erythrée)	T	A

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COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. TOTH (Hongrie)	-	T
delete/supprimer/suprimir		
Mr. GERGELY (Hongrie)	T	

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A Deputy member / membre adjoint / miembro adjunto O Observer member / membre observateur / miembro observadore

RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

	Previous status **Statut antérieur** **Calidad anterior**	**New status**[1] **Nouveau statut** **Nueva calidad**
Employers - Employeurs - Empleadores		
changer/change/cambiar		
M. BALBOUL (Liban)	S	Suppléant de M. BEYDOUN
M. BEYDOUN (Liban)	T	A
M. DA COSTA (Belgique)	S	Suppléant de M. VAN HOLM
M. NASR (Liban)	S	Suppléant de M. BEYDOUN
M. VAN HOLM (Belgique)	T	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. REUNA (Finlande)	-	A
changer/change/cambiar		
Mr. ABDUL HUSSAIN ABDULLA (Bahrein)	T	A
M. BAHIJ (Maroc)	T	A
Mr. PARROT (Canada)	T	A
M. VANNI (Italie)	T	A
delete/supprimer/suprimir		
M. BA (Burkina Faso)	T	

Eighth report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status**[1] **Nouveau statut** **Nueva calidad**
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. HLOPHE (Swaziland)	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. KUMAGAI (Japon)	-	A

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COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Workers - Travailleurs - Trabajadores		
changer/change/cambiar		
Mrs. ALMOG (Israël)	T	A
M. CHAHIR (Maroc)	T	A
Sr. ESPONDA ZEBADUA (Mexique)	T	A
M. KIKONGI DI MWINSA LEKULA (Zaïre)	A	T
Mr. LEWIS (Guyana)	T	A
Mr. MAHMADI (Bahreïn)	T	A
M. MEDVEDEV (Fédération de Russie)	T	A
Mr. PIERRE (Grenade)	T	A
Mr. RAMASAWMY (Maurice)	T	A

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COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Employers - Employeurs - Empleadores		
changer/change/cambiar		
Mr. JEETUN (Maurice)	T	A
Workers - Travailleurs - Trabajadores		
changer/change/cambiar		
M. WEBER (Luxembourg)	A	T

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RESOLUTIONS COMMITTEE

COMMISSION DES RESOLUTIONS

COMISION DE RESOLUCIONES

Workers - Travailleurs - Trabajadores

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
add/ajouter/añadir		
Mr. LECHTENSTAJN (Israël)	-	T
Sr. SILVA ALARCON (Chili)	-	A
changer/change/cambiar		
M. BOUSLAH (Tunisie)	T	A
Sr. CORTES MUÑOZ (Chili)	A	T
Mr. KARA (Israël)	T	A
Mr. MABUMO (Mozambique)	T	A
M. SILVA (Cap-Vert)	T	A
Ms. ZETTERVALL-THAPPER (Suède)	A	T
delete/supprimer/suprimir		
Mr. MANOLOV (Bulgarie)	T	
Sra. ROZAS VELASQUEZ (Chili)	T	

Ninth report

Changes in the composition of committees

The following changes were approved by the Conference yesterday afternoon on the recommendation of the Officers of the Selection Committee.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
SEYCHELLES	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. SAMIA (Afghanistan)	-	A
delete/supprimer/suprimir		
Mr. MUKASA (Ouganda)	T	

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
REPUBLIQUE D'ANGOLA	-	A
SLOVENIE	-	T
Employers - Employeurs - Empleadores		
changer/change/cambiar		
Mr. ARBESSER-RASTBURG (Autriche)	T	A
Mr. BRAUNER (Autriche)	S	Suppléant de Mr. ARBESSER-RASTBURG
Mr. STRIMITZER (Autriche)	S	Suppléant de Mr. ARBESSER-RASTBURG
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. ANA DA CONCEIÇAO (République d'Angola)	-	T
M. SAMIA (Afghanistan)	-	T
changer/change/cambiar		
Ms. VARGA (Hongrie)	A	T
delete/supprimer/suprimir		
Mr. IVANY (Hongrie)	T	

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Sr. BRUNA VARGAS (Chili)	-	Suppléant de Sr. GUZMAN MATTA
Sr. HERMIDA MARTINEZ (Argentine)	-	Suppléant de Sr. EURNEKIAN
M. MOMEN (Afghanistan)	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. SAMIA (Afghanistan)	-	A
changer/change/cambiar		
Mr. LIU (Chine)	T	A
Mr. NUNOO-QUAYE (Ghana)	T	A
delete/supprimer/suprimir		
M. GHANES (Algérie)	T	
Mrs. HORAKOVA (République tchèque)	A	
Mr. WOLF (République tchèque)	T	

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COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. ANA DA CONCEIÇAO (République d'Angola)	-	A

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RESOLUTIONS COMMITTEE
COMMISSION DES RESOLUTIONS
COMISION DE RESOLUCIONES

Workers - Travailleurs - Trabajadores

delete/supprimer/suprimir

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Mr. BASNET (Népal)	T	

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[1] T Regular member / membre Titulaire / miembro titula
A Deputy member / membre adjoint / miembro adjunto
S Substitute member / membre suppléant / miembro suplente
O Observer member / membre observateur / miembro observadore

Tenth report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISION DE APLICACION DE NORMAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. ELIBRACHY (Egypte)	-	Suppléant de Mr. BESHER
Mr. LWALI (République-Unie de Tanzanie)	-	Suppléant de Mr. MAENDA
M. REKOCH (Fédération de Russie)	-	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. CHERRAT (Maroc)	-	A
changer/change/cambiar		
Mr. TAKAYANAGI (Japon)	A	T
delete/supprimer/suprimir		
Mr. HATSUOKA (Japon)	T	

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A: Deputy member / membre adjoint / miembro adjunto (): Observer member / membre observateur / miembro observadore

COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. NOUBIR EL AMAOUI (Maroc)	-	A

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Workers - Travailleurs - Trabajadores		
delete/supprimer/suprimir		
Mr. CSETE (Hongrie)	T	
M. GUIRO (Sénégal)	T	
Mr. KUNDA (Zambie)	T	
Mr. NILSEN (Norvège)	T	
Mr. STENDALEN (Suède)	T	
Mr. WALL (Irlande)	T	

COMMITEE ON PRIVATE EMPLOYMENT AGENCIES
COMMISSION DES AGENCES PRIVEES POUR L'EMPLOI
COMISION DE LAS AGENCIAS DE EMPLEO PRIVADA

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. MIKLIC (Slovénie)	-	T

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A: Deputy member / membre adjoint / miembro adjunto () Observer member / membre observateur / miembro observadore

Eleventh report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON PART-TIME WORK
COMMISSION DU TRAVAIL A TEMPS PARTIEL
COMISION DEL TARBAJO A TIEMPO PARCIAL

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Workers - Travailleurs - Trabajadores		
changer/change/cambiar		
Mrs. MORIN (Norvège)	T	A

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE SECURITE ET DE SANTE DANS LES MINES
COMISION DE LA SEGURIDAD Y SALUD EN LAS MINAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Workers - Travailleurs - Trabajadores		
changer/change/cambiar		
Mrs. MORIN (Norvège)	A	T
delete/supprimer/suprimir		
Mr. SHIDO (Japon)	T	

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

4

First sitting

Tuesday, 7 June 1994, 10.00 a.m.

Presidents: Mr. Nkomo, Chairman of the Governing Body of the International Labour Office, and Mr. Gray

OPENING OF THE SESSION

Mr. NKOMO *(Chairman of the Governing Body of the International Labour Office)* – It is with great pleasure that I welcome you to this 81st Session of the International Labour Conference.

As we celebrate the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia this year, it gives me great pleasure to welcome all the distinguished representatives of member States, representatives and observers of the United Nations and of its specialized agencies, representatives of observer States, as well as those of the governmental and non-governmental international organizations who are attending this session of the Conference.

May I welcome the representatives of the Swiss Confederation and of the Republic and Canton of Geneva, who have been host to the ILO since its inception 75 years ago. On this momentous occasion of the 75th anniversary of our Organization, it is only fitting that the representative of the Swiss Confederation, the Federal Councillor, Mr. Jean-Pascal Delamuraz, should address this session of the Conference this morning during a special commemorative ceremony due to begin at 11.30 in the Assembly Hall.

I also wish to extend a special welcome to the following States who have become Members of the ILO since the last session of the Conference: Tajikistan, Turkmenistan, Oman and, in a very special way, South Africa. I deliberately singled out South Africa as it was a founder Member of the ILO when it was established in 1919 and was, at the same time, an active participant in the formulation of the Declaration of Philadelphia in 1944. It had for many years fully participated in ILO activities until its exit in 1964. We therefore take great pleasure in having among us today the delegation of the first non-racial and democratically elected government in the history of South Africa. It is profoundly gratifying to the ILO that the struggle waged for decades to end apartheid in which the ILO actively participated and relentlessly supported has come to fruition. In this regard, may I take this opportunity to express hearty congratulations to the new Government of South Africa and express warm words of welcome to its delegation upon their rejoining the ILO after a 30-year absence.

The advent of democracy in South Africa has ushered in a new era, not only for South Africa, but also for the southern African region as a whole. For decades, the southern African region has been harangued by acts of political, military and socio-economic destabilization borne out of apartheid, including the highly destructive wars in Angola and Mozambique. With democracy in place in that country, it is my fervent hope that the region will now be able to redirect its efforts from confrontation to cooperation with South Africa and work together in redoubling efforts to promote economic development in the region.

We look forward to working actively with all these new member States in our endeavour to establish global peace, and social justice and freedom as we pursue our relentless war against poverty.

My welcome would not be complete without extending it to the representatives of the media, through whose tireless efforts our deliberations during the Conference will be communicated to the entire world, particularly the world of labour.

In keeping with our tradition, the Conference will be honoured to have a special guest who, this year, will be Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations Organization. He will address the Conference during a special sitting on Thursday, 9 June, at 10 o'clock and we look forward to deriving tremendous benefit from his experiences as a distinguished and accomplished international civil servant.

This year the Conference is taking place within the context of two major anniversaries I referred to earlier. The original mandate of the ILO as defined in the Treaty of Peace signed at Versailles in 1919 was confined to the improvement of labour conditions enshrined in the nine principles of the Labour Charter which included payment of adequate wages to maintain a reasonable standard of living, abolition of child labour, equitable economic treatment of all workers in their countries, and the enactment of laws pertaining to worker protection.

The Declaration of Philadelphia of 1944 widened this mandate by giving the ILO competence in areas beyond conditions of work, such as unemployment and poverty alleviation. This was aimed at influencing the impact of economic policies on labour conditions in an effort to move away from the purely social to a widely embracing socio-economic sphere. Looking at it in retrospect, 75 years after its birth and 50 years since the Declaration of Philadelphia, one observes that a lot of progress has been made and that significant achievements have been obtained.

Nevertheless, the battle for economic security based on social justice is far from being won. The ILO, therefore, still needs to continue its endeavours to facilitate and further promote the attainment of economic security and social justice. Furthermore, the objectives of the Declaration of Philadelphia, particularly full and improved employment and improved standards of living, must be vigorously pursued. This, therefore, is a time not only to celebrate the ILO's past achievements, but also to take stock and make an impartial and thorough assessment of the Organization's work as well as to see how we can enhance its contribution to the improvement of humanity in a continuously changing global socio-economic setting. Indeed, the bedrock objectives of the ILO can only be achieved in the context of actual developments in the real world. The attainment of social justice, permanent peace and prosperity hinges not only on issues pertaining to the ILO's mandate, but also on other variables. Hence, a tunnel vision of the objectives of the ILO, its past and present achievements and its future agenda can be fully appreciated in this broad context for it is self-evident that in an environment littered with social inequities, military conflicts and abject poverty, our noble objectives can remain but a mere pipe dream. Undoubtedly, a multi-pronged thinking process is required if we are to fulfil the basic tenets of the ILO's remit. The complexities of today's world necessitate adaptation to and acknowledgement of the interlinkages between social justice, peace and stability and seemingly unrelated issues such as refugees and disarmament which impinge on the realization of ILO objectives.

The desire for lasting peace seems to be eluding us all even in the wake of the demise of the East-West divide. For how else can we explain or understand the growing insensitivity to the mushrooming conflicts in various corners of the world. The Rwandan genocide, to mention only one, is quite illustrative of this. Without international peace and security, all our efforts at alleviating the scourge of poverty will come to nothing.

In the same vein, social and economic deprivation also threatens global peace and security. The most recent ILO labour force estimates and projections show that an average of 43 million jobseekers join the global market every year. Most of these are in developing countries, and with the level of unemployment on the increase throughout the world, there is a strong trend of burgeoning social frustration which further poses a serious threat to global social stability and political tranquillity. It is in this light, and it is in the light of such dangers, that I commend the recently convened Jobs Summit held in the United States to seek ways to alleviate the unemployment problem. Our efforts, however, in addressing this problem, should be broadened and intensified if we are to achieve meaningful global socio-economic justice.

Furthermore, the involvement of the ILO in the substantive preparations for the World Summit for Social Development and the Fourth World Conference on Women, both of which are to be held in 1995, is clear testimony of the ILO's important role when addressing global issues and economic questions with a bearing on its mandate. In addressing these topics, we should be cognisant of other related questions, including the issue of environment.

In this regard, we welcome the successful conclusion of the Uruguay Round, which has raised expectations for sustained global economic growth and development. However, we note that preliminary assessments of the results of the Uruguay Round indicate that developing countries will be the net losers at the implementation stage. Moreover, issues of great concern to all, such as the Social Clause, need to be closely examined in the light of their positive and negative impact on our economies and on society at large. Nevertheless, it remains our hope that the new international trading regime will contribute to a more stable and fair global economic order.

In an attempt to pursue sustainable economic development, many developing countries have zealously embarked on economic structural adjustment programmes. The results attained to date leave much to be desired, as evidenced by the social dislocations and political unrest accompanying their implementation. Whilst no one questions the need for these programmes, it is, however, time that we addressed some of the exogenous factors that encumber their successful implementation, such as the debt burden and the dwindling flow of financial resources.

Although we are one big family within the ILO, our experiences and realities are wide and varied. This, in itself, should be a source of strength, for with well-managed cross-fertilization we can improve on our own domestic conditions. In this regard, in my country we have an expression which says "learning never ends", and so we are all permanently students of life. During my term of office I had occasion to visit the ILO regional offices in North America and South-East Asia, and it was a pleasure for me to note the ingenuity applied to specific situations. The ILO's multidisciplinary teams could play a key role in fostering closer intra- and inter-regional exchanges which could ultimately enhance the technical assistance by providing the ILO constituencies with the necessary expertise. For this to be achieved, the Office needs to facilitate more exchanges of technical experiences of the MDTs within and between the various regions.

In the light of the foregoing, the Director-General's Report, entitled *Defending values, promoting change. Social justice in a global economy: An ILO agenda* will be quite an appropriate basis for discussion in this plenary, as it raises a number of thought-provoking questions which need to be adequately addressed by this forum, in line with the avowed commitment of this Organization. Worthy to note are the various ways in which our Organization, while remaining true to its mandate of promoting social justice, can facilitate the enunciation of concrete social policies and mechanisms aimed at realizing our goals in the broader context of this fast-changing world.

For our consideration in the plenary this year, there are traditional items on the Conference agenda: the report of the Chairman of the Governing Body (this year there will be an oral report and not a written one), the programme and budget and other financial questions, information and reports on the application of Conventions and Recommendations and questions relating to Standing Orders.

The Conference will also have before it the *Special Report of the Director-General on the Review of the Declaration concerning Action against Apartheid in South Africa*. In view of the historic developments which have recently taken place in South Africa, it is almost a foregone conclusion that this will probably be the last time that the Committee on Apartheid will be meeting within the framework of the International Labour Conference. Henceforth, our efforts will be directed to the provision of assistance that South Africa certainly needs in order to put the legacy of apartheid behind us and to ensure the establishment of a lasting democracy and the effective establishment of social justice in that country.

Furthermore, in accordance with the decisions reached at the 259th Session of the Governing Body in March 1994, proposals will be made to the Selection Committee for the holding of a special sitting of the Conference to consider the appendix to Part II of the Director-General's Report, concerning the situation of workers in the occupied territories.

This year there will be three important subjects on the agenda of the Conference's technical committees; two for standard-setting purposes and one for general discussion.

The item on part-time work is up for a second discussion, with a view to adopting a Convention and a Recommendation at the end of our session. This type of work affects an increasing number of persons worldwide in both industrialized and developing countries, and we expect the Conference to adopt instruments which, while maintaining flexibility, will adequately address the issue and reconcile the interests of all concerned.

The second standard-setting item is safety and health in mines. The first discussion of this item will take place this year. The importance of this item cannot be overstated, given the vast number of persons employed in this sector worldwide and the significant role the mining sector plays in many economies. We therefore look forward to a very positive outcome of the discussions that will be held on this item.

The third technical item placed on the agenda of the Conference by the Governing Body is the role of private employment agencies in the functioning of labour markets. For more than 20 years there has been a desire for the Conference to consider this item, which has been the subject of great controversy between the advocates and opponents of state monopoly of placement offices. It is hoped that a general discussion on this issue will contribute to ending this long-standing controversy and to laying the groundwork for possibly updating existing international standards in this field.

As in previous years, we have received a number of resolutions which deal with some of the most topical issues in the world of work today and which propose the course of action that can be taken by the ILO and its Members to address these issues. I wish to stress the importance of the work of the Resolutions Committee which, to the extent that the subjects covered fall within the ILO's mandate, can often be used as a basis for future ILO action.

As decided by the Governing Body at its 259th Session (March 1994), an Informal Tripartite Meeting at the ministerial level on Employment will be held during this session of the Conference, on Friday, 10 June. This meeting will bring together the most senior social and economic policy makers of the ILO's Member States, as well as high-level representatives of workers and employers to discuss the issue of employment, the importance of which cannot be overemphasized as it is of particular concern to all countries throughout the world. The report, prepared by the Office to serve as a basis for discussion at the meeting, is entitled *Towards full employment*. It broadly outlines the various strategies which can be adopted to reach the target of full employment. The paper will be revised in the light of the discussions held during that meeting, after which it will be submitted to the second session of the Preparatory Committee for the World Summit for Social Development as part of the ILO's contribution to the Summit. The meeting will also provide a forum for the extensive exchange of ideas on how to tackle a common problem; I hope that this debate will be a stimulating one and will have a decisive impact on the future social and economic policies benefiting those of us who are responsible for formulating such policies in our respective countries.

I would like to draw your attention to the fact that this is the first session of the Conference at which we are implementing the new timetable adopted by the Working Party on Improvements in the Functioning of the International Labour Conference at the 254th Session of the Governing Body. This will be a shortened Conference in comparison to previous sessions and we will therefore be obliged to organize our work as efficiently as possible.

To conclude my remarks, I would like once again to welcome you all and thank you all for having found the time to be present at this historic Conference, and on behalf of the Officers of the Governing Body, Mr. Oechslin, the Employer Vice-Chairman and Mr. Brett, the Worker Vice-Chairman, I wish all participants every success in your deliberations on the wide range of subjects of this Conference which, hopefully, will lead to the formulation of concrete ideas to uplift the social well-being of the whole of mankind.

It is now my honour and privilege to formally declare the 81st Session of the International Labour Conference open. Long live the ILO, and long live its constituents.

ELECTION OF THE PRESIDENT

Mr. NKOMO *(Chairman of the Governing Body of the International Labour Office)* – We now proceed to the next item on our agenda, the election of the President of the International Labour Conference. I give the floor to the Chairman of the Government group, Mr. Salah, Minister of Labour, Jordan.

Original Arabic: Mr. SALAH *(Minister of Labour, Jordan)* – I think you know that it is customary for the President of the International Labour Conference to come from the Government group. However, sometimes the Government group waives its right and cedes its place to one of the other groups, especially on the occasion of special ceremonies or anniversaries of the Organization. I should therefore like to state formally, on this important 75th anniversary of the Organization, that the Government group would like to ask the Workers' group to nominate a candidate for the presidency of the International Labour Conference this year.

Mr. BRETT *(Workers' delegate, United Kingdom)* – I am honoured to take the floor on this historic occasion. It is historic firstly because we all know the ILO is marking the 75th anniversary of its history, and its activities to improve the lives of workers everywhere. But it is also, as mentioned, this year historic for another reason.

The last 30 years of that history South Africa has not been a Member of the ILO. The time of apartheid placed it beyond the scope and principles of our

Organization. Today the apartheid system and South Africa's long absence has an end, and on behalf of the Workers' group, I welcome back to the ILO that country's democratic elected government, its non-racial employers organizations, and above all, if I may be allowed, its independent trade union organizations, which played such a vital role in bringing freedom to South Africa. The ending of apartheid is a victory for all the people of South Africa: but it is no exaggeration to say that it would not have come about without the courageous struggle of their trade unions and I salute them.

The Workers' group would also like to thank its colleagues from the Government and Employers' groups for allowing them the honour of making a nomination for the President of this Conference. With that privilege goes responsibility – the responsibility of ensuring that this historic event is directed by a delegate of highest competence and greatest skill. For these reasons it is my pleasure to present the nomination of Mr. Charles Gray, Workers' delegate of the United States for the presidency of the 81st Session of the International Labour Conference. Mr. Gray has 40 years of international and national experience as a trade unionist. He became a member, then a local officer of what is now the United Food and Commercial Workers' Union in his native Ohio, before moving to his headquarters as an international organizer. From there he moved to Europe in 1958 and joined the staff of the International Federation of Commercial, Clerical and Technical Employees (FIET), where he served as Assistant General Secretary. In 1971 he moved to the Asian-American Free Institute, becoming its Executive Director in 1985. In 1992, Mr. Gray took his present post as Director of the International Affairs Department of the United States Trade Union Centre, the AFL-CIO, in which capacity he has played a prominent role in the work of the International Trade Union Movement. He serves on numerous bodies, particularly those dedicated to promotion of trade union and human rights throughout the world. He represents the AFLCIO on the United States Council for Foreign Affairs and for the United States Pacific Economic Cooperation Council. It is, however, for his work in the ILO that he is best known to many in this hall. He has been participating in the International Labour Conference since 1962, and in 1991 was elected a member of the Governing Body where he currently serves as the Workers' spokesman in the Committee dealing with sectoral and technical meetings.

Delegates will see that he brings to this Conference a wealth of experience, a profound knowledge of the ILO, as well as a deep commitment to his objectives. I therefore take great pleasure on behalf of the Workers' group to present the candidacy of my good friend and colleague, Charles Gray, to assume the presidency of this session of the Conference.

Original French: Mr. OECHSLIN *(Employers' delegate, France)* – Mr. Chairman, first of all I would like to associate myself with what you and Mr. Brett have said, in welcoming the presence amongst us of a tripartite delegation from South Africa. For many of us, and for me personally, this is an historic occasion and I would like to express the great pleasure of my group in being able to welcome this delegation. I am referring of course to the tripartite delegation, but I would especially like to welcome the employers' part of the delegation and the new non-racial employers' organization which was set up just before this session of the Conference.

On behalf of the Employers' group, and I am speaking on their unanimous behalf, I am very happy to support the candidacy of Mr. Charles Gray, Director of the International Affairs Department of the AFLCIO to be President of this Conference. I had the privilege of being at this Conference in 1969, on the 50th anniversary of this Organization, when Jean Möri, also a member of the Workers' group, presided over the Conference; Jean Möri, whom I knew well and who was a great friend.

We are very happy to support this candidacy for many reasons. The first one of course is that it enshrines the principle of equality amongst the groups and the possibility of a representative of a non-governmental group to accede to one of the highest offices of this Organization. We consider that support for Mr. Gray is a sign of our esteem and respect for the Workers' group. Of course we have had and we will probably continue to have, during the course of this Conference, disagreements with the Workers' group – that is in the very nature of things – but this does not prevent us from feeling respect and esteem for each other, which is why I think it is important for this to be said at the very outset of the Conference.

We are also very happy to support this candidacy because it concerns a citizen of the United States – a great country where the ILO has held meetings on many occasions, including in Philadelphia, and we are of course also celebrating the 50th anniversary of the Declaration of Philadelphia. The United States has always played an important role in the ILO's history, even when it was absent from the ILO. I would mention the role that it played right from the time of the preparatory meetings, which led to the creation of the ILO; and the name of Samuel Gompers should also be mentioned in this connection.

I would like to add, on my own behalf, that for a Frenchman this is also an important day for us to pay tribute to the United States. Lastly, I would say, and perhaps this is the most important point, that we are very happy to support this candidacy because it is for Charles Gray himself. Charles Gray, and this is probably the most important point, is a friend of all of us, he is a man whose integrity and authority we are well aware of, and we are certain that he will be a great President of the International Labour Conference.

Original Arabic: Mr. SALAH *(Minister of Labour, Jordan)* – On behalf of the Government group, I should like to endorse the candidacy of Mr. Charles Gray for the office of President of the Conference. We wish him every success in guiding its proceedings in such a way as to attain the objectives of the International Labour Organization.

Mr. NKOMO *(Chairman of the Governing Body of the International Labour Office)* – The candidacy of Mr. Charles Gray, Workers' delegate, United States, has been duly proposed and seconded for the presidency of the 81st Session of the Conference. In the absence of any other nominations, I declare Mr. Charles Gray the unanimously elected President of the 81st Session of the International Labour Conference. It is now my pleasure to invite him to take the chair.

(Mr. GRAY, Workers' delegate, United States, is elected President of the Conference and takes the President's chair.)

PRESIDENTIAL ADDRESS

The PRESIDENT – To all of the delegations here today, I would like to express my sincere gratitude for my election as President of the 81st Session of the International Labour Conference. This is both a personal honour and a tribute to the people of the United States, whose workers I represent at the ILO, and indeed to the workers around the world. I wish particularly to thank Mr. William Brett of the United Kingdom and Chairperson of the Workers' group who nominated me for this important post, and Mr. Salah, Minister of Labour of Jordan, and Chairperson of the Government group of the Conference, who on behalf of his group, allowed the Workers, on an exceptional basis marking this Organization's 75th anniversary, to nominate me. I also extend my heartfelt thanks both to Mr. Salah and to Mr. Jean-Jacques Oechslin, Chairperson of the Employers' group, for supporting my nomination.

I would also like to take this opportunity to greet and congratulate the distinguished representatives of the newest member States – Oman, Turkmenistan, Tajikistan and South Africa. The continued growth of this Organization's membership is a sign of the respect which the ILO commands on the international scene and underlines the universality of the principles on which it was founded.

I believe this distinguished assembly will join me in extending a special welcome to the delegation from South Africa, following their recent readmission as a Member of the ILO. It has been a long and often painful process which has borne fruit in their recent democratic elections. For the past 20 years, the ILO has actively encouraged the process of democratization through the application of the Declaration concerning Action against Apartheid in South Africa. However, I also feel that the rest of the world could learn much from their recent experiences in managing cultural, ethnic and racial diversity to build a nation based on universal values. One of the lessons learned from their experience, which is particularly relevant to this assembly, is the role which tripartism and the active participation of civil society can play while the political process goes on in building the social and economic foundations of a new South Africa. Continuing dialogue between the workers' and employers' organizations and the new democratically elected Government in South Africa will, we trust, strengthen the process of peaceful transformation of South African society for the benefit of all.

I know that the honour of this Presidency comes with serious responsibilities and I pledge to you that I will spare no effort in attempting to meet them. I also thank you in advance for your support in making this a most successful proceeding.

It is, perhaps, historically fitting that a representative of the American labour movement hold this office on the 75th anniversary of the ILO's birth. Many of you know that Samuel Gompers, the first president of the American Federation of Labor, was a prime force behind the founding of this organization. In 1919, he was one of the President Wilson's two appointees to represent the United States on the Commission on International Labour Legislation of the Versailles Peace Conference. This Commission, which elected Gompers as its President, drew up a "workers' bill of rights", adopted as a part of the Peace Treaty itself. It declared in essence that:

- in right and in fact, the labour of a human being should not be treated as merchandise or as an article of commerce;
- employers and workers should be allowed the right of association for all lawful purposes;
- no child should be permitted to be employed in industry or commerce before the age of 14 years;
- between the years of 14 and 18, gainful employment should be permitted only at work not physically harmful and on the condition that technical or general education be continued;
- every worker has a right to a wage adequate to maintain a reasonable standard of life;
- equal pay should be given to women and to men for work of equal value in quantity and quality;
- there should be a weekly rest of 24 hours on Sunday or its equivalent for all workers;
- there should be a limitation of the hours of work in industry on the basis of an eight-hour day or 48-hour week.

Later that year the International Labour Conference met for the first time in Washington, DC. Twenty-five years later, meeting in Philadelphia, Pennsylvania, the international community recommitted itself to these principles by adopting a declaration concerning the aims and purposes of the ILO.

This year, the Director-General has issued an outstanding report for this Conference entitled *Defending values, promoting change. Social justice in a global economy: An ILO agenda.* It is a reaffirmation of the essential objectives proclaimed 75 years ago and an illustration of how far we have come – and how far we still must go – towards meeting these goals.

In recent years, we have rejoiced in the extension of democratic rights to more and more of the world's workers, and the spread of citizen self-government to new corners of the globe. We have witnessed a vast expansion of the global economy, and enormous advances in the fields of medical science, production technologies and environmental awareness. And yet the general trend does not satisfy our organization – not when we see a corresponding rise in global levels of poverty and unemployment, an increasing gap between rich and poor, and millions upon millions of workers, in both the formal and the informal sectors, who are still denied the right to stand on their own feet and demand a fair share of the fruits of their labours.

It is a positive sign that, during the deliberations of the Governing Body last year, all three constituent groups of the ILO – workers, governments and employers – demonstrated serious concerns over the challenges now faced by the international community and by the role the ILO should play in finding solutions.

There should be no doubt that the ILO's mandate – the pursuit of social justice – is as critical to the peace and prosperity of the world today as it was 75 years ago. For us to be effective, full and true tripartism is essential, as is the recognition of the interplay between the social, political and economic spheres. It is my conviction, as it was for the signers of the Versailles Peace Treaty and the Declaration of Philadelphia, that worker rights are vital in all three.

In recent years the defence of fundamental worker and human rights has at times been called "cultural imperialism» and other things not quite so polite. While it is true that we often hear this view from the élites of nations where worker exploitation is most flagrant (and from their allies in corporations with the worst records of abuse) one nevertheless must resist the temptation to dismiss these arguments out of hand.

It is obviously prudent to consider how workers' conditions around the world are similar and how they are not. For example, there is general agreement, as reflected in ILO Conventions, that minimum wages should be determined on the basis of local conditions and costs of living. For example, a minimum wage in Indonesia will not be the same as in Sweden or Kuwait. However, while accepting this diversity, there must be respect for the universal principle of a minimum wage as a worker's right.

Perhaps even more importantly, we must ask ourselves how we are to ensure that minimum wages are respected in practice. In other words, are we prepared to go the extra step and develop the appropriate tools to ensure their application in the context not only of globalization but also of growing economic and social diversity and, in many cases, social conflict and abject poverty? Such tools must be innovative and imaginative. They must build on the ILO's standard-setting mechanism, but they must also be supported by operational programmes which address employment creation and poverty alleviation, thereby getting directly to the root of the problem of non-respect of standards.

Drawing the full perimeter of universality is certainly difficult. Nevertheless, there are most certainly areas of workers' rights that are fundamental and where the ILO must continue to push for universal application: these are basically the same rights mentioned in Sam Gompers' bill of rights, namely the right to freedom of association, to organize and bargain collectively, to equality of opportunity and treatment in employment and to be free of forced labour and child labour. One of the great contributions of the ILO over the past 75 years has been not only in delineating and publicizing these rights, but also in helping its social partners put them into practice.

The ILO's role and achievements – establishing a code of international labour standards, giving technical assistance to encourage growth of employment, helping to extend the boundaries of democracy by promoting workers' and popular participation, sponsoring invaluable research, devising new tools in the fight against poverty and much more – are absolutely unique. It is difficult to imagine another organization that could fill all of the needs that the ILO does.

The ILO can use its authority and expertise to help working people, as well as those who are denied the opportunity to work, and we must support an organization that continues to play this role with inspired dedication and professional competence. But the ILO cannot enforce the observance of workers' rights. In the end, that responsibility still belongs to the nation-state, although this responsibility should be carefully safeguarded by all of society's socio-economic forces.

While the nation-state remains that primary source of authority necessary to enforce workers' rights, there are some areas where nation-states have voluntarily and involuntarily ceded some of their authority. In the latter category, for instance, are prohibitions against the gross violation of human rights, such as the periodic genocides that have marked and continue to mark this century. The world community has the right – and I would say the obligation – to act against such horrors, even if this action involves the infringement of national sovereignty. And yet, the ongoing atrocities in Rwanda, where little has been done to stop the massacre of an estimated half-a-million people in a little more than a month, highlight the difficulties which the international community has in enforcing even the most basic human rights.

During our debates we shall be examining the former case where nation-states voluntarily trade morsels of their sovereignty for more enticing rewards. Here in particular, we note the rise of international economic regimes, such as the Bretton Woods framework, the General Agreement on Tariffs and Trade and now the even more powerful World Trade Organization.

Since the global economy is based as much on work and workers as it is upon capital and investment flows, it is both natural and positive that there is a growing acceptance that worker rights should be linked to trade and credit relationships by a social clause.

To be effective, the ILO should also be a partner, respected for its own unique tripartite perspective, alongside the United Nations family organizations, including international financial and trade organizations, such as the World Trade Organization, the International Monetary Fund, the World Bank and regional financial institutions, to design, adopt and implement socio-economic policies that help reduce poverty, foster sustainable and employment-intensive economic growth, and improve the working and living conditions on this planet.

In my view, this tripartite body, as a necessary step in this direction, should recommit itself to the principles of 1919. We have to acknowledge that the neoliberal ideology – giving all rights to free market forces and none to human beings – will not automatically produce acceptable outcomes or social justice. This is not a time in the world's history to call into question the basic principles of the ILO's mission and standards: we have to be aware that we have been down this path before. The "law of the jungle" ideology, that some now seek to advance, helped plunge the world into the deepest depression and the most dangerous war that mankind has yet experienced.

I hope that we will take this opportunity also to consider the ILO's role at next year's World Summit for Social Development. The acute and dangerous problems of poverty, unemployment and social exclusion are high on the agenda and these areas fall squarely within the ILO's mandate. We should be prepared to contribute to this major international event not with lofty pronouncements but with the practical and sustainable solutions and be prepared to play a lead role in the follow-up to the Conference's recommendations.

For the ILO to be up to these vital and difficult tasks, this tripartite structure must hold together, just as we must all stand together across national, regional, class and cultural lines. Certainly, those of us in the room who labour on behalf of trade unions can testify how far human solidarity and a lot of hard work can take you. In the days ahead, this Organization will need both.

ELECTION OF THE VICE-PRESIDENTS

The PRESIDENT – In accordance with the amendments adopted by the Conference at its last session, we will proceed immediately with the election of the Vice-Presidents of the Conference. I call upon the Clerk of the Conference to read the nominations made by the groups.

Original French: The CLERK OF THE CONFERENCE – The candidates for the posts of Vice-Presidents of the Conference are as follows:

Government group:

Mr. MATINCHEV *(Bulgaria)*

Employers' group:

Mr. OULD SIDI *(Mauritania)*

Workers' group

Mr. MENDOZA *(Philippines)*

The PRESIDENT – If there are no objections I shall consider that these proposals have been adopted.

(The proposals are adopted.)

NOMINATION OF THE OFFICERS OF THE GROUPS

The PRESIDENT – We have the nominations of the Officers of the groups. Again I call upon the Clerk of the Conference to read the names of the persons who have been elected as Officers of the various groups.

Original French: The CLERK OF THE CONFERENCE – The following Officers have been selected by the groups:

Government group:

Chairman: Mr. Salah *(Jordan)*

Employers' group:

Chairman: Mr. Oechslin *(France)*

Vice-Chairmen: Mr. M'Kaissi *(Tunisia)*
Mr. Tsujino *(Japan)*
Mr. De Arbeloa *(Venezuela)*
Mr. Moorhead *(United States)*

Secretary: Mr. Kapartis *(International Organization of Employers)*

Workers' group:
Chairman: Mr. Brett *(United Kingdom)*

Vice-Chairmen: Mr. Mugalla *(Kenya)*
Mr. Sánchez Madariaga *(Mexico)*
Mr. Shmakov *(Russian Federation)*
Mr. Tan *(Philippines)*

Members of the Bureau:

Mr. Ahmed *(Pakistan)*
Mr. Ben Seddik *(Morocco)*
Mr. Brett *(United Kingdom)*
Mr. Falbr *(Czech Republic)*
Mr. Hossu *(Romania)*
Mr. Itoh *(Japan)*
Mr. Mendoza *(Philippines)*
Mr. Mugalla *(Kenya)*
Mr. Mukasa *(Uganda)*
Mr. Parrot *(Canada)*
Mr. Sánchez Madariaga *(Mexico)*
Mr. Shmakov *(Russian Federation)*
Mr. Tan *(Philippines)*
Mr. Trotman *(Barbados)*
Mr. Vanni *(Italy)*

Secretary: Mr. Ryder *(International Confederation of Free Trade Unions)*

The PRESIDENT – The Conference takes note of the nominations made by the various groups.

CONSTITUTION AND COMPOSITION OF CONFERENCE COMMITTEES

The PRESIDENT – The next item on our agenda is the establishment of the various committees which will consider the matters before the Conference.

The Conference may wish to set up, in accordance with the amendments adopted by the Conference at its last session, the following committees: the Selection Committee, the Finance Committee, the Committee on the Application of Standards, the Committee on Part-Time Work, the Committee on Safety and Health in Mines, the Committee on Private Employment Agencies, the Resolutions Committee, the Standing Orders Committee and the Committee on Apartheid. In this regard I wish to point out to you that in accordance with the established practice the groups have agreed that the Committee on Apartheid should, as at previous sessions, be composed of a maximum of 20 members from each group and meet for a maximum of six sittings. May I take it that these proposals are adopted?

(The proposals are adopted.)

APPOINTMENT OF THE MEMBERS OF THE SELECTION COMMITTEE

The PRESIDENT – The next item on our agenda is the appointment of the members of the Selection Committee. I give the floor to the Clerk of the Conference.

Original French: The CLERK OF THE CONFERENCE – The proposals with regard to the composition of the Selection Committee are as follows:

Government members:

Argentina
Australia
Brazil
Chile
China
Congo
Czech Republic
France
Germany
Ghana
India
Islamic Republic of Iran
Italy
Japan
Kenya
Mexico
Nicaragua
Niger
Norway
Philippines
Qatar
Romania
Russian Federation
Tunisia
United Kingdom
United States
Venezuela
Zimbabwe

Deputy members:

Canada
Cuba
Egypt
Gabon
Hungary
Indonesia
Mali
Mauritius
Netherlands
New Zealand
Pakistan
Panama
Poland
Portugal
Spain
Sudan
Swaziland
Uruguay

Employer members:

Mr. De Regil Gómez Muriel *(Mexico)*
Miss Hak *(Netherlands)*
Miss Mackie *(United Kingdom)*
Mr. M'Kaissi *(Tunisia)*
Mr. Moorhead *(United States)*
Mr. Nasr *(Lebanon)*
Mr. Noakes *(Australia)*
Mr. Oechslin *(France)*
Mr. Ould Sidi *(Mauritania)*
Mr. Owuor *(Kenya)*
Mr. Rwamura Kaswarra *(Uganda)*
Mr. Santos Neves *(Brazil)*
Mr. Thüsing *(Germany)*
Mr. Tsujino *(Japan)*

Deputy members:

Mr. Al-Jasem *(Kuwait)*
Mr. Hultin *(Finland)*
Mr. Imosili *(Nigeria)*
Mr. Makeka *(Lesotho)*
Mr. Tabani *(Pakistan)*
Mr. Tan *(Singapore)*
Mr. Touré *(Mali)*
Mr. van Holm *(Belgium)*
Mr. Zain *(Malaysia)*

Worker members:

Mr. Ahmed *(Pakistan)*
Mr. Ben Seddik *(Morocco)*
Mr. Brett *(United Kingdom)*
Mr. Falbr *(Czech Republic)*
Mr. Hossu *(Romania)*
Mr. Itoh *(Japan)*
Mr. Mendoza *(Philippines)*
Mr. Mugalla *(Kenya)*
Mr. Mukasa *(Uganda)*
Mr. Parrot *(Canada)*
Mr. Sánchez Madariaga *(Mexico)*
Mr. Shmakov *(Russian Federation)*
Mr. Tan *(Philippines)*
Mr. Trotman *(Barbados)*
Mr. Vanni *(Italy)*

Deputy members:

Mr. Bernal Camero *(Cuba)*
Mr. Lynch *(United States)*
Mr. Maitland *(Australia)*
Mr. Peirens *(Belgium)*
Mr. Tapiola *(Finland)*
Mrs. Van Den Burg *(Netherlands)*

The PRESIDENT – If there are no objections, these proposals are adopted.

(The proposals are adopted.)

(The Conference adjourned at 11.15 a.m.)

Second (commemorative) sitting

Tuesday, 7 June 1994, 11.30 a.m.

President: Mr. Gray

COMMEMORATIVE CEREMONY TO MARK THE 75TH ANNIVERSARY OF THE INTERNATIONAL LABOUR ORGANIZATION AND THE 50TH ANNIVERSARY OF THE DECLARATION OF PHILADELPHIA

The PRESIDENT – It is a great honour and a pleasure for me to preside over the ILO's 75th anniversary commemorative ceremony. As the oldest international organization within the United Nations family, the ILO has a special role to play in the pursuit of social justice and international peace. The Constitution of the International Labour Organization states that universal and lasting peace can be established only if it is based upon social justice.

We are at the same time celebrating the 50th anniversary of the Declaration of Philadelphia which eloquently highlighted the close relationship between poverty alleviation and peace. As we recollect this fundamental document which helps define the ILO's mandate, let me take this opportunity to recognize Mr. Fernando Yllanes Ramos, a member of the Employers' delegation from Mexico, who was present at that historic 1944 Session of the Conference in Philadelphia. Mr. Ramos has faithfully promoted the Organization's tripartite values throughout his long and distinguished career. I would feel remiss at this point however if I did not mention his compatriot and my friend and colleague, the "Dean" of the Governing Body, Brother Sánchez Madariaga, who has served with high distinction for 49 years.

These two ILO anniversaries which we are celebrating in fact both correspond to the end of this century's most devastating wars. The birth of this Organization not only coincided with but indeed was an intregral part of the Versailles Peace Treaty ending the First World War and, just yesterday, Heads of State gathered to commemorate the allied landing in Normandy which set in motion the end of the Second World War.

The end of the Cold War has ended a period of fear and distrust between the superpowers. However, in its wake, we are now confronted by a new era of localized conflicts and social and ethnic unrest. Although the Cold War has ended, the end of the war on poverty, unemployment and social exclusion is nowhere in sight.

In the face of these seemingly intractable problems, the mandate of the International Labour Organization is more timely than ever. Let this ceremony then be not only a time for celebration – and we do have cause to celebrate – but also a time for serene reflection on the challenges that lie ahead, challenges which make this Organization as relevant and as necessary as ever.

I am pleased on this austere occasion and milestone in the ILO's history, to present not only our distinguished guest but also our distinguished host, Mr. Jean-Pascal Delamuraz, Federal Councillor of the Swiss Confederation and Minister of the Economy. Mr. Delamuraz has been in charge of the Swiss Federal Department of Economic Affairs, covering trade, agriculture and labour matters, since 1987. He is certainly an appropriate speaker for the ILO's 75th anniversary ceremony. First of all, Switzerland is respected the world over for its unique system of participatory democracy. Secondly, Switzerland has played a strong role in promoting and keeping peace far beyond its borders, as well as in maintaining a good record of social peace at home. Switzerland's reputation in these areas stems not only from the Government's policies and programmes in the developing world, but also from Switzerland's thriving and dedicated non-governmental organizations working often in difficult conditions, including areas struck by war and social conflict. I have great pleasure in introducing His Excellency, Mr. Delamuraz, as the ILO's guest speaker to commemorate our 75th anniversary.

However, before Mr. Delamuraz speaks, let us open our celebrations with a short concert from a string quartet composed of Mr. Roger Elmiger, violin, Mrs. Marie Sirot, violin, Mr. Max Lesueur, viola, and Mr. Stéphane Rieckhoff, cello. They will play for us a divertimento by Mozart in D major in three movements. Let the celebrations begin.

On behalf of the Conference I would like to thank the quartet for their musical interlude. I am sure your applause was an indication to them as to how much we appreciated their being with us today. It is a distinct pleasure and an honour for me to invite Mr. Jean-Pascal Delamuraz to take the rostrum.

Original French: Mr. DELAMURAZ *(Federal Councillor of the Swiss Confederation)* – The Government and the people of Switzerland are happy to welcome to Geneva, in the presence of the cantonal and municipal authorities who know how to bring the spirit of Geneva alive, the participants of this 81st Session of the International Labour Conference.

This is a very special session since it allows us to celebrate together the 75th anniversary of the foundation of the International Labour Organization which is a living and active defender of labour and workers.

At the same time as commemorating this impressive anniversary and the many years of service to mankind, we are also celebrating the 50th anniversary of the Declaration of Philadelphia which made the objectives of the International Labour Organization even more ambitious than before and brought the Organization into the fold of the United Nations system.

I would in particular like to welcome Mr. Gray, President of the Conference, and congratulate him on his election. I would like to thank him for having given me such a solid place of honour. This is the second time I have had the privilege to sit here. Believe me, given the fragility of our political careers we are used to ejector seats. So, a solid chair is quite symbolic.

I would like once again to wish the Director-General, Mr. Hansenne, every success in his important work, a task which he carries out with commitment and skill. I would also like to express words of gratitude to Mr. Francis Blanchard, former Director-General. We are all aware of his unforgettable services to this Organization and how he expanded its influence.

Born in 1919 at the same time as the League of Nations, the International Labour Office has shown us that despite all the real and imaginary upheavals which have taken place in three-quarters of a century, from the very outset, the ILO had taken the right path, undertaken the correct reforms and set out the pertinent tasks, because the major thrust of the Organization, as it remains with us today, was already in place then, conceived by inspired pioneers.

I think that this expression of gratitude to and recognition for those who set up this Organization, those who breathed life into it from the very outset and who then helped it to grow and prosper, is the main focus of our debates today. We acknowledge how much spirit, will and inspiration were required to ensure the success of this pioneering enterprise which we are all trying to make more vital than ever before.

The International Labour Organization generated hope and the basis for a revival after a long period of pain, destruction, poverty, disease, unemployment and social tensions. Since the very outset, the Organization has devoted itself to what I would call the focus of its work, which is to promote social justice, improve the conditions of work and strengthen the economic and social security of workers, namely to contribute to the attainment of the essential goal, ensuring the dignity of mankind and therefore to participate effectively and profoundly in the establishment of peace throughout the world. This mission, which has over the years extended to encompass the entire international community, is based on political peace, freedom and economic progress. These are essential prerequisites if mankind is to flourish, and be able to work with dignity, in security, without having to live in fear, need or poverty.

The Chinese scholar Lao-Tzu said that true words are never beautiful and that beautiful words are never true. This is why instead of indulging in rhetoric, I would like, with you all, to assess the experience gained in the ILO not just in the light of the lofty principles which guide the Organization but rather in the light of how these principles have been implemented on the ground and concrete achievements made.

The legacy of our Organization today is the basis on which we will build our future. I see that by building up a system of international standards, the ILO has, step-by-step, been able to meet the objectives enshrined in its mandate and that it has done this with skill, patience, but above all, because this is the vital ingredient, with tenacity and conviction. These human qualities which have enhanced the credibility of the Organization over the years, have made it possible for the Organization to carry out its difficult, sometimes impossible task, namely to build up the trust of nations during its most difficult missions. The ILO has taken decisive measures in order to harmonize working conditions throughout the world. It has also contributed to strengthening workers' rights and protection, improving social conditions and promoting, I repeat and cannot repeat often enough, promoting human dignity.

Today the ILO is no longer the only Organization to claim to be willing and able to act in this field because throughout the world, even if we welcome the progress of democracy, we can still see that peace is still under threat in many areas and that unemployment, hunger and poverty have not been overcome – far from it, and fundamental rights are under serious threat. Without these rights, there can be no dignity at work or social security, and other organizations, as well as States, are participating in the conquest or reconquest of what must be overthrown to enjoy the feeling of hope we have attained.

In view of past successes which however do not go far enough, what is the future task of the ILO strengthened by 75 years of achievements and experience? I see this future as, first and foremost, a time of action rather than submission when we will be duty bound to act rather than to react, to act rather than give in. This means we must be wary of activism that is rich in words but poor in action and avoid having to give in before we have even tried; we must be on top of situations, and in control before they arise. The International Labour Organization is not a contemplative order, it must continue its active role – act rather than give in, act rather than react. It should prepare events and act before a situation arises. This is the two-fold requirement for the future of our dear Organization.

I see this future as being organized along four main lines. Firstly, we should recall that the fundamental ideals of the pioneers because they have not all been realized must continue to be the stimulus and driving force of our Organization.

The need of the individual for a greater measure of freedom, justice, dignity, for work under humane conditions and for social security is just as urgent in 1994 as it was in 1919 or in 1944. It is this reminder of the underlying principles that motivate our action which should, to my mind, serve as the driving force of our Organization's future.

I should like to stress the exceptional and particularly welcome nature of the resources available to our Organization. We are familiar with them of course. They are practically taken for granted in our Organization, but we must recall their value beyond the Organization itself. The tripartite character of the ILO, embracing governments, workers and employers, is a very modern and up-to-date approach, indispensable for the future social development of our various countries on a world scale, but also on a continental and national scale.

This Organization is all the more indispensable in a rapidly changing world, in which individualism, which is welcome in some respects, and polarization, which is less welcome, constitute the focus of our action, which must be balanced on the basis of a consensus emerging from the tripartite source of our ideas and our decisions.

Our national and international societies are, in many cases, at the end of the twentieth century, in a state of conflict or on the verge of collapse. The tripartite organization of the ILO reminds us of the vital need for convergence, without which there can be no solid human or social construction. This is the second key to the future of our Organization: not so much a cult of the tripartite approach as respect and understanding for the extremely topical significance of this type of approach and of associated processes of reflection and decision-making.

The third main thrust concerns the search for and the development and consideration of standards which, to my mind, must be more robust. To fulfil our mission in the future, we must perhaps expect the ILO to produce fewer but better standards than those that we have devised in the past: standards adapted to the new conditions and circumstances prevailing in the world today, and which, because they are better, will be better accepted, experienced and received as a general discipline to which we submit, not out of necessity or constraint but willingly, in a positive and creative spirit.

Lastly, the fourth key to the future of the Organization is that of a more ambitious universal social framework than in the past, namely the economy. The economy, and more importantly labour, are ideally in the service of mankind. The objective for which we must strive is that social discrimination and differences between rich and poor peoples are scaled down and finally eliminated.

A crucial step has been taken in this direction after many years of laborious negotiations with the conclusion of the Uruguay Round of GATT in April this year. But although it is generally agreed that this is a great opportunity for jump-starting the world economy through the strengthening of the multilateral system, we must none the less recognize that this economic boost is insufficient to absorb all of the unemployed.

I, therefore, consider that in addition to its traditional mission our Organization must wholeheartedly go along with this process of globalization and restructuring of the world economy and of the gradual liberalization and globalization of world trade.

The new international distribution of labour, which places workers in all regions of the world in direct competition, should offer our Organization the opportunity to be strong and to take rigorous steps to ensure the harmonization of conditions of work and social security throughout the world. In particular, emphasis must be placed on labour standards associated with trade with a view to opening a dialogue with the future World Trade Organization.

I have noted that our fields of competence are not disputed but rather shared with other organizations. I am deeply involved in this issue and this approach, which are vitally important for the ILO's future. The ILO must be the ideal partner of the future WTO, and of the World Bank, the IMF, UNCTAD or the OECD, to cite only a few of the international organizations whose basic objectives of economic globalization must be accompanied by a heightened social awareness.

The ILO must be the cornerstone of the World Summit for Social Development in March 1995 and of the follow-up activities that ensue from this flagship event for the organization of tomorrow's world.

I am therefore launching a strong appeal for a robust ILO in the future. I also urge our Organization to coordinate action with its international sisters.

Lastly, I appeal to our Organization and its constituents to seize the tremendous opportunity available to them and to us to make the ILO the social conscience of tomorrow's world. The GATT negotiations finally succeeded because the political will was there. The ILO must also summon up the necessary political will, as it has done so successfully in the 75 years since its foundation, but with greater energy and at a higher level in order to continue to fulfil its mission in this field and with the new dimension that the future holds.

The ILO must be the driving force of this essential worldwide effort of reflection and in order to prevent decisions from being made in its absence, it must engage in meticulous conscientious and long-term work.

In this spirit, I urge the ILO to spell out as soon as possible the substance of the fundamental social rights that have been ratified by all and universally accepted. I also urge it to improve available means for implementing those rights and to extend its hand to its as yet unknown sister, the World Trade Organization, so that supervision of the relevant multilateral standards takes place on a commonly agreed basis.

Our societies are on the move. People are throwing off their chains. Young people in all countries are looking towards new shores where they may hoist the banner of hope, the symbol of success represented by access to decent jobs; the less young should also remain active in order to enrich the world of work with their skills and experience.

The ILO must play a leading role in this new world. As its social conscience, it should endeavour to make it a more humane place, inspiring every individual with hope, reminding governments of the need for strict compliance with their commitments and encouraging the social partners to find new and imaginative solutions and to become involved in defining the social framework of future world trade.

Switzerland is proud to be the seat of the ILO and to welcome here each year this world parliament of labour: your Conference, our Conference. Switzerland will make every effort to ensure that Geneva remains the focus of this moral, economic and social awareness so that Switzerland and Geneva further strengthen their role, conferred on them by the presence of the international organizations on their territory, as a meeting place and a place of rapprochement between all men and women.

This morning's ceremony is highly significant, as a celebration, the 75th anniversary of an organization which, despite the vicissitudes of world history, has been able to maintain its momentum and its firm political will to place its potential at the service of freedom and human dignity.

Happy 75th birthday to the International Labour Organization. May it continue along its present path, a path that contributes to world peace.

The PRESIDENT – Mr. Delamuraz, on behalf of the Conference and indeed on behalf of the International Labour Organization, I want to thank you for your very inspiring, interesting and informative commentary. We look forward to our next 75 years; with the inspiration and good wishes you have extended to us, I am sure it will be a very fruitful period. Thank you again.

It is now my pleasure to give the floor to a gentleman who needs no introduction, the Director-General of the ILO, Mr. Michel Hansenne.

Original French: The SECRETARY-GENERAL – Mr. Federal Councillor, Ladies and Gentlemen representing the Canton and City of Geneva, Ladies and Gentlemen, special guests of the Conference, Mr. President, the Vice-Presidents, Ministers, Delegates, Ladies and Gentlemen. To commemorate the past is first and foremost to pay tribute to it. To pay tribute to 75 years of commitment to social justice, we must first vow to pursue the ideal which inspired our predecessors and determine how to put that ideal into practice in the world of today and tomorrow.

In the past five years the world has changed drastically. It is an open world, replete with promises and opportunities. It is also a confused world fraught with dangers, and it is in this changing and sometimes crazy world that we must perform our task. It is our world and our changes must keep pace with its changes. The time has come for us to make choices. The title of the report that I have the honour to present to you traces the path which I propose that we should follow: making the necessary changes to enable us to continue to defend the values in which we believe.

To make these changes we must first evaluate three things: our tripartite structure, our programmes of activities, and our place and role in the international system.

First, let us focus on tripartism, the product of the intuitive genius of the founders of our Organization. In 1919, for the first time in history, but also for the last time, an international organization recognized the existence of civil society by involving that society in all stages of its decision-making process. This stroke of enlightened genius was to become the main feature of the ILO and to mark both its organization and its methods of work. It must be acknowledged, however, that despite the efforts made by the ILO during its 75 years of existence, tripartism has by no means become a universally accepted value, let alone a universally practised one. This makes the paradox with which we are faced today all the more astonishing.

On the one hand, following the collapse of communism and of very many rightist dictatorships, the chances of establishing authentic tripartism, one based on the genuine independence of the social partners and their ability to negotiate, have never been so great both in the East and in the South. And yet at the same time the faith of the countries of the North in the very process which permitted them to establish democracy is wavering under the pressure of various factors. The representativeness of employers' and workers' organizations is being called into question along with their ability to conclude major labour agreements. This is the first challenge we face because the efficiency of the ILO depends first of all on the existence of active, effective and open-minded tripartism in all our member States. Three issues are particularly worthy of our attention.

First, we must support the establishment of free and responsible employers' and workers' organizations throughout the world. We must set up machinery to facilitate and strengthen collective bargaining and social dialogue by these organizations, and we must continue to provide training in this field. Our efficiency will also increasingly depend on the possibility of cooperating within each member State with a person at the ministerial level capable of being a real driving force for this policy of tripartism both in respect of labour questions and in respect of employment.

Such close collaboration with the tripartite constituents of the ILO in each member State, together with their constant support, constitutes the very essence of the policy for active partnership that we are now pursuing.

This policy represents the natural progression in the intensive participation of the ILO in the development cooperation activities of the United Nations system. Basically, it entails ensuring that our constituents have the necessary means to fulfil their responsibilities and offering the timely guidance and technical advice they are entitled to expect from us to solve the problems they encounter.

Lastly, it seems to me that the tripartite bodies of the ILO should endeavour to unite and cooperate to the maximum degree with all groups and associations concerned with social problems so as to continue to be the social conscience of the world and of the United Nations system. Mr. Delamuraz appealed to us to do just that in his statement a few moments ago.

But the weakening of tripartism and the hampering of social dialogue are unquestionably closely linked with the scope and lasting nature of the economic crisis. That crisis cannot be understood without referring to world economic upheavals.

The globalization of the economy has in recent years advanced with dazzling speed. The development of world trade in goods and services, of the international flow of capital, of the role of foreign investment in the building up of the national product, the growing interconnection of financial markets and the increasing role of multinational enterprises in economic activity bear witness to this. The ability of nation States to influence economic policy is seriously undermined by this internationalization of investment and international cash flows, as well as by the ease with which production can be transferred. The process of internationalization also reveals the limitations of the current instruments for regulating economic and social activities. It is becoming increasingly difficult for collective bargaining at the national level to achieve satisfactory results. The numerous failures of collective bargaining undermine consultation mechanisms and even threaten the social partners themselves.

On the other hand, the globalization of trade is giving rise to unprecedented and widespread social problems. Inequality is persisting and worsening, and new types of inequality are emerging between States and within them. No country can be sure of remaining untouched by serious social problems such as rising unemployment and spreading poverty.

What activities should we be promoting in this new environment?

The International Labour Organization became known at first as an institution to turn to in the field of labour law. A substantial proportion of its activities was devoted to building up an international labour code. Its achievements are remarkable and unquestionably still relevant today. It is, however, becoming increasingly risky to promote the protection of labour without simultaneously taking into account the obligation of States to promote employment. In other words, one cannot undertake an analysis of labour legislation without giving detailed consideration to economic policy. We must therefore concentrate, both on the right to work and on labour law.

This appears to me to imply a certain degree of refocusing of our standard-setting activity. First of all, we need to choose as themes for new international labour standards only those subjects we believe to be truly essential. We should also reinforce the supervision by the Organization of the respect by member States of certain basic social rights by using a procedure similar to that which already exists to examine complaints of violation of freedom of association. This could apply to discrimination in employment or forced labour. We might also envisage new means of action, such as the creation of a standing international body for mediation and voluntary arbitration. This would be entirely consistent with the ideas of the founders of the ILO, and often repeated since: violations of the Organization's standards should be ended by means of persuasion and dialogue.

We should also be more active in the field of employment. I propose that the Office should draw up an annual report containing a carefully researched factual analysis of the world employment situation and the effects of economic and financial policies on it. The aim of this report would be to define means to promote a fair distribution of wealth by developing employment in a more open context of increased trade relations and freer movement of capital. The need to adapt to change is obvious, but we must also assess the effectiveness of adjustment policies as they relate to employment, standards of living and working conditions.

On the basis of this work, the International Labour Conference – and indeed the Governing Body – should ensure that employment is constantly on its agenda in order to assert its international authority in this respect.

This leads me to the third issue which we should be examining at this Conference. What is our role on the international scene?

As I have said, the liberalization of trade and international movement of capital offers the world reasonable prospects for economic growth, increasing employment and declining poverty, but in no way does it guarantee an automatic improvement of social justice. The international community must attach much greater importance to the social aspects of globalization, and must take them fully into account when introducing machinery and measures to ensure adequate control over the world economy.

For example, the globalization of the economy has highlighted the problem of linkage of fair labour standards and international trade. That is the issue of the social clause.

Today, I do not think that we can avoid discussion of this issue any longer. In my Report to the International Labour Conference, I have striven to initiate a free and open debate on the subject of the social clause. Since then, the signing of the Uruguay Round agreements has made the subject still more urgent.

I am convinced that it is consistent with my role, and with the role of the International Labour Office, to endeavour to promote better mutual understanding in order to prevent that this debate, whether it is taking place in the World Trade Organization, the GATT or the ILO, should lead to the adoption of intransigent or even restrictive positions – a shouting match with allegations of social dumping on the one hand and disguised protectionism on the other. The fresh impetus given to multilateral cooperation by the Uruguay Round agreements unquestionably offers an unprecedented opportunity to the international community of progressing in this debate, an opportunity we must not fail to seize.

It is the duty of the international community to work out a multilateral approach to this problem, failing which free reign will be given to the discretionary power of one or more States. A multilateral approach must, in clear terms, pursue the twofold goal of enhancing respect for workers' rights and promoting social progress everywhere in the world, which implies that everyone has a right to development.

I am convinced that such an approach must be based on the principles already accepted by the international community. These include the ILO Conventions relating to basic human rights, such as the Conventions guaranteeing freedom of association and collective bargaining and those which forbid forced labour. These Conventions have been adopted freely by the International Labour Conference and they have been widely ratified by the great majority of countries. All countries, irrespective of their level of development, can, if they have the political will to do so, observe the principles of these instruments.

The ILO also has the technical equipment it needs to deal with these matters: its tripartite structure, its procedures for framing international labour rules, its detailed knowledge and experience of these problems and, above all, machinery respected the world over for the impartial and strict supervision of the application of these rules by the member States. Making optimum use of our heritage will offer the best guarantee of a multilateral response to this great challenge. Indeed, the effectiveness of ensuring social orientation for world trade depends essentially, in my opinion, on the effectiveness of active tripartism in member States.

In referring to the problem of the relationship between trade and the demands of social justice, I am prompted to refer to the role of the ILO on the international scene today.

In the institutional system set up after the War, a very clear division was created between, on the one hand, the main economic and financial institutions, those known as the Bretton Woods institutions, i.e., the World Bank and the International Monetary Fund (IMF) and, on the other hand, the United Nations agencies with a social mandate, such as the International Labour Organization. Since then, the gap that separates them has simply widened. Undoubtedly, efforts have been made to forge links between these institutions but these links are, at the very least, tenuous.

I think the time has come to forge close and firm links between these institutions. One cannot envisage social progress without considering economic and financial policies, and these economic and financial policies cannot be formulated without taking into account their social implications, or the effect will be to worsen these problems, rather than resolving them.

We do not need to create new institutions. What we need is to create new forms of synergy between existing institutions which would help them to work closer together in order to bring about true political cooperation. This new form of cooperation, I believe, implies the establishment of a dual mechanism with a technical aspect and a political aspect.

As far as the technical aspect is concerned, the main international agencies responsible for economic, financial and social problems such as the IMF, the World Bank, the future WTO and the ILO must organize themselves flexibly in order to prepare each year a set of recommendations which are aimed at guaranteeing better functioning of the world economy, with the prospect of creating greater well-being for the greatest number of people.

Politically speaking, these recommendations will be submitted for approval to a representative ministerial meeting. The Jobs Summit held in Detroit organized by the G7 seems to me to be exemplary in this field. It brought together those responsible for finances and economic affairs with ministers of labour.

This ministerial meeting could be patterned on the model of the Interim Committee of the IMF which is already accustomed to issuing such recommendations. The committee could be extended on this occasion to include ministers responsible for trade and ministers of employment and labour.

The World Summit for Social Development which is to be held next year following the 50th anniversary of the United Nations, should be an opportunity to finalize these new international mechanisms in order to analyse and monitor new trends and situations at the global level, to give advice on this subject and to prepare integrated economic and social policies aimed at solving social problems.

The ILO must be closely implicated in these mechanisms. Having received as a general mandate the task of promoting social justice it should be recognized that its particular responsibility is to work along these lines with organizations active on the international economic scene, whether it be in development, finance or commerce.

I am not trying to claim a particular place for our Organization. It is simpler than that. It is a legitimate attempt to try to make a contribution to the solution of problems which are leaving the world in disarray. We must help politicians to respond and to answer the question which many people are asking them: Where does social justice come in their lists of concerns? No one can accept a situation whereby the law of the jungle continues to be imposed on so many men and women and is even receiving a new impetus under the banner of generalized competition. If we were to allow competition to develop in an unbridled manner, we would be undermining the positive developments which have emerged over the last few years.

For a tree to continue extending its branches, it needs roots which are very deeply embedded in the soil. The same goes for this Organization. With our present 171 member States, we have never before been such a universal Organization. In order to serve the world in which we live today we must change what has to be changed, but in a spirit of fidelity to our past by drawing on it to serve our current needs.

By proceeding in this way in Philadelphia 50 years ago our predecessors brought about the first rebirth of our Organization. It is along the same lines that I call upon you all to work today on what I do not hesitate to call the second rebirth of the International Labour Organization.

The PRESIDENT – On my own behalf, and on behalf of the officers of the Conference, I wish to thank the Secretary-General for his inspiring words.

I give the floor to the Clerk of the Conference.

The CLERK OF THE CONFERENCE – Mr. President, if you will allow me now, I invite you as well as the Vice-Presidents, and Mr. Delamuraz and Mr. Hansenne to open officially the Golden Book which has been put at the disposal of all the delegates and to sign it. This Golden Book will be open during this session of the Conference and all delegates who speak in this plenary will be invited to sign it.

(The Golden Book is signed.)

(The Conference adjourned at 12.45 p.m.)

Third sitting

Tuesday, 7 June 1994, 3 p.m.

President: Mr. Gray

SUBMISSION OF THE ANNUAL REPORT OF THE GOVERNING BODY TO THE CONFERENCE BY THE CHAIRMAN OF THE GOVERNING BODY

The PRESIDENT – The first item on our agenda this afternoon is the presentation of the annual report of the Governing Body of the ILO. I give the floor to Mr. Nkomo, Chairman of the Governing Body, to present his oral report.

Mr. NKOMO *(Chairman of the Governing Body of the International Labour Office)* – In accordance with article 14, paragraph 1, of the Standing Orders of the Governing Body, I have the honour to report to the International Labour Conference on the work of the Governing Body during the preceding year. This is the first time that an oral report of this kind has been presented to you; in previous years the Conference always had before it a written report adopted by the Governing Body itself at its May Session just before the Conference, and the Chairman merely updated the report. However, since the May Session has been abolished in the framework of the reforms in the functioning of the Governing Body which were introduced last year, it now befalls the Chairman of the Governing Body to report orally to the Conference on the work carried out by the Governing Body during the whole of the preceding year. My report will therefore cover the proceedings of the Governing Body at its post-Conference 257th Session in June 1993, 258th Session in November 1993 and 259th Session in March 1994. Without entering into excessive administrative details, I shall highlight the main decisions and debates of the Governing Body at those sessions, particularly those which affect the work of the International Labour Conference. I should also add that, as required by article 14, paragraph 1, of the Standing Orders of the Governing Body, I have consulted the two Vice-Chairmen on the contents of my report.

As you know, elections took place at the 80th Session of the Conference last year to renew the membership of the Governing Body for the 1993-96 period. The reconstituted Governing Body met for the first time at the 257th Session on 23 June 1993. It began by electing its Officers for the 1993-94 year. I had the honour of being elected Chairman, and Mr. Oechslin and Mr. Brett were elected Employer and Worker Vice-Chairmen respectively. The Governing Body then proceeded to organize its work. The renewal of its membership in fact provided an ideal opportunity to put into effect the new arrangements resulting from the far-reaching reforms in its functioning which the Governing Body had adopted in May 1993.

These reforms involved, in particular, changes in the timing and length of its sessions, a thorough reorganization of its committee structure and the redistribution of work between the Governing Body, its committees and its Officers, and changes in methods of work notably with a view to streamlining its work and enabling the Governing Body to concentrate more on its essential decision-making and policy guidance functions. While the new structure is still in an experimental stage and may need to be adjusted further in the light of experience, I believe these changes have, on the whole, been positive and have contributed to a considerable streamlining of the work of the Governing Body.

Henceforth, the Governing Body will hold two main sessions per year – an autumn session in November and a spring session in March or early April, together with a brief one-day session immediately following the Conference to elect the Officers, examine the report of the Committee on Freedom of Association and consider any urgent business which cannot await the autumn session. Now that the one-week session in May has been done away with, the work of the Governing Body has been redistributed between the autumn and the spring sessions, and this has in particular produced a major change in the timetable for deciding the agenda for the International Labour Conference.

Previously, the Director-General's proposals for the agenda of a given Conference session were first discussed by the Governing Body in May – two years before the session concerned – and the final decision was taken in November, i.e., 18 months before that session. Henceforth, the first stage of the discussion – to identify subjects from which agenda items are to be selected – will take place at the autumn session, two-and-a-half years before the related Conference session, and the decision will be taken at the following spring session, i.e. some 27 months preceding the Conference. This new timetable has the advantage of giving the Office and ILO constituents more time to carefully prepare standards; moreover, governments will have longer to consult the social partners and prepare their replies to ILO questionnaires.

Since the 1993-94 biennium marked the transition between the old and the new agenda-setting procedures for the Conference, the Governing Body was exceptionally required during this period, to set the agendas for two successive sessions of the Conference. Therefore, at its 258th (November 1993) Session, the Governing Body not only decided the agenda of the 82nd (1995) Session of the Conference, but also started discussing proposals for the agenda of the 83rd (1996) Session of the Conference; during its 259th (March 1994) Session, it made the final decisions on the 1996 Conference agenda.

For 1995, the Governing Body decided that, in addition to the standing items for the Conference and the technical item on safety and health in mines which would be carried over from 1994 for second discussion, the following items would be placed on the agenda: (a) home work (first discussion); and (b) extending the Labour Inspection Convention, 1947 (No. 81) to activities in the non-commercial sector (single discussion).

For the 1996 Conference agenda, apart from standing items and second discussion of the standard-setting item on home work, the two following topics were selected for general discussion: (a) employment policies in a global context; and (b) tripartite consultation at the national level on economic and social policy.

Other matters which were considered directly by the Governing Body during the reporting period relate to preliminary consultations on the Programme and Budget for 1996-97, the work of the ILO's regional conferences and questions relating to special procedures under the ILO Constitution.

The practice of holding a preliminary consultation on the programme and budget proposals for the following biennium one year in advance of the detailed consideration and approval of those proposals was inaugurated at the 245th (February-March 1990) Session of the Governing Body in connection with the preparation of the Programme and Budget for 1992-93. This exercise – which was found extremely useful in setting the main priorities and providing the Office with the policy guidance needed for preparing the detailed programme and budget proposals – was repeated in February 1992. On both occasions, the process of consultation was undertaken through the Programme, Financial and Administrative Committee of the Governing Body. This year, the task of setting the main guidelines for the preparation of the Programme and Budget proposals for 1996-97 was taken directly by the Governing Body at its March 1994 Session. However, the discussion has not yet been completed; in view of the major debate on the future of the ILO to take place at this year's Conference on the basis of the Report of the Director-General, the Governing Body has decided to revert to an examination of the main policy issues to be addressed in the preparation of the Programme and Budget proposals for 1996-97 in light of the discussion of the Director-General's Report by the Conference; the Governing Body's discussion of this issue will therefore be resumed at its 260th Session on 25 June this year.

As regards the original dimensions of the ILO activities, the Governing Body plays an important role in convening ILO regional conferences, deciding on the agenda and functioning, and ensuring follow-up. A major event during the past year was the Eighth African Regional Conference in Mauritius from 19 to 26 January 1994. As Chairman of the Governing Body, and coming myself from the African region, it was a particular honour and pleasure for me to open that Conference, which proved to be an outstanding success, not least of all due to the generosity and efficiency of our Mauritian hosts. The Eighth African Regional Conference adopted conclusions on entrepreneurship and small enterprise development in urban and rural sectors. It held a general discussion on social security and social protection during periods of structural adjustment change, and adopted a series of resolutions on: ILO technical cooperation in Africa; structural adjustment and development in Africa; South Africa; the devaluation of the CFA franc; and promoting the advance of democracy in Africa. At its 259th (March 1994) Session, the Governing Body endorsed all these texts and decided on the follow-up to be given to them. At the same session, it also took decisions on the next meeting in the cycle of regional conferences, i.e. the Fifth European Regional Conference which it decided to convene in Warsaw from 20 to 27 September 1995. On the recommendations of its European members the Governing Body decided to place on the agenda of that conference one policy theme, namely the strengthening of tripartite structures for the development of active employment policy, and one technical subject, the coverage and the financing of social protection. The Fifth European Regional Conference will complete the cycle of regional conferences held according to the new organizational pattern, which was begun in Bangkok in December 1990 and was continued in Caracas and Mauritius, and the Governing Body will proceed to examine, on the basis of experience acquired so far, what further improvements should be made in the functioning of regional conferences.

As regards standard-setting work, I shall report to you on the main decisions in the field when I come to the work of the individual committees. However, the Governing Body deals directly, on the advice of its Officers, with special procedures initiated under articles 24 and 26 of the ILO Constitution. At its 257th (June 1993) Session, the Governing Body declared receivable a representation under article 24 of the Constitution, alleging non-observance by Poland of the Employment Policy Convention, 1964 (No. 122), and set up a tripartite committee to examine it. Similarly, article 24, representations alleging the non-observance by Brazil of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), and non-observance by Guatemala, of the same two Conventions were declared receivable by the Governing Body in November 1993 and March 1994 respectively. Two committees were established to examine them. In November 1993, the Governing Body approved the report and findings of the committee which it had earlier set up to examine a representation alleging non-observance by Sweden of the Employment Injury Benefits Convention, 1964 (No. 121), and declared closed the procedure initiated under that representation.

As I mentioned at the outset, reforms of the functioning of the Governing Body, adopted in May 1993, entailed in particular a major restructuring of the Governing Body's standing committees, the number of which was reduced from ten to six. With the exception of the Committee on Freedom of Association and the Programme, Financial and Administrative Committee, which remained unchanged, the existing committees were abolished and their functions were entrusted to four new bodies: the Committee on Legal Issues and International Labour Standards, the Committee on Employment and Social Policy, the Committee on Technical Cooperation, and the Committee on Sectoral and Technical

Meetings and Related Issues. At its post-conference session in June last year, the Governing Body determined the terms of reference and composition of these committees, and the new committees met for the first time in November 1993.

As you know, the Committee on Freedom of Association plays a key role in ensuring respect for the basic ILO Conventions relating to freedom of association and other trade union rights. At the November 1993 and March 1994 Sessions, the Committee examined a total of 64 cases in substance. A few salient features of its work deserve to be highlighted.

Firstly, the number of pending cases at those two sessions has reached record levels (113 and 110 cases, respectively). The trend observed in recent years with regard to the type of issues raised in these complaints has been confirmed: an increasing number of cases concern complex industrial relations issues in connection with collective bargaining, labour disputes, etc., whereas the share of complaints relating to violations of human rights had diminished relatively. Besides the cases which it examined in substance, the Committee also considered the follow-up given by governments to its earlier recommendations in 29 cases, and it was able to note favourable developments in the observance of trade union rights in several countries and, in particular, Argentina, Kenya and Zambia.

Finally, in March 1994, the Committee on Freedom of Association submitted to the Governing Body a report on the measures taken by the Government of South Africa to give effect to the Fact-Finding and Conciliation Commission on Freedom of Association and, in accordance with the applicable procedure, this report was transmitted to the Economic and Social Council of the United Nations.

In view of the importance and urgency of the cases it deals with, the Committee on Freedom of Association is the only committee which meets three times a year. It held its last meeting last week on 1 and 2 June and its report will be considered by the Governing Body at its 260th Session immediately following this Conference.

The new Committee on Legal Issues and International Labour Standards has taken over most of the functions of the former Committee on Standing Orders and the Application of Conventions and Recommendations and the Committee on Discrimination.

As regards legal issues, the Committee examined at the 258th (November) Session the practical and standing orders implications of the reforms set out in the final report of the Working Party on Improvements in the Functioning of the International Labour Conference. In relation to the work cycle of preparations for the Conference, the Governing Body recommends that the Conference amend portions of its Standing Orders that deal with the preparatory stages of single and double-discussion procedures (article 38, paragraphs 1 and 3, and article 39, paragraphs 1 and 2). In the case of a double discussion, this would mean that first reports would reach governments 18 months before the opening of the Conference session, and that governments would have three additional months to prepare their replies to the Office questionnaire. The Governing Body decided in principle that any second discussion of an item placed on the agenda of the Conference for revision in place of a general discussion should be undertaken at the next budget session following the first discussion, and that consideration be given later to amending the Conference Standing Orders in the light of experience. It was agreed that the statement of existing law and practice would be submitted to the Governing Body only where the matter of the subject required it.

At its 259th Session, the Governing Body decided that in general an electronic voting system would be used again in 1994 for the various methods of voting in plenary set out in the article 19 of the Standing Orders of the Conference, and that it could also be employed on the Resolutions Committee for the vote on the priority order of resolutions if the necessary facilities were made available. In the light of a situation which had arisen at the 1993 Conference, the Governing Body endorsed a practice to deal with a resolution which has been deposited on time but before the submission of its author's credentials to the Conference. On another topic, the Governing Body asked to be kept informed of developments related to a report it had examined on the external competence of the European Community and the ILO's standard-setting activities following the opinion delivered by the Court of Justice of the European Communities. It also approved the Standing Orders for the forthcoming Tripartite Meeting on Maritime Labour Standards.

With regard to the application of international labour standards, the Governing Body approved at its 258th November 1993 Session the report for the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) adopted by the Conference at its past session. It also selected the following Conventions and Recommendations for reporting under article 19 of the Constitution: in 1995, the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978; and in 1996, the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168), 1983.

At the same session, the Governing Body adopted a series of measures concerning the adjustment of the ILO's regular supervisory procedures, which essentially concern the frequency of reports. These adjustments are described in paragraph 115 of the Report of the Committee of Experts on the Application of Conventions and Recommendations which you have before you at this session (Report III (Part 4A)). In addition, the date of the Committee of Experts' meeting has been changed and will in future be set for the first two weeks of December. The new arrangements will come into operation in 1995 and will be reviewed after a trial period of five years.

On matters relating to discrimination and other human rights issues, the Governing Body has decided to give particular attention at its November 1994 session to the preparation of the 1995 Fourth World Conference on Women.

At its November 1993 session the Governing Body noted the adoption of the Vienna Declaration and Programme of Action at the World Conference on Human Rights and regretted that the ILO had not been consulted more fully. At its March 1994 session, it was informed of continuing consultations with the United Nations on how to implement the Declaration and on the appointment of the High Commissioner on Human Rights.

The Governing Body discussed, in November 1993, the progress of South Africa's efforts to achieve full democracy and to abolish apartheid. It decided at that session to suspend the application of the Declaration concerning Action against Apartheid, and adopted a plan of action for ILO assistance to South Africa after the installation of a democratic government. This discussion was held in the presence of a tripartite multi-racial delegation from the National Manpower Commission of South Africa. In March 1994, it noted further progress and also decided that the ILO should immediately make a contribution to voters' education before the holding of the multi-racial parliamentary elections in April 1994. Following all these positive developments, it is now a great pleasure for us all to welcome South Africa back in the ranks of the ILO.

At its March 1994 Session, the Governing Body again decided in favour of holding a special sitting at the 81st (1994) Session of the Conference for the consideration of the Director-General's Report on the Situation of Workers of the Occupied Arab Territories along the same lines as the special sittings organized at the preceding sessions of the Conference. Proposals in this regard will be made to you by the Selection Committee of the Conference. The Governing Body also took note at the same session of a report on ILO activities in the Gaza Strip and the West Bank.

The Committee on Legal Issues and International Labour Standards has established a Subcommittee on Multinational Enterprises, responsible for monitoring ILO work relating to multinational enterprises and, in particular, the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

At its 258th Session in November 1993, the Governing Body launched the sixth survey on the effect given to the Tripartite Declaration which will cover four years – (1992, 1993, 1994 and 1995) – by approving the questionnaire for this survey and inviting the Director-General to send it to governments, employers' and workers' organizations with a view to receiving replies by the end of February 1996. At the same session, the Governing Body noted with satisfaction the promotional activities, completed publications, and ongoing research carried out by the Office in the field. The Governing Body also took note of information on developments in other international organizations having instruments or programmes pertaining to multinationals and urged that links with these institutions be strengthened.

The Committee on Employment and Social Policy has taken over the former functions of the Committee on Employment with wider terms of reference covering most of the ILO's major technical programmes. The new committee met in November 1993 and March 1994, and has continued the earlier committee's practice of double discussion of technical issues. Thus in November 1993 it completed a second discussion of an item on active labour market policies in a wider context, and in March 1994 had a first discussion of the item on industrial relations and employment. In November 1993 the Committee also received a paper on patterns of employment growth and generally agreed that the regular presentation of a similar paper would be valuable. The particular paper could be helpful in preparing the ILO's contribution to the World Summit for Social Development. An agenda item foreseen for March 1994 on the employment and social impact of structural adjustment was postponed until November 1994.

The Committee now examines the effects to be given to various Conference resolutions which include follow-up to two resolutions adopted by the Conference in 1993 concerning social protection and the alleviation of unemployment and poverty and the social dimension of structural adjustment and transition to a market economy and concerning exposure to and safety in the use of biological agents at work, respectively. It also receives the reports of certain ILO meetings. The latter had included the Meeting of Experts on Working Time, the Tripartite Regional Meeting of Experts on Social Security in the Americas and the Symposium on Workers' Education and Environment, which all took place in October 1993.

In addition, the Committee has taken over from the previous International Organizations Committee responsible for matters related to the environment and development. In March 1994, it took note of an office paper which set out the action taken regarding the follow-up to agenda 21 adopted by the United Nations Conference on Environment and Development in Rio de Janeiro in 1992.

Regular agenda items for November meetings of the Committee have included activities and collaboration with the Bretton Wood institutions in relation to structural adjustment and follow-up to the ILO High-level Meeting on Employment and Structural Adjustment in 1987. In November 1993, a discussion on the latter item touched upon the possibility of convening a second high-level meeting in advance of the World Summit. In a subsequent Governing Body discussion a decision on holding a high-level meeting was postponed. Instead, one day will be set aside early in this session of the International Labour Conference – that is, this coming Friday, 10 June – for the ministers present as well as employers' and workers' representatives to discuss the paper which the ILO has been invited by the United Nations to submit to the second session of the Preparatory Committee of the World Summit for Social Development.

The Governing Body has continued to follow closely developments relating to the World Summit through the special working party which it has set up for that purpose. This concern has been – and continues to be – that the ILO experience and the views of its tripartite membership should be fully drawn upon and that the ILO should be given a central role in preparations for and the follow-up to the Summit. To this end, the Governing Body at its November 1993 Session, made a statement which was transmitted to the Preparatory Committee for the Summit and which contained the Governing Body's views on the issues to be addressed by it.

Subsequently, at its March 1994 Session, the Governing Body on the recommendations of the Working Party adopted a list of points to be transmitted to the United Nations for inclusion in a draft declaration and programme of action which the secretariat for the Summit will be submitting to the Preparatory Committee at its next session in August this year.

Through its new Committee on Technical Cooperation, which is the successor of the former Committee on Operational Programmes, the Governing Body at its November 1993 Session reviewed ILO technical cooperation in 1992-93 including action to be taken on the resolution and conclusions concerning the role of the ILO in technical cooperation adopted by the Conference in 1993.

The Governing Body requested the Director-General to report to the next meeting of the Committee on Technical Cooperation on the progress made: (a) in integrating environmental issues into ILO technical cooperation; and (b) in the implementation of the active partnership policy as it related to the technical cooperation programme with special emphasis on the assistance the new multidisciplinary teams have been able to give in this respect.

The Governing Body also requested the Director-General: (a) when making proposals for the agenda of the Conference in the future to bear in mind the request made in paragraphs 6 and 52 of the conclusions of the Conference to conduct a review of the ILO's technical cooperation programmes every five years; (b) to take fully account of the resolutions and conclusions in the future development of the technical cooperation programme to keep the Committee informed on the follow-up action taken through the periodic reports submitted and to seek the Committee's guidance on relevant issues as necessary; (c) to ensure that the strategy paper described in paragraph 23 of the conclusions is submitted to the Committee on Technical Cooperation at its next meeting.

The Governing Body also requested the Director-General to submit to it at regular intervals and, if feasible, on a yearly basis a progress report highlighting the principal issues taken by the ILO with a view to the progressive implementation of the United Nations General Assembly resolution 47/199 concerning triennial policy review of the operational activities for development within the United Nations system.

The Governing Body's new Committee on Sectoral and Technical Meetings and Related Issues, which has succeeded the former Industrial Activities Committee, is responsible for monitoring the ILO's sectoral activities and, in particular, for selecting, preparing and following up on the ILO's sectoral committees and similar meetings.

The Committee, which met both in November 1993 and March 1994, has made recommendations to the Governing Body on the follow-up to be given to four sectoral meetings and the composition of two meetings and on various other questions under its purview.

In March 1994, the Committee was called upon to launch an important review of the sectoral activities programme as provided for in the Programme and Budget for 1994-95 adopted at the 80th Session of the International Labour Office. This evaluation exercise covered the planning, preparation and follow-up of sectoral meetings, as well as other policy issues relating to these meetings. The Office submitted to the Committee for consideration a paper based on a wide consultation of governments, employers and workers' organizations and of participants at recent ILO sectoral meetings, a self-evaluation by the Office and an analysis of the sectoral distribution of employment and the review of the history of industrial meetings and of past reform efforts.

The Committee gave its full support to the maintenance of a sectoral activities programme, and agreed that changes were needed with regard to, inter alia, the proportion of resources allotted to meetings and to other means of action, or to the organization of meetings, which the Committee felt should be shorter and more focused.

In view of the number of issues requiring further consideration, and the need to take any agreed changes into account in the Programme and Budget for 1996-97, the Committee requested the Office to prepare a paper in the light of its discussions for submission to a Working Party of the Committee which would meet during the session of the Conference, and whose recommendations would be submitted to the Governing Body by the Committee, in November 1994.

Lastly, but not the least importantly, the Governing Body took a large number of decisions on programming, financial and staff questions through its Programme, Financial and Administrative Committee (PFAC). I shall not go into very much detail here, as many of these questions will come before you from the Finance Committee of this Conference.

You all recall that in anticipation of potential income shortfalls in 1992-93, due to uncertainties as to the timely collection of contributions from some member States, the Governing Body had approved expenditure reduction, totalling US$30 million, at its November 1992 and February-March 1993 Sessions. The receipt of a substantial part of these contributions in the latter part of 1993 resulted in a plus surplus in the 1992-93 biennium, and this led the Governing Body in March 1994 to propose to the Conference, as an exceptional one-time measure, a partial waiver of article 18 of the Financial Regulations, so as to permit the use of a large part of this plus surplus for programme activities. At the same time, the Governing Body reviewed the provisions of the Financial Regulations governing cost surpluses and deficits.

The Governing Body decided to give effect to the proposal of the Building Subcommittee of the PFAC to build new premises for the ILO office in Islamabad, and in accordance with the authority delegated to it by the Conference to accept with gratitude the gift by the Government of Pakistan of a plot of land for this purpose. Following a visit on the spot by the Building Subcommittee, the Governing Body approved a detailed plan of work in March 1994.

In March 1994, the PFAC considered the procedure of the approval of the audited accounts resulting from the suppression of the May Session of the Governing Body, to which these accounts are traditionally submitted. It was decided that the PFAC and the Governing Body would hold a short meeting early during the Conference, and this Conference is due to take place on 11 June – this coming Saturday – to approve these accounts and transmit them to the Conference.

For its Government members, the PFAC also makes recommendations to the Governing Body and the Conference on allocation matters, and the Conference will have before it proposals relating to the scale of assessments in 1994-95, including rates of assessment for new member States which have joined the ILO over the past year.

On personnel matters, the Governing Body took a number of decisions, authorizing the Director-General to implement United Nations General Assembly resolutions relating to salaries and allowances of the General Service staff and staff in the Professional and higher categories.

As in previous years, the PFAC discussed in March 1994 the composition and structure of the staff of the ILO. The dialogue between the Committee and the Office on this issue is an important element in the ongoing efforts to correcting balances in the geographical, sex and age distribution of the ILO personnel, bearing in mind, of course, the paramount importance of having a staff of the highest professional quality.

Before concluding I should like to touch very briefly on the work of two important ILO institutions which report annually to the Governing Body on their work.

The activities of the International Training Centre of the ILO in Turin over the past year have been characterized by efforts to achieve greater energy with the work of the technical departments of the ILO, and to contribute to the implementation of the active partnership policy. At the same time, the Turin Centre is being used increasingly for the design and implementation of training projects for various agencies and programmes within the United Nations system. Following the visit to the Centre of the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali in April 1993, who emphasized the importance of training for the achievement of economic and social objectives, and the contribution which the Turin Centre could make in this respect, a programme of action was drawn up by the Centre. This programme envisages cooperation with United Nations departments and programmes on training in a wide range of fields, including the promotion of human rights, United Nations Development Programme operational activities, the emergence of relief and humanitarian programmes, drug abuse control, and peace-keeping operations.

The programme of action was discussed and approved by the Board of the Centre on 18 March 1994, and subsequently endorsed by the Governing Body. In both instances, the representatives of governments and the social partners also noted the relevance of this programme in promoting the basic principles and values underlying the work of the ILO.

Finally, the legal status of the Centre was consolidated by the conclusion with the Government of Italy of the complementary agreement on the privileges and immunities of the International Training Centre of the ILO, which was approved by the Governing Body in November 1993.

The aims of the International Institute for Labour Studies, as endorsed by the Governing Body, are to open up new perspectives for ILO programmes, and to promote an informal dialogue between the tripartite constituents of the ILO, members of the ILO staff and external academic community. The Institute's programme focuses on the interaction between labour institutions and economic development. They are implemented through research networking seminars, lectures, publications and educational courses.

Three activities in 1993 deserve mention. First the Institute explored the implications of the economic globalization for labour policy, with particular reference to foreign direct investment and local and regional development. Special attention was given to the role of labour standards in industrial restructuring and globalization.

Secondly, the Institute organized a major symposium on poverty to bring together academics, members of the ILO constituency, and ILO staff to identify promising approaches for future ILO programmes, and to complement the ILO's contributions to the United Nations world Summit for Social Development in 1995.

Thirdly, the Institute inaugurated the ILO Nobel Prize lecture series to initiate contacts between the ILO and the international students' community.

In November 1993, the Governing Body endorsed the programme and approved the budget of the Institute for 1994/1995. As you will have seen from this necessarily selective account of main decisions and debates of the Governing Body over the past year, its work has been extremely rich and varied. It has also been carried out in a resolute spirit of reform as befits the executive body of an organization which is celebrating 75 years of existence this year, and is seeking new ways to adapt the structures and programmes to the challenge of the future.

Before closing my remarks, I owe a word of special gratitude to my fellow officers of the Governing Body, Mr. Oechslin, Employer Vice-Chairman, and Mr. Brett, Worker Vice-Chairman, whose valuable and friendly cooperation over the past year has greatly facilitated my task in conducting the proceedings of the Governing Body.

My thanks also go to the Director-General and his staff for their assistance to the officers and the Governing Body as a whole. But as may be more important, I wish to express my sincere appreciation to all members of the Governing Body for the support they offered the officers and for the understanding they demonstrated.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION

The PRESIDENT – I would like to thank Mr. Nkomo, Chairman of the Governing Body, for his report.

Before initiating the discussion on the Report of the Director-General, I should like first of all to make the following statement on behalf of the Officers of the Conference. This statement refers to the way in which we intend to discharge our duties and I am making it on behalf of all the Officers of the Conference in order to remind you of the principles which we propose to apply in guiding this discussion. These principles will be applied with the greatest possible uniformity to all speeches made by any speaker in the Conference. The principles by which we shall be guided were first established by the Working Party on the Programme and Structure of the ILO and approved by the Governing Body and communicated to the Conference in 1967. They are set out in paragraphs 54 to 58 of its report which are reproduced in the Memorandum on the 81st Session of the International Labour Conference, a copy of which you should all now have.

It is incumbent upon the Officers of the Conference to draw the attention of all delegates to the contents of paragraph 58, which reads as follows: "In periods of acute political tension the ILO has a twofold responsibility – to uphold the values of human freedom and dignity enshrined in its Constitution and to circumscribe rather than extend the area of international tension by ensuring the fullest possible degree of continued cooperation in pursuit of the objectives of the ILO. Every delegate to the International Labour Conference therefore has an obligation to the Conference to keep these considerations constantly in mind, and the President has an obligation to ensure that the Conference does not lose sight of them."

In the discharge of my duty, I draw the Conference's attention to these principles. In full agreement with my fellow Officers and on behalf of all of you, I urge all delegates to collaborate with us in applying these principles. In particular, we hope that every delegate will recognize that the Officers of the Conference are responsible for ensuring that these principles are observed.

My colleagues and I are determined to carry out this responsibility. Freedom of expression is a vital feature of the International Labour Organization. However, in order to exercise this right in a spirit of mutual respect, we all have to accept a certain amount of discipline if we want our work to be carried on in an appropriate way and be crowned with success. It is the duty of the President of the sitting to ensure that these principles are respected and the Officers of the Conference will not hesitate to intervene in this connection. In particular, if there are offensive or insulting remarks made about any Head of State or Government, or if personal insults are directed at any other delegate, the President will intervene immediately. At the Conference all delegates should use parliamentary language and respect the accepted procedure, refer only to items under discussion and avoid raising any question alien to these matters.

It is important that every delegate who wishes to make a reply to a statement should refrain from asking for the floor by raising a point of order. What he should do is inform the President of the sitting before that sitting finishes that he wishes to exercise his or her right of reply. A request for a right of reply should be addressed to the Officers during the sitting in which the government or delegation considers it should exercise its right of reply.

These requests should be transmitted to the President through the Clerk and not by asking for the floor at the sitting.

I wish to refer to the practice with regard to the exercise of the right of reply. The right of reply should refer only to the point under debate. It should be brief, not exceed two minutes and should not give rise to any further remarks. Lastly, it should be couched in correct and parliamentary language. Furthermore, I wish to point out that in order to avoid endless debate, it has been a practice of the Presidents to refuse to allow replies to a reply.

I wish furthermore to point out that in accordance with article 14, paragraph 6, of the Conference Standing Orders, as amended by the Conference at its 79th Session, the time-limit for speeches of delegates participating in the discussion on the Reports of the Chairman of the Governing Body and the Director-General should not exceed ten minutes. I therefore invite all delegates to concentrate their remarks on these Reports alone. The time available to the Conference for examination of its agenda being very short, particularly this year with the shortened Conference time, it is imperative that these provisions be strictly respected.

All delegates and ministers attending the Conference will no doubt wish to take into account in preparing their remarks this limit of ten minutes so that the President will not be obliged to withdraw the right to speak from a speaker before he has finished his speech.

May I also remind you that in accordance with established practice, the Officers and President organize the general discussion. In particular, it is up to the President to ensure respect for the principles and provisions of the Standing Orders to which I have just referred.

Concerning the special sitting on the situation of workers in the occupied territories, may I remind you that on the proposal of the Selection Committee, the Conference has decided to allow speakers who so wish to take the floor both on the general report and during the special sitting, it being understood that the subject to be discussed in that sitting would not be discussed in the debate on the remainder of the report. May I recall in that respect that it has been decided to close the list of speakers for the special sitting at 6 p.m. on Tuesday, 14 June.

Finally, it goes without saying that all the principles mentioned above also apply to the special sitting, except the time limit for speeches which, depending on the number of speakers, may be less than two minutes.

With your help and collaboration, we shall fully discharge all the responsibilities conferred upon us with a view to ensuring the proper conduct and success of the Conference, and we thank you in advance for your understanding.

One other point that I would like to make is that because of time constraints, when we call one speaker we shall also call the following speaker, and I would invite them to come and take a seat on the platform so that we do not lose time parading up and down the aisles. I would also ask the speaker when he or she finishes to sign the Golden Book before leaving the rostrum.

Original Spanish: Mr. ROSALES ARGUELLO *(Minister of Labour, Nicaragua)* – I would like to extend my sincere congratulations to the President of the 81st Session of the International Labour Conference, Mr. Charles Gray, on his election. I would like to begin, if I may, by invoking the memory of Albert Thomas and all the socialists who responded to the challenge of the Bolshevik Revolution in 1919 by enabling the West to set up the ILO to try to find solutions to the problems resulting from rampant liberalism.

As we all know, the causes of the First World War were rooted in the rise of economic imperialism, which resulted from the absolute liberalism prevalent at that time.

The tragic consequences for mankind, both in the spiritual and the material sense, are known to all. The tragedy for workers, who fought against the war in Socialist International congresses and were later pushed into the trenches to kill one another, are clear to everyone.

Unfortunately, it seems that history is repeating itself and, at the end of the century, we are again faced with a liberalistic way of thinking which is pushing the masses deeper into unemployment with every passing day.

Of course, there are some who believe that the liberalization of international trade and the movement of capital at a global level can create economic growth, generate employment and reduce poverty.

However, giving free rein to market forces does not guarantee in any way the elimination of unemployment, nor does it promote the welfare of society as a whole.

Europe began its stabilization and structural adjustment process in 1972 with the oil crisis and all other regions later followed suit. Latin America is undergoing that process now, as are as parts of Africa and Asia.

The phenomena of trade deregulation, economic liberalization and globalization of the economy have as a matter of course led to increased poverty and a widening of the gap between rich and poor. Thirty per cent of the world population is engaged in non-productive work; 120 million people are registered as unemployed; and 700 million are underemployed. These figures from the Director-General's Report speak for themselves. Governments and civil society, as represented here, must do some serious thinking, since these are figures that cannot be ignored.

The Director-General asks: "Is it still possible to believe in social justice when the law of the strongest is not only imposed on so many men and women throughout the world but is now being regarded as a virtue in the context of generalized and rampant competition?"

Well, I wonder whether it is not high time to put an end to these abuses and ensure that social justice prevails so that humankind can live in dignity in a world of peace and tranquillity.

I, personally, see signs of impending war. The escape valve when pressure from these problems mounts has always been war and although today's view of the world is unipolar, humanity is still haunted by the spectre of war. To make matters worse, whereas in the past settlements could be worked out among the supremacist belligerent countries, nowadays real power and decision-making capacity lies with the 37,000 multinational corporations, which are undermining the sovereignty of peoples.

Local wars have continued virtually unabated since the Second World War, as evidenced by the following list: the Korean War, the Viet Nam War, the China-Viet Nam War, the Algerian War, the war in the Middle East, wars between Israel and Palestine, Syria and Iraq, Egypt and Israel, the war in Sudan, the war between Syria and Lebanon, the war in Angola, the war between the Turks and the Kurds, the war in Afghanistan, the Iran-Iraq War, the Iraq-Kuwait War, the war in Yugoslavia and all the struggles fought by liberation movements in Africa, North Africa and Latin America (Nicaragua, El Salvador, Guatemala, Colombia, Peru, the Falklands and so on and so forth).

The world crisis has fuelled nationalist sentiment and we are witnessing an upsurge of nationalism. Fascist and chauvinist movements have gained ground. There is no telling whether the former socialist republics will not eventually become atomic powers or whether the Balkan conflict can be solved in the near future. Unemployment rates in those republics are extremely high although we all know that full employment was one of their major achievements in the past.

I feel that the Director-General's Report and the analysis of the world economic environment that he presents under the heading 'A changing world' should necessarily lead us to conclude that we must provide humanity through the ILO with sufficient means to ensure that the hopes that some of us cherish for a favourable turn of events may become a reality.

I believe that these changes in the world, undermining as they do the very existence of the International Labour Organization, present a challenge that we must take up, providing the ILO with all the machinery it needs to fulfil the mission for which it was founded: the promotion of social justice and peace in the world.

In this spirit, I feel that we should fully assume the implications of the passage quoted by the Director-General from the Declaration of Philadelphia, which states: "It is a responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective [social justice]."

The Secretariat of the ILO should, to my mind, be given the unconditional support of this assembly, at the level of ministers of labour, ministers for foreign affairs and the social and economic ministers of our governments, so that the World Summit for Social Development takes a decision requiring international financial bodies to coordinate their economic plans and programmes with the ILO with a view to mitigating and offsetting the social consequences of those policies.

The crisis is worldwide. With the exception of some Far Eastern and South-East Asian countries, all of us are recording high unemployment rates. The challenge facing all countries is how to solve the problem of achieving sustainable growth with equity and without inflation, growth which in practice produces employment and jobs that are consonant with human dignity and the basic rights of workers.

The representative of Japan to the World Bank said about a year ago that the efficient channelling and use of resources was not enough to solve the problems of unemployment and guarantee economic development, that social progress could not be ensured by giving free rein to international market forces. The international community would therefore have to attach greater importance to the social problems resulting from the globalization of the economy and the liberalization of trade. It was essential to establish machinery, standards and policies that would have an impact on the running of the world economy.

We developing countries are extremely distressed to see that inequalities in trade and development are becoming more entrenched and that North-South dialogue has been interrupted because some people no longer believe in the North-South dichotomy.

As debate is now more urgent than ever, especially with a view to having the social clause included in the GATT, the ILO must be given the means to establish rights and duties for the contracting parties through an international labour convention and to obtain a commitment from the States concerned, based on a balance of interests, to refrain from applying unilateral trade restrictions.

In the instrument signed in Morocco on 15 April the World Trade Organization provides for the inclusion of the social clause. The Director-General wonders in his Report about the possibility of intervention, inasmuch as the ILO has no constitutional power to prevent the ratifying States from having recourse to unilateral trade restrictions. The

Director-General should be fully convinced that what he undertakes on behalf of peace and social justice will secure the support of this assembly without thereby snubbing either GATT or the World Trade Organization. How well he puts it himself: "It must be prepared to take risks, including the risk of being unpopular in certain circles."

We must be prepared to fight within the United Nations and the WTO itself to ensure that it is our Organization which administers and implements the social clause in the event of its being adopted.

The strength and credibility of the ILO and the preservation of values in a changing world will depend directly on and will be commensurate with the strength and the warmth of the support that we constituents of the ILO extend and owe to our Organization.

They will depend on the influence that we – ministries of labour, employers and workers – can exert in our countries so that the foreign and economic ministries intervene in the World Summit for Social Development in Copenhagen in 1995, giving their full support to the International Labour Organization so that it obtains the mandate for implementing the social clause included in the trade agreement.

Dialogue between the social partners and ministries of labour will build up our potential for influencing the framing of social and economic policies, which will also indirectly strengthen the position of the ILO.

In the face of this challenge, the legal scaffolding built over a period of 75 years of productive work, and whose validity is undisputed, has been placed in jeopardy. If our Organization fails to play the role assigned to it, leaving it instead to the WTO, and if it fails to bring the Conventions into line with prevailing circumstances, it will find that its very *raison d'être* is called in question.

It is also vitally important to point out that the Director-General's supranationally oriented proposal to send a representative on an ad hoc basis to solve socioeconomic conflicts is not a good idea.

Unfortunately, the proposal goes beyond Kelsen's idea of international law as a productive source of domestic law, since this would be a supranational solution involving direct intervention by an international organization in the settlement of internal conflicts.

In conclusion, I wish to congratulate the Director-General on his excellent Report and to remind the international community represented here that the fate of the ILO is in our hands and that the fighting potential of our Organization depends on our will to ensure that values have not lost their *raison d'être* and that the principles for which the ILO was founded continue to hold sway and recover their vigour and strength.

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Mr. SANGMA *(Minister for Labour, India)* – I have immense pleasure in addressing this time-honoured institution, the International Labour Conference, for the fifth time. This Conference coincides with the year of the ILO's diamond jubilee. I am proud of being part of it for this special reason too.

At the outset, let me extend my warm felicitations to the President of the Conference on his election this jubilee year. I also take this opportunity to congratulate the Vice-Presidents on their election.

This Session of the Conference is meeting after the historic estabishment of a non-racial and democratic Government in South Africa headed by Mr. Nelson Mandela. It also marks the successful culmination of the 30-year campaign of the ILO against apartheid. This occasion is of special emotional significance to us in India because of the pioneering struggle against apartheid by the father of the nation, Mahatma Gandhi. I compliment the ILO on its success in this great struggle for social justice.

We have read with great interest the thought-provoking Report presented by the Director-General. The concept since the days of industrial revolution has been that employers and workers are not always equal partners and that, therefore, the State should throw its weight meaningfully with the weaker of the partners, namely labour. The expectation has also been that the State would be a model employer and a purveyor of equity. The State has generally intervened in the economy directly by running crucial commercial enterprises and by setting up inter alia a regime of regulations to provide labour protection. But experience shows that there are limits to the State being the model employer. Rigid regulatory regimes of labour protection have also often inhibited employment generation. Though unintentionally, the State, in the process of laying down and enforcing labour standards, has also tended to concentrate on the organized sector, majorities in the unorganized sector being still largely left out. This has had its impact over the years on the agenda of the ILO, the benefaction of which has not reached the millions of unorganized workers who as Naval H. Tata would say, have yet to receive their initial morsel of the benefits. He has also stated that it is the biggest social injustice perpetrated on such massive millions of our working population. The organized sector has constantly clamoured to gain more on the strength of the ILO's instruments in the name of social justice.

Tipping the balance in favour of the market in practical terms means the national programmes for privatization as well as deregulation. In this context the question to be asked is: Will the market adequately subserve the ends of equity and social justice while it may provide increased and new forms of employment?

Economic and structural reforms and the interplay of market forces result in the lowering of production costs through competition.

In the process, often labour does suffer. Manpower redundancies and job losses occur in the reorganized enterprises, even though in the economy as a whole, elsewhere, increased production and productivity may give rise to greater employment opportunities. Even where there is gain for some workers in terms of employment opportunities, the quality of such employment is not necessarily enviable. In the decentralized sector, employment is often marred by undesirable working conditions and an absence of social security. In other words, market factors do also tend to push workers from the organized into the unorganized sector with all the consequent inequities.

Inequity and lack of social justice, whether it be triggered and perpetrated by an inefficient State apparatus or by the market are equally inconsistent with the basic mandate of the ILO. This leads us to the position that the ILO's standard-setting function is as relevant as ever before, if not more. New forms of employment would need new forms of standards. In response to those who strongly urge that the ILO de-emphasize Conventions and Recommendations, I would say with all humility "Please go back to the basics", that is, "standards". The ILO cannot defend values by straying away from these basic standards.

True, standards have to square up with the real needs of the times and should be dynamic for that purpose. The means of achieving this dynamism is to continue the ongoing process and update them. There is need, too, for evaluating and consolidating the existing standards. The ILO has to evolve innovative fast-track procedures for work in this vital area. It is also clear that the compliance with standards should be improved.

I have immense faith in the ILO's supervisory machinery to monitor the application of labour standards. It has been built upon tripartite conditions, its force is a combination of voluntarism, persuasion and consensus. Therefore, it is credible. Credible systems should continue to be the ILO's weapons for securing labour protection. Any other formalized multilateral mechanism or institution that might be forged for the purpose of monitoring and enforcing labour protection, involving outside international players like the WTO, could unintentionally become an instrument of coercion over a period of time. The ILO can and should visibly impact on labour and social issues only to its present and already well-established linkages within the United Nations system, particularly the Economic and Social Council. This is what the ILO has been attempting to do, for example, in the context of the forthcoming World Summit for Social Development. In other words the ILO's strength is in being a formulator of policy. In fact the entire credibility of the ILO's future lies in its role to improve national capabilities in respect of concerns which inhibit development and consequently a fair deal for labour. Vocational skill development, creation of employment opportunities, productivity improvement and population education are these concerns and these are to be more directly addressed by the ILO.

Should international trade be used as a leverage for securing compliance with labour standards? India's position was clearly spelt out by Mr. Pranab Mukherjee, our Commerce Minister, at the GATT Ministerial Meeting in Marrakesh in April 1994, who said that there had been attempts to link social policy concerns, namely labour standards with trade policy. While there was a firm commitment to internationally recognized labour standards, there was no merit whatever in the attempt to force linkages where they do not exist. Trade policy could not be made the arbiter of all concerns: it should be confined to concerns it can address efficiently on the basis of generally shared perceptions and considerations. For the very same reason there was no need for a declaration of a programme of action or a new international Convention on this matter.

Trade-triggered compulsory equalization of costs in the name of labour standards could only result in the counterproductive and sad denial of the very opportunities for development expected to be opened up by freer world trade. The looming threat of trade sanctions to force labour standards would, in fact, significantly inhibit their ratification.

I have read with keen interest the March 1994 statement made by the Director-General to the European Parliament at the public hearing on the S
cial Clause and International Trade. He said th
"As far as principles are concerned, applying san
tions on the basis of conditions of employment
social protection would amount to outside interf
rence by imposing choices which run counter
ILO's principles. I must insist that social progress in
country can be promoted only through the decisio
of those most directly affected."

The same thought had been presented very ca
didly and forcefully by our Prime Minister Naras
ima Rao while addressing the World Economic F
rum at Davos in February 1994, who said that chang
had to be accepted as the result of deliberate a
objective thinking. At the same time, those w
wore the shoe and knew where it pinched shou
have full say in deciding how to mend it. In the ne
found enthusiasm for change, governments shou
not go overboard and plunge large chunks of the
peoples into mass misery; they had no right to
that. No-one had the right to throw millions
people out of their jobs overnight because a parti
ular change was proposed. Solutions which involve
reforms, but which were also humane had to
found. In India, it was called reform with a huma
face. Each society had to find its own "middle way
suited to its genius and circumstances; and th
should be the approach of countries that accepte
change. The voluntary acceptance of change was th
crux of the matter everywhere you had reform com
ing in any sphere of activity in human life. Read
made prescriptions coming from thousands of mil
away were no use. Everyone had to evolve their ow
thinking, their own way of mending their shoe.

The Director-General has also emphasized th
need to offer developing countries real and practic
support to cope with the negative consequences
introducing a higher level of labour protection. H
has quoted examples of child labour in this contex
The reference, patently, is to the International Pr
gramme on the Elimination of Child Labour. Indee
it is the most empathetic action programme unde
taken by the ILO in recent years. Responding to a
sistance under the programme with great enthus
asm, a large number of non-government
organizations in India have committed themselves
implementing projects. But there has since been
significant cutback on the allocations. Consequentl
there are shortfalls in resources vis-à-vis commi
ments already entered into with the non-governme
tal organizations. True the role of the ILO in th
regard is only one of spearheading action in the fiel
There are also limits to the ILO's capacity to provi
resources in the context of zero budget growt
Nonetheless, to my mind there is no more noble
cause than that of protecting youth from the excess
of an unregulated job market.

Mr. GOH *(Minister of State for Labour, Sing*
pore) – On behalf of the Singapore delegation I wis
to congratulate the President on his election to th
presidency of the 81st Session of the Internationa
Labour Conference. I am confident that under h
able leadership and guidance this Conference w
proceed smoothly to a successful conclusion.

The ILO is celebrating its 75th anniversary th
year. The Singapore delegation would like to exten
its best wishes to the ILO and warmest greetings
all delegates attending this Conference. We wou

also like to take this opportunity to commend the ILO for making significant progress in the promotion of social justice and development which has benefited workers worldwide.

Global economic conditions are expected to be better this year. The Asian Development Bank has forecast that the world economy will grow by 1.8 per cent this year, as compared to 0.6 per cent in 1993. However, growth will be unevenly distributed. The developing countries overall are expected to grow by 5 per cent as against the figure of 2 per cent for industrial countries or, according to the latest forecast, 2.6 per cent. In the case of Asian developing countries, their economies are projected to expand faster at 7.2 per cent.

The economic growth in Asia, particularly East Asia and South-East Asia, has been phenomenal and is becoming an important global economic locomotive. The rapid growth of the Asian NIEs and ASEAN, together with the newly emerging economies of China and India, have made the Asia Pacific area the most economically dynamic region in the world. Rapid economic growth in these countries has brought about employment creation and significant improvements in the economic and social conditions of their peoples. Many workers in this region are now enjoying rising income and better standards of living.

Most of the industrialized countries, on the other hand, have in past years been plagued by economic stagnation and recession and continue to face the serious problem of unemployment: 35 million people in the 25-nation OECD are unemployed. This has imposed severe economic and social strains on their societies. But what has gone wrong in the industrialized countries which not too long ago were regarded as the engine of growth in the global economy?

In a recent OECD report on work and employment, rigid labour laws and inflexible labour policies, in addition to other factors, were identified as important causes of the unemployment crisis in the industrialized countries. In the report it was pointed out that the labour policies of most industrialized countries, particularly those in Europe, had become more rigid although the times demanded flexibility. The report also attributed the crisis of the industrialized countries to their failure to make adequate adjustments to allow for technological advancement, changes in international trade and greater competition in the global environment. The report therefore called for the easing of labour laws to help promote economic growth and job creation. It recommended the reduction of minimum wage protection as well as employment security and unemployment benefits.

Instead of taking hard-headed, painful decisions to resolve the problem of declining competitiveness and chronic unemployment, governments in many industrialized countries are under increasing domestic pressure to adopt measures aimed at protecting their industries and jobs. The latest attempt to introduce social clauses in international trade agreements before the signing of the Final Act of GATT is seen by the developing countries as a disguised form of protectionism, aimed at eroding their comparative advantages and blunting their competitiveness.

If rigid labour laws and policies are indeed the causes of serious economic woes and unemployment crises in the industrialized countries, why should social causes based on such laws and policies be imposed on the developing countries? What is the real intention behind such a proposal? Beginning with basic workers' rights, it will soon lead to the imposition of other standards and practices based on the values and norms set by the western industrialized countries. What would the consequences be if the proposed trade and labour policies were adopted?

Firstly, the imposition of trade restrictions in the guise of non-compliance with labour standards would adversely affect the economies of the developing countries. It would take away jobs and inflict hardship on the people, rather than raise their standard of living. Consequently, this would greatly weaken their purchasing power with detrimental effects on their demands for goods and services from the developed countries. The end result would be a curtailment of global trade, jeopardizing economic growth and employment creation.

Secondly, the linkage of labour standards with trade would negate the efforts of GATT to promote free trade for the benefit of all. According to the GATT estimate, a more liberal trading regime following the Uruguay Round is expected to generate more than US$250 billion annually in the world economy by early next century. This means that more jobs would be created and many workers would be given the opportunity to be engaged in productive employment. However, such gains could only be realized through more liberal trade and not trade restriction.

The experience of East Asian and South-East Asian countries shows that it is through a more open economic policy and liberal global trade that faster economic growth, employment creation and improved standards living workers can be achieved.

ASEAN, which has greatly benefited from trade liberalization, is therefore concerned that ILO labour standards may be used as a vehicle of protectionism, for this would seriously negate efforts to achieve economic growth, greater employment opportunities and a better standard of living for workers. In this regard, the ASEAN Governments have decided to table at this Conference a resolution calling upon the ILO to resist the linking of social clauses to international trade.

No doubt the ILO is the appropriate forum to formulate labour standards and to discuss ways and means to help member countries to improve their labour standards. There are constructive measures which the ILO can adopt to help the developing countries achieve social progress and improve their labour standards. But it would be counter-productive to use the curtailment of trade as a means to attain such objectives.

The ILO should be aware that without economic growth and job creation its efforts to improve the economic and social conditions of workers would be greatly undermined. A more liberal trading system would stimulate economic growth and create more employment opportunities.

The United States' recent decision to delink trade and human rights for the renewal of MFN status for China is most instructive. It is a realization that trade restriction is not the best way to deal with the human rights issue. It would be a regressive step indeed if we were to consider any proposal to link trade to labour standards against the larger interest of trade liberalization, economic development and job creation.

The ASEAN resolution also calls upon the ILO to review those Conventions which are outdated, taking into account the social and economic conditions of the developing countries which now constitute the majority of its membership. In its review the ILO should take into consideration the diverse values, norms and needs of the developed and the developing countries, resulting from their different stages of development.

Further, in assessing whether a member State has complied with a ratified Convention, it is necessary for the ILO to consider the overall progress made by the member State in achieving its wider social and economic objectives. It should not adopt a purely legalistic approach in interpreting compliance with labour standards.

Also, instead of focusing solely on the technical compliance of ratified Conventions, the ILO should step up its efforts to help member States, particularly developing countries, to improve the social and economic status of their workers through education, training and skills upgrading. The developing countries require assistance, not punishment, in their pursuit for a better life for their people. Education, training and relevant technical assistance programmes would help to raise the skills level of workers, enhance their earning capacity and improve their social and economic well-being.

The world is now at a turning point. We have witnessed the end of the Cold War and ideological rivalry. A new wave of democratization is sweeping many parts of the world as seen in the recent developments in Asia, eastern Europe, the Middle East and South Africa. The global focus has now shifted to economic and social issues; countries are channelling their resources for economic and social developments to improve the lives of their people. We have also witnessed how market liberalization and increased global trade have transformed the Asian NIEs and ASEAN, and more recently countries such as China, from agriculture-based societies to vibrant, dynamic and growing economic entities. Indeed, the robust economic growth in these countries has brought about a significant improvement in the standards of living for their peoples.

With increasing interdependence among nations as a result of the globalization of the world economy, the free flow of capital, technology and skills, and a more liberal international trading environment, there are now favourable conditions for closer economic cooperation and social development. It would be a great loss if we failed to seize this opportunity to harness these favourable conditions to create a better world. Rather than allowing trade protectionism or friction to engender new tensions in international relations, countries should work together more closely to enhance the prospects for economic growth and social development for the benefit of all. In this regard, I believe that the ILO, the only tripartite international body with representation from governments, employers and workers, can play an important role to help foster greater international cooperation, promote economic growth, create more employment opportunities and improve the economic and social well-being of workers.

Original Russian: Mr. MELIKIAN *(Minister of Labour, Russian Federation)* – First of all may I have the honour to read to you a message from the President of the Government of the Russian Federation, Mr. V. Chernomyrdin, to the Director-General of the International Labour Office and to participants of this 81st Session of the International Labour Conference:

"Mr. Director-General, Mr. President, participants and guests of the 81st Session of the International Labour Conference, I am delighted to congratulate you on the occasion of the 75th anniversary of the International Labour Organization. By its active work to defend the interests of workers and to ensure social justice on the basis of social partnership and by its activities against poverty, unemployment, discrimination and forced labour, the ILO has significantly contributed to the international community's efforts to establish a more just and lasting peace. The practical help given by the ILO to assist countries in settling complicated social and economic problems is of great importance.

"Russia is currently undergoing far-reaching economic transformations related to the introduction of the market economy. The objectives of these reforms are to conduct structural change, to increase production and to solve social problems. There are a number of major measures being taken to defend vulnerable groups of the population, to combat unemployment and to prevent a drop in the standard of living.

"The Accord on social agreements, which included the participation of all the major political parties, social movements, trade unions and religious organizations, as well as all branches of the Russian governmental authorities, is helping to obtain these objectives. For questions of social protection, active employment policies and social partnership, Russian relies heavily on the ILO's experience. We appreciate it and make use of it extensively in practice.

"On the occasion of this anniversary, I wish you, Sir, personal success in your work and significant progress in your noble work."

In our view, the part played by the ILO in establishing and defending basic human rights, in assisting in social and economic development, in developing rules and machinery based on social partnership for the social protection of people is exceedingly important and is acknowledged by all. More effective work in this direction is, we think, the principal task of the ILO at this time of universal change.

As regards the practical problems in improving our Organization, I should like to support the decisions of the Governing Body to improve the process of drawing up Conventions and Recommendations and the action to supervise the effect given to them. We also support the proposal made by the Director-General that a greater use be made of so-called "soft law", i.e. of codes, practical manuals and various didactic materials which could be used by member countries to solve the problems before them. The representatives of the Russian Federation advocated such an approach during the discussion on the programme and budget for the current two-year period. At the same time we think that further thought must be given to whether or not at this stage additional duties should be given to the ILO secretariat as regards mediation and arbitration in disputes on the application of Conventions and serious collective disputes, and in connection with the introduction of new procedures for the examination of complaints.

We are convinced that the influence of the ILO in developing social aspects of international economic policy should grow. In this connection we support consideration by the Conference of the employment problems and standards of living throughout the world and the convening of high-level talks about worldwide employment. These activities should be conducted in closer coordination with other international organizations, within the ILO's terms of reference and within the limits of the expenditure approved.

The authority of the ILO in the new context, with the end of the ideological and military conflict between East and West, depends above all on the ILO's ability to take effective action, to give effect to its terms of reference, to react quickly to changing circumstances in the world and to satisfy more fully the needs of member governments and the social partners. Russia has thus supported the policy of active partnership, which is designed to extend and make more effective use of ILO assistance to member countries, taking into account the priorities they have set for their social policy. In this sense, we welcomed the setting up of a multidisciplinary ILO group for the countries of Central and Eastern Europe. But we are somewhat disappointed and disturbed at the work done as regards consultation, the weight attached by the group to Russian priorities in the implementation of certain measures and as regards the nature of such action and the recommendations made.

In general, we are in favour of strengthening the mutual relationship with the ILO. Our Government's recent decision to pay an extra $15 million to the ILO budget in the near future testifies to this. In exchange, we hope that the ILO will take our interests fully into account, including those relating to organizational and staffing questions.

The experience of countries which have made the changeover from a centralized planned economy to a market one shows how painful and complex this process is. Bearing in mind that for over 70 years Russia and other countries of the former Soviet Union departed a very long way from a market economy and that today's changes come at a time when, in addition, many economic ties have been severed, the process is all the more difficult for us.

In Russia, this is the fifth year of industrial slump. Hidden unemployment is beginning to change into open unemployment, and it is becoming ever more acute. The extent to which we can give effect to social guarantees and provide social protection for our people is limited for lack of funds.

At the same time I would like to say that in the last few months the social and economic position of Russia has changed considerably. We are witnessing trends leading ever more clearly in different directions. Despite a continuing slump in production, there has been some light on the horizon. Inflation has dropped by a factor of 2.5 to 3. Markets are better stocked than before. Undertakings have encountered limits in demand which have led to changes in their policy. The balance of payments has improved.

There has been some compensation for the considerable drop in people's real living standards which had been allowed for during the initial stages of liberalization. This year, there has been a marked fall in the number of persons living in the family household below subsistence levels, and pay differentials are starting to even out. The Russian economy has reached a critical point in the slump and, provided social peace is preserved, we can hope to stabilize the economy and then move towards recovery.

To ensure social peace and hence create conditions for a healthy development of the country, we recently concluded an Accord on social agreements, which is mentioned in the message sent by our Prime Minister. This agreement was signed by most of the influential forces of political life, various social organizations and the majority of the trade unions.

With a view to intensifying reforms and stabilizing the economy, a host of presidential decrees was recently adopted, providing for the reform of the remaining State enterprises, the standardization of accounting procedures and the reinforcement of pay disciplines in the economy. There are proposals to amend the tax and fiscal systems, firstly by cutting taxes paid by enterprises and monitoring more closely that correct amounts are paid. Export quotas and licences are being abolished, except where Russia has international obligations. We shall continue to privatize State property, and amend the pay scheme.

In the near future, we will take a series of new decisions, including on the provision of social support for the poorer sections of society.

We are trying to develop the basic principles of the ILO: social partnership as a way to reach and implement effective social and economic decisions. At the same time we believe when the system of social partnership is in its infancy, employers' organizations are being established and the trade union movement is being radically transformed, the regulatory role of social partnership machinery should take due note of the stage of development.

Finally, on behalf of the Government delegation of Russia, may I once again congratulate the ILO and all of us on this anniversary and wish the ILO greater success in its activities in a changing world.

Original Spanish: Mr. GUZMAN MATTA *(Employers' delegate, Chile)* – On behalf of the Chilean Employers' delegation, I would like to extend to the President and all the delegates attending this meeting the warmest regards from all Chilean employers.

We hope that this session of the Conference, which opens today and coincides with the ILO's 75th anniversary, will provide an opportunity for a serene and deep series of reflections on the role and the responsibility of this institution with regard to the far-reaching economic, political and social development that mankind is going through at the moment, without neglecting the promotion of the high principles which led to its creation.

We are glad that the Director-General has included this in his annual report, and we hope that the observations made here will be considered in the conclusions of this assembly and applied to the practical activities incumbent upon this Organization in the near future.

Our main challenge today is to reconcile countries' legitimate expectations for higher standards of living with the unavoidable imperatives for economic efficiency required to achieve this goal.

In the quest for this goal, most countries are transforming their economic structures by the promotion of development based on free initiative and efficient market performance and adjusting to the increasing integration of the global economy. And the ILO must be an integral part of this effort.

If we are to overcome the extreme poverty afflicting most of the world, and achieve so-called social justice, we must guarantee a sustained production of wealth which spreads out to include all lower-income sectors throughout the world, by providing them with greater access to productive employment.

The alleged alternative between economic development and social progress is not real. In fact, they are the two sides of the same coin. The combination of economic growth based on a market economy, along with efficient distribution of social development resources to lower-income sectors, is the best means of effectively reducing poverty – as shown in several countries, including my own. Indeed, the steady application of a market system based on free personal initiative provides a real opportunity to finally overcome underdevelopment.

The right to work, as proposed in the Director-General's Report, will remain unheeded unless attempts are made to create productive employment and firms are provided with a stimulating environment to do so.

The ILO cannot therefore remain aloof to the widespread efforts of countries to strengthen their private enterprise as a major source of employment.

On this point, I should like to mention what the Director-General said at the Eighth African Regional Conference in Mauritius. He pointed out that during the 1990s and the following years private enterprise and the entrepreneurial spirit would play an increasingly important role in accelerating economic development, cutting unemployment and uneven income distribution among social groups and lowering the negative impact of structural adjustments.

However, the fact that such sound concepts are inexplicably missing from the report to this Conference by no means undermines their extreme importance; indeed, they offer an unprecedented variety of options for the Organization in the near future.

The ILO has undoubtedly made internal adjustments in recent years to cope better with the challenges of a changing social and labour world and they deserve our appreciation. However, merely accepting the new conditions of international economic relations is not sufficient; the Organization must assume the situation and take an active role in orienting labour relations in line with the new challenges of competitiveness, productivity and total quality, which are beginning to prevail in the world.

To this end, the creation of multidisciplinary technical teams deserves special attention, as an effective means of bringing the ILO's points of view, and the institutional support which is necessary, closer to the different circumstances of each country.

Rather than serving merely to propagate well-known concepts, we believe that these teams should be an instrument to analyze the employment and labour conditions of each country, to compile records on experiences that have proved positive in the labour or social security areas, and to take the necessary steps so that other countries might benefit from these experiences.

In a global economy, people's skills and the competitiveness of enterprises are what really matter; in terms of competitive advantage, they are more important than a country's natural resources or modern social and economic order.

The multidisciplinary teams must therefore actively promote vocational training and the modernization of enterprises and tap once again the enormous potential of technical cooperation that the ILO can provide – leaving aside the ideological prejudices which on some occasions have conditioned this cooperation in the past.

We are also concerned by the ILO's standards which have constituted the cornerstone of this Organization for most of its history. We feel that, at this stage in the modernization of the global economy, many of the existing instruments have lost their *raison d'être* and stand in the way of reforms needed to boost competitiveness in the world economy, since they are based on assumptions or doctrines which have failed or have been clearly outmoded by new and better alternatives.

In this respect, it is most important to bear in mind, as an unquestionable fact, that the State has lost its monopoly as the economy's driving force and the main source of employment.

In the same way, tripartism is no longer what it was; it must give way to a more direct relationship between employers and workers, increasingly restricting the State's participation so that it only represents public-welfare interests.

For these reasons, it is vital to examine thoroughly current instruments, to see whether they are compatible with a global, open economy and with new employment characteristics; and approval for new Conventions must be withheld, if they further intensify the divorce between the ILO's standards and the actual conditions of each country.

I believe that in the future standard-setting activity should be limited to the determination of basic and general principles of justice in labour relations; and that greater autonomy should be given to the legislations of each country, to enterprises and to the parties involved in the search for the best way to solve their specific problems.

Consequently, we do not feel it is fair that some developed countries wish to impose their own labour conditions and social security standards on developing countries, as these have produced high unemployment rates and would leave emerging countries unable to compete in the global trade market.

The above issue will become particularly relevant at the World Summit for Social Development to be held next year in Copenhagen, when several countries, on the basis of alleged "social dumping", will propose the introduction of so-called social clauses as conditions for the opening up of trade.

In view of the importance of such a meeting, where measures will be proposed to overcome the poverty of millions of people all over the world and stimulate job creation, we believe that the ILO is a competent institution to follow up the agreements reached at the Summit. However, we also think that it should take a clearly defined position against protectionism in all its forms, as the success of this difficult task will largely depend on the opening up and increase of global trade.

In view of the fact that development strategies applied by the countries are increasingly similar, investors' decisions to create wealth and offer new employment opportunities will be influenced by factors representing the cultural values or ethos of each country – these factors include: respect for traditions, public and private customs, a civic sense, the capacity to assimilate historical experience, the spirit of enterprise, the nature and efficiency of judicial and administrative institutions and the population's attitude towards work, education and art. I believe that the ILO can and should contribute to promoting change in several of these areas. We trust it will do so.

Original Spanish: Mr. CORTINA LEGARRETA *(Employers' delegate, Mexico)* – It is a very great honour for me to address this 81st Session of the International Labour Conference and I should like to congratulate the President, on behalf of the Mexican employers and on my own behalf, on his election to this important post, especially at this time of profound change throughout the world.

We are celebrating the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, an occasion which without a doubt is a reason for rejoicing for the social partners and one which provides an incentive to redouble our efforts so that the International Labour Organization may not only enter fully into the twenty-first century, but so that this Conference may lay the foundations for it to continue to thrive for at least another 75 years.

The Director-General's Report entitled *Defending values, promoting change* is an inspiration and touches on some of the realities of the world today, the problems of the ILO, the aspirations of the various societies of the world, and finally offers ways of rejuvenating this great Organization. I hope this discussion will help us to achieve this end.

The Employers' group has in fact repeatedly raised the question of the need for change within the ILO and has also pointed out many of the problems linked to the globalization of the economy and structural change which are mentioned in the Report we are looking at today.

When we refer to the promotion of change, we must obviously refer to the positive evolution of the various elements which form a society. With this in mind there is no doubt that the values which have helped to create a society must be preserved so that on the basis of those values the process of development may lead to a better standard of living and hence a wider application of the values produced by each society.

Two levels of reality are necessary to understand the new capitalism in Mexico. First of all, the level of macro-economic policy which favours monetary control, free trade, privatization, environmental protection, democratization and fiscal balance. The second level of analysis is found in the importance given to business administration which emphasizes globalization, competitiveness, the winning of external markets, environmental management and technological change.

The new capitalism has led to this great consensus on the social macro- and micro-levels, but with one admirable quality – it has spread without partisan flags to both rich and less rich countries and to right-wing and former left-wing parties.

The liberalization and opening of markets has had such an effect on the new capitalism that more effective management is no longer only a goal of private, micro-social companies, now that administrative techniques have been revolutionalized to such an extent that they are applied in the public sector as an element of bureaucratic readaptation.

This type of development and administrative behaviour pressures governments towards competitiveness and efficiency, which quickly revolutionizes public administrations, especially in the assimilation of the philosophy of total quality.

For this reason we must understand how this great change has affected Mexico and in particular the various factors of production, the Government and the other strata of society. Obviously this analysis makes it necessary to know the pressures being exerted on Mexican society.

The fact that in our country we have a moderate rate of economic growth, low levels of inflation, increasing private investment, influx of capital, industrial rationalization and fiscal balance is not a long-term guarantee if we do not attend to social problems such as improving education and the environment, combatting extreme poverty and improving the quality of life of the population.

The main political pressure in the new capitalism is the need to closely examine the social and economic limits that are its principal shortcomings.

If we analyse the stabilization process and the efforts which have been made to reduce inflation, reorganize the State and consolidate healthy public finances, we come to the conclusion that the reform has been fast, necessary and expensive.

As businessmen we see the need to strengthen the macro-economic advances made in order to forge ahead in the micro-economic reform towards structured change at the reduction level.

Structural change at the production level implies a cultural revolution in all senses of the word, a generalized change in production and marketing, a shift in patterns of consumption and the rapid specialization of the economy.

In this sense, the concept of competitiveness will change substantially from a concept which comprised barriers to the entry of goods by factors such as productivity, cost and price, to a concept of competitiveness which will have a macro-economic dimension of a structural kind and a micro-economic dimension associated with the new productive culture.

Structural competitiveness is defined on the basis of a society's economic conditions, its political stability, its level of education, the availability of human and natural resources, the development of an efficient and diversified infrastructure, as well as stable macro-economic conditions.

Micro-economic competitiveness depends on quality, technological innovation, diversification of products, financial intelligence, care for the environment, dynamic productivity and aggressive links with new markets through strategic alliances.

We are on the threshold of a new economic, political and cultural era, an era which will mark the beginning of a new world order in which alliances will be the order of the day.

Capitalism as an economic system has undergone a revolution. The third technical scientific revolution is spreading rapidly and ideological disputes have yielded to profound reflections on solving the economic problems of a shrinking world, incapable of generating sufficient jobs for a growing population, in order to redistribute wealth in the light of huge social contrasts, to consolidate democracy as a political system and to allay development with social peace.

Each country tries to answer the questions generated by the economic development of capitalism in the context of the Cold War. How to promote greater employment? How to stimulate wealth, savings and the distribution of income? Will the State be able to yield to the claims asking it to limit its intervention and reduce its expenditure? How to generate or attract the capital necessary to eliminate defects in the infrastructure?

In the debate on new courses of development, we find important variables such as training of human resources care of the environment, technological innovation, promotion of investment, competitiveness, free trade, decentralization and deregulation.

These variables have a profound effect on the behaviour of the economic agents concerned, that is, at the macro-economic level, on the operation of undertakings, on economic policy decisions, on the definition of budgets, and on the strategic planning of undertakings.

What globalization has achieved is to reshape the economic world on the basis of more homogeneous laws and systems, but we cannot allow ourselves the luxury of causing frivolous changes in our cultures because of the homogenizing aspects of globalization.

When globalization promotes strategic alliances, and the forming of blocs as a natural repercussion of new economic forces, when geopolitical criteria predominate over local business needs, we come up against the limits of our own poverty, the economic inconsistency in our infrastructure, and above all the social and productive dualisms which we shall certainly have to overcome to achieve more just and equitable societies.

On the basis of what I have said, I would like to ask the Director-General to bear in mind all our concerns in the approach he outlines for the future so that the Mexican employers may see how the ILO adapts to the new needs of modern society.

Original Spanish: Ms. MORFIN MANSILLA *(Minister of Labour and Social Welfare, Guatemala)* – Mr. President, I should like to offer my congratulations on your election at this session of the Conference and I would also like to present my greetings to all workers represented by you in our Organization. I wish you and everyone in this august assembly all the best of success in the course of this session of the Conference.

I would like to take this opportunity to congratulate everyone here as we celebrate the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. In the course of these years, a basis has been established for social and labour peace in our countries.

In my country, Guatemala, the relationship between workers and employers has undergone positive changes. After years of intolerance and confrontation, we have now reached an age of maturity where there is peaceful coexistence and a recognition of one another's rights and obligations conducive to reconciling the interests of capital and labour.

In Guatemala there have been protracted periods of violence and repression, which fortunately are now being overcome by a civilian society which has succeeded in halting abuses of power and in strengthening democracy.

In May of 1993 the President tried to suspend the Constitution and the institutions of the country and to interrupt the democratic process. This was a historic time in Guatemala. Trade unions, the working class and political groups – all of civilian society – united to block these plans.

The Constitutional Court intervened and cancelled the measures taken by the ex-president. Within the framework of the law, our society successfully elected President Ramiro de León Carpio, who was at the time an outstanding advocate of human rights.

The current Government has a profound respect for the law, and is committed to the rule of law and the consolidation of democratic institutions. It respects and guarantees human rights and the multiple cultures of Guatemalan society. It is endeavouring to improve the security of civilians and to fight against impunity and corruption. It is pushing forward decentralization and is promoting the direct and indirect participation of civilians in our society.

At the same time, it is striving to achieve peace by political means, by attempting to negotiate agreements with the insurgents and to fight poverty, providing for the most disadvantaged groups of our society: returnees, displaced persons, the disabled, the indigenous population, women and children.

Through its labour policy, the Government is doing all it can to improve working conditions, to promote the organization of labour and to protect employment and wages in a framework of macroeconomic stability and of negotiation so that we can find solutions to our employment problems by means of concertation between workers and employers.

Tripartite bodies are being strengthened with the establishment of high-level committees. A significant number of unions has been recognized in the past year and at the same time we have done away with unnecessary red tape. We have promoted mechanisms to achieve better monitoring of compliance with labour legislation, so as to ensure that the rights of workers are respected.

On the other hand, with respect to child workers – boys and girls whose families are poor and who have thus had to enter the labour market – we have given these children guidance and we have also provided guidance to their parents so that they are aware of their rights and do not neglect their education.

We also have special departments to promote the interests of handicapped workers and women workers.

We are promoting the dissemination of labour legislation in Mayan languages. If we are all equal before the law, and if the law applies to us all, then each and every one of us has the right to know what the content of the law is, without any discrimination.

We recognize our limitations in a country which is going through an economic, political and social crisis, but as the Government, we have accepted this challenge and we are doing all we can to accomplish these tasks so that our nation and history cannot call our efforts into question.

We hope that at the end of this period of transition in which fate has decided we should govern and determine the destiny of our nation, we will successfully establish a State based on the rule of law, conclude a firm and lasting peace and secure the commitment of all our society's citizens to establish a society on the basis of justice, equity and solidarity.

Finally, I would like to thank the ILO for its support to Guatemala in its guidance and skill programmes and for the impetus gained from international labour Conventions which have intensified and strengthened our institutions. I sincerely hope this task will continue to be fulfilled as much benefit for social and employment relations in my country.

Mr. PRIOR *(Employers' delegate, Czech Republic)* – Allow me start by congratulating the President on his election and, at the same time, by congratulating the ILO on its 75th anniversary – a long period of time marked by remarkable achievements. The principles on which the ILO was built have become the backbone of all market economies and have now been fully adopted by the Czech Republic where, as in other countries in Central Europe, a dynamic process of economic transformation is taking place. From a standard-setting viewpoint, the transition towards market economy has already defined new rules of the game whereas the second round of privatization, to be completed in the second half of this year, will shape definite features of the new economic environment.

This process has brought about a marked democratization of the whole society which is reflected, among other things, in a high degree of tripartite consultations and negotiations, based on the respective legislation. Social partners have gradually found their proper place in the social fabric and the role of employers and their organizations in the society has been reinforced.

It is necessary to mention that the Czech Government realized – already at the outset of the process of economic transformation – that it was essential to consult with the social partners on all economic and social measures and decisions; consequently a law was enacted concerning social partnership and collective bargaining. This law constituted the basis for the creation of a new body, the Council of Economic and Social Agreement, which continues to play a major role in the social development of the Czech Republic.

In our view, the role of tripartism cannot be reduced to being only an administrative tool; tripartism should become a comprehensive system which enables the social partners, by means of a constructive dialogue, to contribute new values to the development of society. However, it is important that this dialogue is restricted to those who have a role to play in the process. Attempts to bring in the so-called intermediary groups, representatives of which are concerned with and interested only in very narrow problem areas, are questionable; and implications of such arrangements can hardly be foreseen. Very probably, attempts might be made to apply political pressure and even to create "shadow parliaments".

We therefore believe that tripartite negotiations should be held among three partners only: the government, employers and workers.

There is a direct connection between the development of a market economy, market liberalization – and this should be understood as free trade without discrimination and restriction – and employment. Europe is troubled with economic problems and high unemployment. In these circumstances, economic cooperation is strongly influenced by attempts to divide Europe and to distinguish between the countries of the former Western Europe and the former communist bloc countries.

The euphoria that permeated Western Europe after the fall of communism has receded and has been gradually replaced by economic pragmatism, which has manifested itself by the creation of various trade barriers designed to restrict imports of those of our commodities where our comparative advantage has become apparent.

To attain desirable economic growth in the Czech Republic it is essential, in addition to basic systemic changes that have taken place, to ensure the development of extensive international cooperation among enterprises. Such cooperation should become part of the process of globalization of the world economy which, in my view, is not to be judged by the isolated negative impact of this process on the situation of citizens of a certain country; on the contrary, it represents a basic precondition for the creation of new jobs. Employment creation is the principal mechanism through which to achieve poverty reduction and social integration, and less-advanced countries should be assisted to achieve this goal.

In this connection, I would like to say that the criticism expressed by the Director-General in his Report, concerning the practices of multinational companies, does not fully apply in our country. On the contrary, I believe that capital resources invested by these companies can, to a substantial extent, favourably affect the economic transformation and structural adaptation of countries of Central and Eastern Europe. The fact that activities of these companies are closely watched by everybody in our group of countries does not allow room for any inappropriate behaviour.

The ILO can greatly influence conditions of employment in all member States by its standard-setting activities. However, the number of ratifications of many Conventions is very low. Should we not concentrate more on the application of existing standards and on revision of some of them, rather than on the adoption of new Conventions and Recommendations, in particular taking account of the situation in the developing countries?

In conclusion I would like to comment on one specific problem mentioned in the Director-General's Report, namely that of globalization and the introduction of the social clause. I must confess, I feel rather pessimistic about this approach. Indeed, does the ILO possess ways and means to be active and exert meaningful influence in this area? The cost of labour is one of the factors contributing to the competitive strength of the company. Very high levels of wages now existing in many countries of Western Europe should not be taken as a yardstick to measure standards existing in other countries. This is not only a problem of countries of Central and Eastern Europe which are now increasingly blamed for exercising "social dumping", this is a problem which primarily concerns all Third World countries.

The proposal advanced by the Director-General to introduce what could be called a "soft social clause" raises certain misgivings. The introduction of a system involving the ILO supervisory machinery could, indeed, contribute to weakening rather than strengthening international trade, and employers would not feel happy about that. The introduction of such a clause could lead to protectionist tendencies, and no way should be paved in this direction.

Problems encountered by many countries are narrowly connected with ILO activities. Many countries, including my own, will need assistance, and the ILO can provide useful services. The Director-General's Report could not deal with these preoccupations in detail, but I feel that more up-to-date information should be provided concerning the programmes implemented by the Turin Centre, and about the elaboration of new projects and specific ILO activities to promote economic and social development in member States.

The 75th anniversary of the ILO is not just a matter of celebration; I appreciate that attention is being focused on ways and means to respond to rapidly changing conditions and transformation, and to reaffirm the constitutional purpose of promoting social justice in the world. Experience tells us that sustainable development is based on stable macroeconomic policy management and on an institutional and policy environment, which encourages and allows enterprises to start up and prosper in the competitive market, thus contributing to the well-being of the nations all over the world. Is this not the wish of all of us attending this Conference?

Mr. SINGH *(Employers' delegate, India)* – I am honoured to extend the sincerest felicitations on behalf of my delegation and myself to the President on his election at this historic session of the Conference. I also extend my warm greetings and felicitations to the three Vice-Presidents. I am sure that under their guidance this historic session will meet the expectations of all the member States.

I am reminded of some of the landmark anniversaries of this Organization. The 25th anniversary saw the adoption of the historic Declaration of Philadelphia in 1944 which, while underlining the dynamic concept of social justice, clearly stated that "poverty anywhere constitutes a danger to prosperity everywhere".

Then came the 50th anniversary in 1969, the year in which the ILO was awarded the Nobel Peace Prize for its outstanding work in the field of labour.

I wish to thank the Director-General of the ILO for choosing a subject which is not only extremely important but also raises many questions which require introspection and *de novo* examination of the role played by the ILO within the last 75 years, and what the ILO could do in the future. The Report of the Director-General provides enlightening and thought-provoking material to deliberate upon, and also seeks to provide a new direction to its activities. It is essential that the ILO should take into consideration the aspirations of the constituents in the changed context.

A new world order is emerging. We no longer have the Berlin wall. Everyone swears by the doctrine of the free market economy. However, some people definitely believe that the fall of communism is not on account of the bankruptcy of the doctrine, but really due to economic failure, and that the epitaph of communism is not yet written. The globalization of capitalism is being hailed as a triumph of the market economy. I am not sure whether it would be correct to take that view. No system is perfect and we need to examine the good and the bad that the new world order has to offer. In an atmosphere of survival of the fittest and increasing income disparities, suitable support systems have to be evolved in order to provide social justice and equal opportunities. I believe injustice anywhere is a threat to peace everywhere.

The agreement reached at Marrakesh on 15 April 1994 is a watershed in the history of the world economy. A pervasive multilateralism covering everything from apples to zinc is going to influence bilateralism, as also to an extent, the regional and subregional multilateralism like that of the European Community, the North American Trade Agreement (NAFTA) and the Association of South East Asian Nations (ASEAN). The proposed World Trade Organization (WTO), which is to become functional in the near future, is expected to have tremendous significance in the future order. During the first four decades or more of its functioning, the priorities of different States had affected the onward march of the United Nations towards its aims and objectives. Let us see how the priorities of the leading economies are going to influence the functioning of the WTO in a post-Uruguay Round free world trade order. And it is in the perspective of the speedy globalization of the economy along with growing competitiveness among the member States in the field of industry, trade and commerce that the question of social justice has to be dealt with by the ILO. The trade priorities of the different regional arrangements I have already mentioned (EC, NAFTA, ASEAN) may clash and the regional and multilateral trade adjustments may not always promote social and economic equality and justice. The ILO will have an onerous task on its hands in such a complicated scenario.

The cost of labour is one of the factors which has a bearing on global competitiveness. However, it is by no means the only one. While it may be natural for an individual country to quote general principles in order to promote its specific trade interest, an organization such as the ILO has to tread cautiously in this arena. It must be clearly recognized that attempts to standardize labour cost will mean conflict with the fundamental principles of the voluntary nature of member States' obligations. Also the concept of reciprocal rights of inspection in exchange for the renunciation of unilateral trade practices does not appear to mesh properly with the existing framework of the ILO's control and supervisory machinery. While human rights and basic values remain the bedrock of the functioning of the ILO and most member States are struggling to find solutions to the problems, the ILO should not be seen in the developing world as espousing only the cause of a few member States.

Let me again briefly refer to the recent agreement at Marrakesh and the discussions relating to the insertion of social clauses in an international trade agreement. Before I say anything on the subject, I wish to mention that our Government is a member of the General Agreement on Tariffs and Trade (GATT) and a signatory of the Marrakesh agreement. We are also fully committed to the ideals for which the International Labour Organization stands and for which it has a unique place within the United Nations system. We realize that the ILO Constitution states, among other things, that, "The failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries." Let me reassure you that we, the employers, the unions and the government, in our country are as much committed to the improvement of the quality of life of our people as anywhere else in the world. But, what concerns us is whether insistence on social clauses at this stage of development would amount to putting the cart before the horse. We need to understand carefully the unintended consequences of an improper sequencing of social and economic development. Social development is necessary. But it cannot take place without economic development. Any impediment to the economic development of developing countries would have the intended or unintentional additional consequence of impeding social development.

Here I must emphasize that the inter-regional inequalities in the world must be taken into account while formulating policies and standards. It would be a travesty of social justice if, to take an example, the income and institutional disparities between the rich Scandinavian region and the poor sub-Saharan region, between the affluent Western economies and the least developed countries are not taken into due account while formulating constructive developmental and regulatory interventions by the ILO. In fact, the poor regions need to be accorded special consideration.

The year 1994, when we are celebrating the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia has a special significance for Indian industrial relations also. This year marks the 50th anniversary of tripartism in India which has acquired special significance in the context of structural reforms.

The Indian economic reforms are unique in pursuing the middle path blending the interests of industry and people and harmonizing the considerations of development with social justice. The quest for more and better jobs has become a global challenge. Yet, in order to compete, we have to rationalize the use of all our productive resources, including labour. In a country where unemployment and underemployment levels are already high, the very idea of a possible reduction in jobs in the organized sector may not be acceptable. Having done pioneering work in the field of job creation, the ILO should shift its focus to employability and productive employment creation. Further programmes could be taken up in orienting and preparing people for multi-skills and careers. Greater thrust may be given to technical cooperation through increased emphasis on education and training.

I am also reminded of the recently held meeting at the United Nations of the Preparatory Committee of the World Summit for Social Development to be held in Copenhagen early next year. This summit of heads of governments has three main objectives. These are: reducing poverty, increasing productive employment and enhancing social integration. All three objectives are pre-eminently relevant for all countries including industrialized countries which are also witnessing disturbing levels of unemployment and poverty. The globalization process appears to have made the interstate differences and inequalities more apparent and in many ways more unacceptable. This worrisome aspect of globalization has been specifically emphasized in the Report of the Director-General for this 81st Session.

Since concerted international action is essential for achieving social justice in a global economy, I hope that just as the 25th anniversary of the Organization was marked by the adoption of the Declaration of Philadelphia aimed at securing social justice in a post World War II economic order, this 75th anniversary will identify a shared set of values under the ILO's mandates for an effective programme in a globalizing post-cold-war economic order.

Let me conclude by saying to you, that we support the Director-General and the Conference in this epic crusade of "defending values, promoting change". Let the ILO make the best use of its unique position in the United Nations system as the torchbearer in influencing social and labour policies among the international community.

I am grateful for having been given this opportunity to share some of my thoughts with the distinguished delegates participating in the 81st Session of the International Labour Conference. On behalf of the Employers from India, I reaffirm the faith in our national objectives of growth, stability and social justice and our commitment to evolving a common approach to accommodate the aspirations of every segment of the global village, for therein lies the key to lasting world peace and prosperity.

Mrs. BABIC *(Government delegate, Croatia)* – It is my special honour to greet in this anniversary year, on behalf of the Government of the Republic of Croatia, all the participants at this 81st Session of the International Labour Conference.

The Government of the Republic of Croatia highly appreciates the importance of the membership of the Republic of Croatia in the ILO, which has a guaranteed place of honour among the most numerous and certainly most respected international organizations, due to its continuity in organization and functioning as well as its clearly designated goals based on eternal values.

Besides being an occasion on which we can recall the past, the significant anniversaries inspire us to think seriously about the future. This is indeed a time of changes and let this Conference, among other things, serve to bring forth a strategy for the further activities of the ILO and its readiness to respond to the demands created by the changes which have occurred – and which will continue to occur.

The Republic of Croatia, exposed to the imperialist aggression by Serbia and Montenegro – which has multiplied human suffering on this soil to an unthinkable degree, resulted in hundreds of thousands of refugees and displaced persons, the suffering of children, women and elderly, genocide and other crimes against the civil population and the destruction of economic resources – has the moral right to tell this Conference that the free and democratic world and its institutions were obliged, without hesitation, to respond energetically to this aggression which was directed against the general values of civilized society. The fundamental changes on the territory of the former Yugoslavia, which led the Republic of Croatia and the Republic of Slovenia on the path of western European standards regarding human rights and freedoms, regarding political democracy, free market, equality and tolerance, were not supported immediately and unreservedly.

Was the reason for this hesitation by the international community the fear of national individualization and self-determination of small nations as obstacles to the processes of integration in the world and the globalization of economic and social development? We maintain that such fear was groundless because national individualization and self-determination is a right and not a privilege, because small nations have the knowledge, wishes and possibilities to contribute fully to the development of the international community.

I wish to assure you, on behalf of my Government, that the Republic of Croatia will, by its own social and economic development, through advocating a just peace and a peaceful solution to the conflict imposed on it and through the respect of human rights and freedoms, significantly contribute to the stability of the political, cultural and social order in southeastern Europe.

We are facing a period of preparations for the World Summit for Social Development which is to be held next year. My Government expresses its belief that this Conference will be a strong inducement to an efficient and active operation of the Summit, because these obligations correspond to the spirit and principles of the Declaration of Philadelphia, the anniversary of which we are now observing.

Let me briefly draw your attention to the efforts which my Government is making for balanced economic and social development in the Republic of Croatia.

The Government of the Republic of Croatia believes that the fields of work, employment and social security are of extreme importance for overall social development in the Republic of Croatia – a priority of national politics, which touches on basic human rights and freedoms and determines the direction of economic and social development as a whole.

The Government of the Republic of Croatia wishes to base economic and social reforms on the principles and standards of human labour, on active policies of the labour market and employment and a high level of social security and on a support programme of social welfare with financial and material assistance to specific parts of the population, to achieve an acceptable social price for transition and its balanced distribution.

The Government of the Republic of Croatia is rapidly working on the development of the respective legislation in the areas of labour and social security. Wide-ranging discussions are taking place – as are tripartite exchanges of opinions and consideration in parliamentary committees, and consultations with international institutions and experts; especially significant is the expert and technical assistance provided by the ILO.

The economic, social, legal and institutional infrastructure of the Republic of Croatia will be compatible with the system of the European Union and the member countries of the Council of Europe. Therefore, the Republic of Croatia rightfully expects that the way will be opened up for European integration.

Trusting that this Conference will not end without establishing clear recommendations to submit to the forthcoming World Summit for Social Development, the Government of the Republic of Croatia, maintaining that it has the full right to do so, will invite the World Summit: to confirm and strengthen the principles enshrined in international documents, declarations and multi-party international agreements on the right to economic, social and cultural development; to confirm and strengthen the principles contained in the Declaration of Philadelphia which state that all human beings are entitled, without discrimination on any basis, to material progress and intellectual development in freedom and dignity, in economic security and based on the principles of equal opportunity; to emphasize in particular the role, significance and contribution of the ILO on the issues of social development; to call upon United Nations member countries to cooperate closely with the ILO, to participate actively in the drawing up of ILO documents, to observe the spirit, principles and standards of the ILO in the fields of labour, employment, social security – especially through national legislation and practice – and to encourage the implementation of ILO Conventions and Recommendations, which determine principles of freedom of association, tripartite cooperation, the right to collective bargaining and the standards of protection at work, principles of equal opportunity and equality; to call upon highly developed countries for cooperation and assistance in the realization of the programmes of reconstruction of countries devastated by war, in particular, the Republic of Croatia and the Republic of Bosnia and Herzegovina, especially for cooperation and assistance in the implementation of the programme for the return of refugees and displaced persons to their regions, for the reconstruction of settlements, economic facilities, social welfare structure, transport and communal infrastructure.

It is my sincere wish that the participants of the Conference will be successful in their work. Allow me to assure you, on behalf of my Government, that the Republic of Croatia will be an active and recognizable member of the international community by the efforts it will make and its contribution to economic and social development in the processes of integration and to multilateral and bilateral cooperation for the well-being of the international community as a whole.

(Mr. Matinchev takes the chair.)

Original Spanish: Mr. MORALES *(Minister of Justice and Labour, Paraguay)* – Firstly, I would like to congratulate the President and the Officers of the Conference on their election and wish them every success in conducting our work.

It is an honour and a great satisfaction to come to this rostrum at the 81st Session of the International Labour Conference, and to represent the Government of the Republic of Paraguay, presided over by Mr. Juan Carlos Wasmosy, Civil President, elected through a democratic and transparent election on 9 May 1993. We are convinced that this meeting will acquire greater importance since it coincides with the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, marking our Organization's very positive accumulation of experience and action in the defence of social rights. At the same time, it is a great challenge for an equally complicated future, a particular challenge on the threshhold of the twenty-first century, which invites us to reflect on new courses of action that may be better able to cope with new social realities.

I must first of all say that we agree with the Director-General of the ILO, Mr. Michel Hansenne, when he raises the crucial questions of whether workers' rights should not be considered alongside the right to employment, since the acute problems of unemployment affect every country in the international community, and whether the ILO should concern itself not only with the protection of workers in employment but also find work for the person who has none.

Obviously, the global economy is a reality today and no country can find a solution to its social problems on its own and in isolation. We must be aware that interrelationships, an exchange of mutual experience and regional and subregional talks will be factors in helping us to secure social peace. The ILO bears a heavy responsibility in steering our ship in these new circumstances.

The generation of false hopes, the claims by workers organized in bellicose, intransigent organizations, employers' reluctance to solve problems by consensus, preferring further breaches of labour regulations, governments which depart from the basic principles of workers' protection and the regulation of social balances are realities which are still bringing memories of a confrontational past, in which the ILO was renowned for finding solutions for problems. Today we progress through dialogue, negotiations and agreements, providing never-ending sources for improved social relations.

The new Government of Paraguay took over on 15 August 1993 and right from the beginning designed its activities with the fullest respect for workers' freedoms, opened up the Ministry of Labour for contact with the workers' and employers' organizations, and was obsessively concerned with dialogue, negotiation and the reaching of agreements.

In this way, the Government has achieved unity of action among the three most significant workers' federations – the United Workers' Centre (CUT), the Paraguayan Confederation of Workers (CPT) and the National Confederation of Labour (CNT). By coming together these three will carry greater weight in negotiation. Within the same context, agreement was reached with the Federation of Production, Industry and Commerce (FEPRINCO), the Paraguayan Industrial Union (UIP) and the Rural Association of Paraguay (ARP), all of them employers' organizations, to achieve common action. This collective action was consolidated in January 1994 through the creation of a permanent working party in the Ministry of Labour in which, as an effective demonstration of dialogue and negotiation, a very important decision was taken concerning the definition of priority matters to be analysed and resolved within the context of labour problems in our country.

A permanent tripartite board in the labour sector of the transportation industry, established to reach agreements on objectives and to define goals, avoided a general strike. For the first time a tripartite committee for the supervision of labour standards was created. Also for the first time, workers, together with employers and the Government, formed a Board of Tariffs to fix the fares for urban and long-distance transport.

At the same time, the new administration has recovered the confidence of employers and workers. And, an increase in solutions for conflicts through dialogue and negotiation has consolidated the machinery set up and helped reach numerous important agreements. Nevertheless, we have to go on perfecting this machinery by better training in the techniques of negotiation and an effective adaptation to reality around us.

A few factors brought the conclusion that talk and agreement have obtained the confidence of the parties concerned. Between August 1992 and 17 May 1993, 74 tripartite agreements were signed. In the same period under the new Government, from August 1993 to 17 May 1994, 106 tripartite agreements were reached, which makes an increase of 32 tripartite agreements. As regards the solutions in the first period, 32 per cent of disputes were settled and 42 per cent of disputes were settled in the second period.

Since October 1993 a new Labour Code has been in force. The economic prospects of the country are looking up. The Government is optimistic with regard to the achievement of positive cooperation of employers and workers.

Monetary stability, controlled inflation (in May 1994 it was 0.5 per cent) and the increased reserves of the Central Bank suggested there would be definite advances in the consolidation of social peace.

I would mention one point, namely a product of our social and political history – a general strike, the first in 36 years, convened by the three trade union federations. Although the employers and workers do not agree with the use of pressure, the strike was respected. Unfortunately, there were a few outbreaks of violence which soiled the degree of solidarity obtained by the workers. After the strike was over, talks were resumed to solve the problems needing review by the sectors involved. The Government guaranteed the full freedom of the strikers and absolute freedom for the workers who carried on with their work. As a sign of its political will, the Ministry of Labour, by resolution 85/94, set up a special Commission to follow the strike, inviting the workers' federations to send representatives so that through joint management, the strike's compliance with the law could be monitored. Unfortunately, such management and its aims were not understood and the trade union sector did not participate.

The labour problems that we have to face is, first and foremost, to meet the acute need for employment. The number of people constantly entering the labour market is far greater than the number that can be provided with jobs. In this sense, there is a very difficult task facing the ILO and ministers of labour, since upholding the principles of the right to employment means we have to take alternative action, which will make it possible to cater for the ever increasing number of persons requiring jobs, by matching them to the jobs available on the labour market.

The challenge is a difficult one for the Government of Paraguay and the Government is aware of the limits imposed by the legal aspects to the problem and the real pressure of the situation. In this sense, apart from stimulating foreign capital or foreign investment, we will work jointly with the workers and employers to define a sincere policy of employment based on new realities in which competitivity is a powerful factor which obliges countries, enterprises and workers to rethink their strategies, to enable them to reflect more accurately the realities around us, and reach the goals we set.

The framework in which the political and social activities of the country is proceeding is bound up with a democratic society which is pluralist and participative, working in freedom and in social justice, and hence it is of vital importance that all sectors concerned should participate, especially employers and workers, so that the happiness of our people can be assured through dialogue, negotiation and agreement. The Government is stimulating and providing for the setting up of the machinery required to diminish conflict and to bring about settlement by consensus.

Finally, the Government of Paraguay expresses its faith in democracy and is convinced that in this effort it will have the collaboration of the workers and employers and the very special advice given by the ILO, and so looks forward to a bright future in which we will face up to the challenges before us.

Mr. WHANG *(Employers' delegate, Republic of Korea)* – On behalf of the Employers' delegation of the Republic of Korea, I take great pleasure in extending our sincere congratulations to Mr. Charles Gray on his election as President of this session of the International Labour Conference. I am convinced that his leadership will make this convocation both highly successful and productive.

This year marks the 75th anniversary of the foundation of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia. Thus, many feel that it is high time to discuss in earnest, through the Director-General's Report *Defending values, promoting change,* the new role the ILO should play in this evolving world.

For the past 75 years, the ILO has made strenuous efforts to protect the basic rights of workers and improve their working conditions. Since its founding, the ILO has played a significant role in creating a fundamental charter of human rights in the field of labour.

However, many member States have not yet ratified the Conventions to a satisfactory extent; moreover, quite a few countries that have endorsed Conventions are not applying them. For this reason, the following questions have been put to us, both from inside the ILO and from outside.

First, are the ILO's efforts to set international labour standards – its primary mandate – irrelevant or ineffective?

Second, since the questions raised about the setting of standards seem to derive from the ILO's principle of voluntary acceptance, is it time to take more compulsive measures?

Third, would it be more effective to link the so-called "social clauses" to international trading agreements?

We would be well advised to pay close attention to the point of view that leads to these questions being raised in the international forum. They generally seem to stem from somewhat unrealistic aspirations in the promotion of workers' rights, and they are often based on the conviction that the prevention of social dumping can smooth the path to a satisfactory environment for fair trade between nations. Such measures might, of course, constitute an approach to increasing the level of ratification of the ILO Conventions. Furthermore, we may be led to believe that such a course of action would be an effective way to increase the number of member States that apply international labour standards.

We should, however, pay more attention to the fact that many developing countries are suspicious of any linkage being made between the social clauses and trade; they feel that such a course is little mor
than a barely disguised pretext for new forms of pro
tectionism. There can be no denying that too man
developing countries are still unable to meet the con
ditions of adequate social development. Under thes
circumstances, if imports of goods from developin
countries are restricted solely because these coun
tries have a low level of social progress which doe
not meet the expectations of certain advanced na
tions, this may endanger the livelihood and employ
ment of workers in these developing countries. Thi
would make the protection of workers' rights – th
ultimate objective of the ILO – even more difficul
Consequently, how can we refrain from worryin
that these developing countries might then lose th
war they are waging on poverty and unemployment
the common enemies of humankind. Another prob
lem we must face: any friction between nations re
lated to the evaluation and recognition of the soci
clauses is likely to bring about conflict and confron
tation at an international level.

Certain businessmen in Korea, having duly consid
ered a relatively high level of wages and other cond
tions of work, now argue that they have everythin
to gain and nothing to lose by such a course of a
tion. Nevertheless, I believe that for the ILO to in
pose a direct linkage between working standards an
international trade might impede the fundament
spirit of the Organization and would not prove a wi
measure. Moreover, in the same context, an attem
to enforce Conventions by transferring responsibili
for sanctions to a secular arm outside the Organiz
tion does not seem a reasonable alternative.

We do not need to be impatient or disappointe
because the number of ILO Conventions that hav
been ratified is rather low – even if this is contrary
our expectations. The ILO must take care not to g
ensnared in any short-sighted ideology affirming th
need to continue setting new standards at the sam
pace. The Conventions and Recommendations of th
ILO have, even if their effects are somewhat slo
contributed greatly to augmenting workers' righ
and, as benchmarks, have exerted a definite influen
on the labour policies in several countries which
not have an adequate record of ratification. This h
been pointed out by the Director-General in his R
port. We should also keep in mind that many cou
tries, including the Republic of Korea, looked up
the ILO Conventions and Recommendations
points of reference when passing or amending labo
laws, even before they joined the ILO. Thus, n
tional legislation and policy have often been broug
into line with the requirements of ILO Conventio
and Recommendations.

In this respect, it is incumbent on us to re-evalua
the relevance of our legislative function, its effectiv
ness and its suitability to today's world. We have
find a method – slow though it may be to impleme
in full – which can be applied by all countries
matter their power and size, with their full acquie
cence and good will, and not under the threat
sanctions. Ratification and observance of ILO Co
ventions and Recommendations depend on a n
tion's fundamental policies, and the main problem
this context is each country's level of economic d
velopment. In an awareness of this reality, it wou
seem best to search for an alternative based on pe
suasion more than on coercion. Voluntary accep
ance of international labour standards is a more re

sonable approach, and may be expected to bring about better observance of them in the long term.

We have to recognize that promotion of workers' rights, based on ILO standards, cannot be achieved without economic development. Therefore it is incumbent on the ILO to help provide the leadership that will enable developing countries to become better equipped with the economic strength needed to improve their workers' rights and working conditions.

Mr. MARSHALL *(Employers' delegate, New Zealand)* – The President is taking the chair of the Conference in a year of considerable importance for the ILO – a year in which 75 years of activity are recognized and a year in which the ILO must make important decisions about its future. We wish him well in that task.

New Zealand has been an active Member of the ILO since its foundation. As a nation we have a history of leadership in the areas of human rights and welfare. Last year we celebrated 100 years of women's suffrage and can cite amongst our achievements access to universal education and health services second to none. This includes the great work of Sir Truby King in the provision of services to parents and their newborn children.

In the world of work we have developed traditions of the recognition of rights: the right to work, the right to be represented, the right of non-discrimination, the right to bargain and the right to seek justice.

It is with this background that we must today express our real concern at the position that we are now confronted with as regards our relationship with the ILO.

As the Director-General correctly points out in his Report, the world has changed, the advances in technology, and in particular information technology, have done two things. First they have broken down the artificial barriers of geographical and political boundaries and, second, they have moved towards developing levels of education and understanding that the world's peoples never before dreamt of.

The triumph of democracy has not been the triumph of an economic philosophy. The market has simply been a tool towards the triumph of the individual.

People as individuals, whether acting as part of an enterprise, a community or a nation, or acting as employees, employers, consumers or voters, demand new levels of choice and accept that with the right of choice come new responsibilities.

It is recognized that different countries are at different stages of development. This calls for very different attitudes and approaches from institutions such as the ILO. It calls for a new maturity which recognizes the maturity of the Organization's constituents and their cultural diversity.

The days in which institutions can both develop standards and prescribe the method of application of those standards are gone. There is no place for the colonial imposition of one set of standards which fails to recognize each individual country's particular circumstances.

The world and its people will accept the desirability, indeed the necessity, for the establishment of broad universal standards. They will not, I suggest, accept the right of international institutions to stipulate only one way to achieve those standards. This will require a fundamental reconsideration of some of the ILO's basic principles.

For example, should the freedom of association also encompass the freedom not to associate? I believe it must. This being the case, we must question why the right to collective bargaining should have any preference or positioning above the right of individuals who choose to bargain individually.

The right to representation is fundamental, but again, like all human rights, it is a right available to an individual. Individuals must be able to decide whether or not they wish to be represented and, if they do, it is their right to decide whether they wish to have their representative work for them alone or to join with others in a group representation.

The right to strike is another area requiring reconsideration in light of both the development of individual rights and responsibilities and the development of democracy.

When an individual, whether alone or as part of a voluntary collective, has agreed on employment conditions, that agreement must form an honourable bond between the individual and the employer. Both parties have the responsibility to honour that agreement for its term. Strike action or lockout should only take place when the responsibility and obligations of the agreement have expired.

In a democracy there is no place for strikes against a government's policy. The correct protest for employer, employee or indeed any other individual is the democratic process of election – the ballot box. It is no longer acceptable to suggest that workers or employers should be able to use each other as pawns in political activity.

With the breaking down of global barriers and the continuous development of technology, we have seen the dawning of the age of the consumer. This has seen the development of an increasingly competitive global economy.

In this environment nations are recognizing that they must themselves become competitive, removing artificial trade protections which, through their restriction of growth, are proving fatal to the maintenance and indeed the improvement of living standards.

National economies are rapidly changing from being centrally controlled to being largely deregulated, placing the onus on individual enterprises to respond to international competitive forces.

This calls for systems which are flexible and responsive to change – placing new importance on the enterprise relationships between employer and employees.

Such a change does not require the removal or the lowering of national standards. It simply calls for a different non-prescriptive approach. It requires employers and employees to identify with each other's needs and desires in working together for the same aim, the satisfaction of creating goods and services valued by others and being rewarded for doing so.

This is not achieved by compulsion, with rules laid down by a national document drawn up by self-appointed experts. It is ideally the result of cooperation between employers and employees in individual enterprises, recognizing their individual rights and responsibilities within a framework of broad national standards.

The same philosophy must be adopted by the ILO in its development of standards and its procedures for applying these standards, if it is to remain relevant.

In this respect it is necessary to consider another fundamental ILO foundation – the principle of tripartism. There is no question that in the development of policy, governments have a responsibility to consult with society at large. To fail to do this in a democratic setting is to commit political suicide. There is also no question that as part of that consultation, governments must take account of the views of both employers and employees through their most representative bodies.

Taking account of the developments in individual rights, however, it would be both naive and wrong to grant those employer and employee representative bodies rights in excess of those granted to others in society. Yes, my organization in New Zealand, the Employers' Federation, is the most representative body of employers in the country. We cannot, however, pretend to represent the views of all employers. Although we reserve the right to express our views to governments and to the public alike, we cannot assume rights of decision-making on behalf of all in conjunction with any other party, be it government or an employee organization.

Employee representative groupings are, I believe, in the same position.

This fact does not detract from the desirability of consultation with employer and worker organizations either at national or international level. It does, however, throw into question the concept of tripartite decision-making.

An ILO direct contacts mission is due to visit New Zealand later this year. It will find itself in the middle of considerable political debate and will, I am sure, receive plenty of advice, particularly from those seeking a return to quite inappropriate rigid centralist controls.

In his Report the Director-General raised the question of the relationship between labour standards and trade.

Despite the development of a competitive world economy, stimulated by the recent GATT outcome, it is ironic that consideration is now being given to imposed international standards in the areas of labour, environment and conservation in the context of international trade.

In addressing these issues we must not lose sight of the basic objective, that is the development of the living standards of all people through sustainable economic activity.

We must be careful not to simply replace old barriers to free international trade, such as the imposition of tariffs, with new ones as a means of providing continued protection from competitive pressures for the developed nations.

It would be very wrong, both from a moral standpoint and economically, to even consider the application of ILO principles or standards in the context of trade until they themselves have been substantially reviewed and reorientated to the new global environment. Indeed even if this were to be done, no direct link should be made between labour standards and trade.

It is our belief that the ILO, if it takes heed of the change taking place around it and reorganizes itself towards the provision of broad, non-prescriptive standards for the guidance of members, the provision of research and the provision of best practice support to its constituents, will have an important and very valuable continuing role to play. We would indeed be proud of such an organization.

Mr. PARK *(Workers' delegate, Republic of Korea)* – Allow me on behalf of all Korean workers to express my heartfelt congratulations to the President on his unanimous election to the chair of the 81st Session of the International Labour Conference, a memorable occasion marking the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. I am convinced that your unbounded experience, unparalleled knowledge and capable leadership will lead this Conference to the opening of a new chapter in the ILO's history anc will ensure that this is one of the most successfu conferences we have ever had.

To begin with, I would like to compliment the Director-General on his Report entitled *Defending values, promoting change* devoted to the ILO's future-oriented development in commemoration of its 75th anniversary.

When the International Labour Conference wa held in Washington, DC, in 1919, Korean worker were suffering under colonial imperialism. And wher the Declaration of Philadelphia was adopted in 1944 it remained an ideal far beyond the reach of Korear workers for the protection of their rights and interests. Even after the end of Second World War, Korean workers were the victims of cold war ideologica confrontation. Under such an international politica structure, Korean workers' long-time cherished wis of joining the family of the ILO was only realized i December 1991.

As mentioned in the part of the Director-General's Report entitled "A changing world", in th last few years there has been an enormous international political change signalling the end of a bipolar world. I believe that the Republic of Korea's entry into the ILO family was greatly facilitated by th disappearance of East-West confrontation and als by continuous action by Korean workers. My pleasure is redoubled by the fact that Korean worker are also able to celebrate the ILO's 75th anniversar and to participate in the activities of the ILO for th defence and promotion of the rights and interests o the workers of the world. However, it is regrettabl that despite the end of the Cold War its legacy remains in the Korean peninsula and the workers i the northern part of the peninsula are not yet part o the ILO family.

Since the governments of the world have begun t implement neo-liberal economic policies to adjust t the globalization of the economy and to promot greater international competition, privatization o various state industries and deregulation are prevai ing phenomena. Accordingly, there are worryin signs of retrenchment of social protection system Alongside this trend, as concrete and practical discussions and agreements proceed on the formatio of regional economic blocs and world trade libera ization, flows of capital between countries are muc freer and more active than ever before. Multinational enterprises seeking maximum profits are fre to move to any place and any country where production costs are low. Workers also move to places an countries providing them with better employmer opportunities, higher wages and favourable workin conditions.

Labour-related problems have become too complex for a single nation State to solve effectively. Under such changed circumstances, it is appropriate and timely for the ILO to take a new approach to the promotion of social justice and the maintenance of balance between the role of the State and the market. Today, when we look around at the situations that have developed in every corner of the world, we can see numerous challenges facing working people. The gap between industrialized countries and developing countries is continuously widening. Within countries, the phenomena of marginalization and social exclusion of less privileged people are spreading. The economy of the world today is highly reminiscent of the situation of the great recession in the early 1930s, with the problems of record high unemployment, low growth, employment instability due to structural adjustment, deteriorating social protection systems and increasing child labour. We are also confronted with the gloomy fact that one-fifth of the world's population lives in absolute poverty. It is, therefore, necessary for the ILO to take prompt measures in response to the real need for the realization of social justice and for progress towards the goal of workers' dignity, since new and chronic problems are appearing and will have to be tackled as global tasks. Global approaches are needed to stimulate international economic growth and promote employment policy, and in this respect the World Employment Programme of the ILO is very valid. To further facilitate this Programme, I think that tripartism, which encourages the participation of social partners in the process of policy planning, is important, particularly at the national level.

The Republic of Korea, as one of the newly industrialized countries in Asia, has consistently pursued an economic development policy and has achieved a considerable degree of economic development. However, in recent years, development in the social field has not kept pace with development of the national economy. In the latter half of the 1980s, the Republic of Korea has gone through a transitional period of democratization in which workers have played a significant role and the movement has contributed to an improvement of the system in terms of a much fairer distribution of shares in economic growth. The Korean employers' attitude to the just demands of workers has also undergone many positive changes, so that employers pay more attention to the establishment of in-house welfare facilities and have begun to refrain from resorting to unfair labour practices in a bid to forge sound industrial relations. In the meantime, workers are struggling to improve their economic and social status and work together for the improvement of productivity as a result of the development of community consciousness. There is a broad understanding that it is very important for workers, employers and the Government to cooperate for sustained national economic development, fair distribution and the enlargement of social protection schemes, which are likewise vital for democracy and social development. As pointed out in the Director-General's Report, tripartism, the unique principle underlying the composition of the ILO, is expected to play a much more valuable role in promoting the sustained development of democracy in the Republic of Korea. This year, like last year, Korean workers, employers and the Government sat together for discussions on labour-related issues and succeeded in reaching a social accord. In consequence, I think that the ILO's activity for the promotion of tripartism is essential for the development of democracy throughout the world and is a mechanism for the ratification and application of the ILO Conventions and Recommendations.

In the chapter of the Director-General's Report, entitled "Standards: A broader approach", the Director-General drew attention to the questioning of the relevance and effectiveness of Conventions and Recommendations and supervisory mechanisms and to comments on the need to review them. In doing so, he suggests that a "soft" law can be a prompt and effective measure to deal with new problems brought out by changes in international circumstances and technological progress. I am concerned that the Director-General's proposal for a "soft law" may adversely affect the existing Conventions and Recommendations. Furthermore, our discussion of the inclusion of a social clause in the new World Trade Organization should focus on ways of promoting workers' interests and protecting workers' rights by preventing social dumping through the strengthening of the international effectiveness of standard-setting in the globalization of the economy. But we must exercise due caution in the face of trade hegemony and maximization of national self-interest.

In conclusion, I wish this Conference success in generating new momentum so that all human beings living in the much closer and more interdependent world of today can enjoy peace and prosperity in a society based on full social justice.

Original German: Mr. NAGY *(Workers' delegate, Hungary)* – Allow me, on behalf of the Hungarian workers' organizations, to congratulate the President and the Officers of the Conference on their election and to wish them every success in their responsible work.

Hungarian trade unions studied the Director-General's Report with great interest. It is aimed at bringing different opinions and interests closer to one another, drawing up a framework for more efficient activity by the ILO and pointing out issues that are decisive for its future. We agree that the importance of tripartism must not diminish in the future either and that the ILO's core mandate given to the Organization in 1919 and 1944 is equally valid today.

Throughout the world we can see signs of crisis – and our region is not an exception. The burden of this crisis is primarily borne by the wage- and salary-earners. In many countries, workers' rights and trade union rights are often seriously violated. It is essential that the activities of the only universal organization built on a tripartite basis should become tangible in the everyday life of the 98 per cent of the world population "covered" by the ILO.

In spite of the radical changes in the world, the relationship between the employers and employees has not basically changed. Our experience shows that when the situation becomes more complex the need for reconciling interests does not diminish; and we feel that in this respect the knowledge and experience available through the ILO is most significant.

We believe that this is even more relevant in the light of the crisis in the Hungarian economy and the sharp social conflicts that have emerged; and we feel that following the parliamentary elections in May, the new Government, the trade unions and the employers must now start negotiations and reach a medium-term economic-social agreement. As we see it, all the social partners are now interested in reaching this agreement. Consequently, there is a good chance of reaching a comprehensive agreement; in fact, this would be a political agreement among the parties as to the possible solutions to the most acute economic and social problems; and it would also advocate ways of establishing economic stability and creating the conditions for economic growth.

Part of this agreement – in our view – could also include measures aimed at a possible improvement of incomes and the social position of wage-earners, pensioners and the unemployed; it should at least halt the further deterioration of the living conditions of the poorest. We also think it is important to include in the agreement guidelines as to how to bring different interests closer together, extend workers' and trade union rights, and improve conditions for trade union activity.

All these are extremely important from the point of view of the workers and the trade unions; it is equally important that in the light of the election results, the new Government may be expected to create the opportunities for such an agreement due to its composition and willingness for dialogue and agreement, which did not exist during the past four years.

The significance of all this is further enhanced by the fact that at a time of social transition and change in economic structures, it is especially important to recognize international standards and to learn about them and apply them – standards which govern and regulate fundamental workers' rights and labour relations.

We have often found that in the course of preparing or applying statutory provisions it is indispensable for trade unions to have access to the knowledge and experience accumulated by the ILO. Due to the fact that we lacked traditions and legal provisions have not yet taken root, workers' rights are often violated – and at times it is necessary even to fight for minimum rights. Consequently, conflicts arise between trade union organizations at enterprise level – and these are exploited by the employer. In general, we can say that the level of labour law services is decreasing and institutions ceasing to exist. We have also noted that the legal protection of trade union officers has deteriorated and the legal remedies have been curtailed. The complaint handed in by the Hungarian workers last autumn was the result of such abuses of rights.

We believe that the ILO should take the initiative in the new democracies – and therefore also in Hungary – and insist upon compliance with international standards and the respect of rights codified in the various countries. We believe that this is not only in the interest of individual organizations but of all workers in our region.

We consider the training programmes launched recently to be very important and believe that the Hungarian trade unions can acquire useful information from them. The transfer of knowledge is more efficient when the organizations of the countries involved take an active part in drawing up the programmes and technical cooperation. Naturally we do not think that this is a one-way process only. We are ready to make our knowledge and experience available to the ILO.

On behalf of the Hungarian trade unions I wish to express our thanks for the support we have received from the ILO's multidisciplinary team (MDT) in Budapest, which covers Central and Eastern Europe. We appreciate their expertise and professional advice, the opportunities for consultation and their objective analysis – which we feel are of specific help to the social partners – as a part of the active partnership policy of the ILO. We believe that it would be a good idea, on the occasion of the 75th anniversary of the ILO, to launch a worldwide campaign for a "world charter of workers' rights" as a complement to fundamental human rights.

The ILO must now see whether it can bring its spirit of tripartism to the World Summit for Social Development in 1995 and make those present aware of the importance of conciliating different interests. This will be a very important test for the ILO and be an indicator of its future.

Mr. SABRIU *(Minister of Labour and Social Policy, The former Yugoslav Republic of Macedonia)* – It is an honour to be present here at this 81st Session of the International Labour Conference and to address the Conference as a representative of the Republic of Macedonia. I would like to extend our greetings and best wishes for the successful work of the Conference.

On 28 May last year the Republic of Macedonia was admitted to the International Labour Organization. We were thus offered the opportunity to take part directly in all the activities of the International Labour Organization as a sovereign independent State.

The ILO has made a contribution to the creation of social justice and lasting peace by establishing norms of international law regarding the development of the right to employment and regarding legislation, as regulated by international Conventions and Recommendations on labour issues adopted at sessions of the Conference. The ILO has also contributed to solving labour and social policy problems worldwide and to improving the living and working conditions of working people.

The current problems in the field of labour, which are related to the daily life and work of citizens and working people, have always been a concern of the ILO and have been included in all its activities. Proof of this is the present session of the ILO, held in a year when the ILO is celebrating its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia. During this session, among other things, an important problem will be discussed which, to a greater or lesser extent, is present in every country: the problem of unemployment and employment. The problem of unemployment is much more striking in the developing countries and the countries in transition, among which we find our country.

During the past few years our political and economic systems underwent crucial changes. Macedonia was constituted as a sovereign independent democratic and social State. We are establishing and building a market economy based on different kinds of ownership, an economy which offers equal treatment and equal protection.

Our State started independently to arrange relations in the field of labour in accordance with the norms of international law set forth in the Conventions and Recommendations of the International Labour Organization – a law on labour relations and several other laws governing the labour system have been adopted. The procedure for the adoption of other laws and the signing of collective agreements is also under way and after they are adopted the entire system of labour relations will be completed.

The new legislation on labour strives to reflect the fundamental values of the Constitution and especially the economic, social and cultural rights as part of the basic freedoms and rights of man and citizens recognized by international law and established by the Constitution of our country.

Simultaneously the processes of privatization of social capital and transformation of enterprises are developing together with the processes of the organization of labour and capital in a market climate and pluralism of forms of property.

The introduction of these processes and changes also creates major changes in the economic structure of our country and they have a direct impact on the problems and situations in the field of unemployment and employment.

The drop in production, lack of investment, the increased number of bankruptcy proceedings and over-employment have an influence on the decline of demand for labour. The number of persons registered as seeking work is constantly increasing and consequently is aggravating the problems in this field. In December 1993 unemployment reached the level of 170,156 persons, of whom 78.9 per cent were seeking employment for the first time; 51.9 per cent were university-level educated people of whom 66 per cent are under the age of 30. If we consider the level of education of the unemployed, those with a secondary education number 26 per cent, then follow the qualified and unqualified workers at 18.8 per cent, and finally the semi-qualified and qualified workers.

The problem of unemployment in our country is even more serious due to the blockade imposed by our southern neighbour, Greece, and the measures taken against the Federal Republic of Yugoslavia, due to which the economy of the country is suffering great losses. They have a direct impact on the output and development of our economy, on the dynamics and processes of employment, as well as the financial and social stability of both the employed and unemployed.

The Republic of Macedonia, within the framework of its financial possibilities and the material possibilities of the economy, is making efforts and is providing the appropriate financial assistance and social security for unemployed persons by providing benefits established by the law. It is also assisting families in need and which find themselves in emergencies and require funds for their existence. This assistance is provided through the programme of protection of socially vulnerable persons.

All this is also reflected in the creation and provision of social justice and lasting peace as one of the basic aims and tasks of the International Labour Organization.

Our country and the other countries in transition have problems requiring relevant technical and financial assistance due to the above-mentioned situation in order to stabilize and develop the economy to create more favourable conditions for greater and speedier employment of unemployed persons for their financial and social security.

In this respect, we believe that the International Labour Organization could provide a relevant contribution through its forms and types of activity, for the purpose of creating, maintaining and promoting social justice and lasting peace as one of the basic aims of this Organization.

(The Conference adjourned at 7 p.m.)

Credentials

Brief Report by Mr. J.L. Nkomo, Chairman of the Governing Body of the International Labour Office, on the Credentials of Delegates and Advisers to the 81st Session of the International Labour Conference, Geneva, 6 June 1994

The Chairman of the Governing Body of the International Labour Office has the honour to present the customary report prescribed by Article 26 of the Standing Orders of the International Labour Conference.

The composition of each delegation and the method of appointment of delegates and advisers to the sessions of the International Labour Conference are governed by Article 3 of the Constitution of the International Labour Organization.

In accordance with paragraphs 8 and 9 of this Article, it is for the governments to communicate to the International Labour Office the nominations made. The Conference examines these nominations and decides, in the case of dispute, whether delegates and advisers have been nominated in accordance with Article 3 of the Constitution.

The Conference exercises this power in accordance with the procedure laid down in Articles 5 and 26 of its Standing Orders.

In particular, paragraph 2 of Article 26 of the Standing Orders of the Conference provides that "A brief report upon these credentials, drawn up by the Chairman of the Governing Body, shall, with the credentials, be open to inspection by the delegates on the day before the opening of the session of the Conference and shall be published as an appendix to the record of the first sitting".

The present report is submitted in compliance with this provision. The list given in the table below was closed on Monday, 6 June 1994 at 12.00 noon in order that it might be available for inspection by the members of the delegations that same day, that is, the day before the opening of the Conference.

In addition, the present report serves for fixing provisionally, in accordance with paragraph 1(2) of Article 20 of the Standing Orders of the Conference, the quorum necessary to give validity to the votes taken.

The table below, based on the files containing the names of the delegates and advisers and the credentials with which they have been provided or the official communications transmitted to the International Labour Office, shows the numerical composition of the Conference. It is to be noted in this regard that persons who have been nominated both as substitute delegates and as advisers, in the letters communicating the nominations, have been included among the advisers.

To date, 147 States have notified the names of the members of the delegations. It is to be noted that only 85 countries deposited the credentials of their delegations with the International Labour Office before 23 May 1994, that is within the 15-day deadline before the date fixed for the opening of the Conference, in compliance with paragraph 1 of Article 26 of the Standing Orders of the Conference.

On the other hand, while the Conference and the Credentials Committee have already previously insisted on the obligation which Article 3 of the Constitution imposes on governments requiring them to send complete delegations to the Conference, four countries (the Republic of Bosnia and Herzegovina, Cambodia, Haïti and Honduras) had only nominated Government delegates.

It should be noted, finally, that in the letters or telegrams communicating their nominations, a certain number of governments have not mentioned the employers' and workers' organizations which they have consulted and with which they have come to an agreement in appointing Employers' and Workers' delegates in accordance with paragraph 5 of Article 3 of the Constitution of the Organization or have not confirmed that they were paying the travelling and subsistence expenses of their delegates and advisers in accordance with paragraph 2(a) of Article 13 of the Constitution. In this regard, in order to ensure greater clarity in establishing the credentials, it would be advisable that governments use, for the nomination of delegates and advisers, the form enclosed with the letter of convocation and the Memorandum on the Conference which the Office addresses every year to member States.

Finally, I should like to urge delegates and advisers to register in person at the Information and Reception Desk, the quorum being calculated on the basis of the number of delegates registered.

Composition of the Conference, and Quorum

At present 291 Government delegates, 143 Employers' delegates and 143 Workers' delegates – a total of 577 delegates – are accredited to the Conference.

There are, in addition, 672 Government advisers, 366 Employers' advisers and 458 Workers' advisers – a total of 1,496 advisers.

The total number of delegates and advisers who have been nominated in conformity with the provisions of the Constitution of the Organization to take part in the work of the Conference is 2,073.

1) **Government delegates**
2) **Government advisers**
3) **Employers' delegates**
4) **Employers' Advisers**
5) **Workers' delegates**
6) **Workers' Advisers**

List of accredited delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	.	.	.	.	.	.
Albania	2	2	1	1	1	2
Algeria	2	8	1	8	1	6
Angola	1	3	1	1	1	1
Antigua and Barbuda	.	.	.	.	.	.
Argentina	2	9	1	10	1	10
Armenia	.	.	.	.	.	.
Australia	2	6	1	3	1	3
Austria	2	7	1	2	1	4
Azerbaijan	2	3	1	1	1	.
Bahamas	2	.	1	.	1	.
Bahrain	2	5	1	1	1	2
Bangladesh	2	2	1	1	1	.
Barbados	1	.	1	.	1	.
Belarus	2	2	1	3	1	7
Belgium	2	13	1	8	1	9
Belize	2	.	1	.	1	.
Benin	2	1	1	.	1	.
Bolivia	2	.	1	1	1	.
The Rep. of Bosnia and Herzegovina	2	.	.	.	.	.
Botswana	2	1	1	.	1	.
Brazil	2	6	1	10	1	9
Bulgaria	2	5	1	3	1	6
Burkina Faso	2	4	1	1	1	1
Burundi	2	3	1	.	1	.
Cambodia	2	.	.	.	.	.
Cameroon	2	1	1	.	1	2
Canada	2	4	1	5	1	5
Cape Verde	2	.	1	.	1	.
Central African Republic	2	1	1	.	1	.
Chad	.	.	.	.	.	.
Chile	2	7	1	5	1	8
China	2	15	1	3	1	5
Colombia	2	10	1	9	1	5
Comoros	.	.	.	.	.	.
Congo	2	1	1	.	1	.
Costa Rica	2	1	1	.	1	.
Côte d'Ivoire	2	2	1	.	1	2
Croatia	2	.	1	.	1	1
Cuba	2	3	1	.	1	3
Cyprus	2	3	1	5	1	5
Czech Republic	2	9	1	6	1	4
Denmark	2	6	1	4	1	4
Djibouti	.	.	.	.	.	.
Dominica	.	.	.	.	.	.
Dominican Republic	2	2	1	5	1	5
Ecuador	2	2	1	.	1	3
Egypt	2	10	1	2	1	6
El Salvador	2	.	1	.	1	2
Equatorial Guinea	.	.	.	.	.	.
Eritrea	2	1	1	.	1	2
Estonia	2	2	1	.	1	1
Ethiopia	2	.	1	1	1	.
Fiji	2	1	1	.	1	.
Finland	2	6	1	3	1	4
France	2	14	1	9	1	10
Gabon	2	4	1	2	1	5
Georgia	.	.	.	.	.	.
Germany	2	15	1	7	1	9
Ghana	.	.	.	.	.	.
Greece	2	15	1	8	1	10
Grenada	.	.	.	.	.	.
Guatemala	2	5	1	1	1	.
Guinea	2	2	1	.	1	.
Guinea-Bissau	.	.	.	.	.	.
Guyana	2	.	1	.	1	.
Haiti	2	2	.	.	.	.
Honduras	2	.	.	.	.	.
Hungary	2	8	1	4	1	7
Iceland	2	2	1	1	1	1
India	2	11	1	5	1	5
Indonesia	2	20	1	10	1	10
Iran, Islamic Republic of	2	8	1	1	1	7
Iraq	2	3	1	1	1	.
Ireland	2	5	1	1	1	1
Israel	2	3	1	1	1	6
Italy	2	16	1	7	1	7
Jamaica	2	2	1	.	1	1
Japan	2	20	1	6	1	10
Jordan	2	3	1	3	1	1
Kazakhstan	2	.	1	.	1	.
Kenya	2	3	1	1	1	1
Korea, Republic of	2	11	1	4	1	4
Kuwait	2	10	1	2	1	3
Kyrgyzstan	.	.	.	.	.	.
Lao People's Dem. Rep	2	1	1	.	1	1
Latvia	2	.	1	.	1	.
Lebanon	2	6	1	3	1	5
Lesotho	.	.	.	.	.	.
Liberia	.	.	.	.	.	.
Libyan Arab Jamahiriya	.	.	.	.	.	.
Lithuania	2	.	1	.	1	.
Luxembourg	2	9	1	4	1	8
Madagascar	2	2	1	1	1	1
Malawi	2	2	1	.	1	.
Malaysia	2	8	1	2	1	4
Mali	2	2	1	1	1	1
Malta	2	2	1	3	1	3
Mauritania	2	1	1	.	1	.
Mauritius	2	2	1	.	1	1
Mexico	2	2	1	10	1	6
Republic of Moldova	2	1	1	.	1	.
Mongolia	.	.	.	.	.	.
Morocco	2	6	1	4	1	5
Mozambique	.	.	.	.	.	.
Myanmar	2	7	1	.	1	.
Namibia	2	3	1	1	1	2
Nepal	2	1	1	.	1	.
Netherlands	2	10	1	7	1	8
New Zealand	2	5	1	1	1	1
Nicaragua	2	3	1	2	1	2
Niger	2	1	1	.	1	1
Nigeria	2	9	1	1	1	2
Norway	2	4	1	7	1	4
Oman	2	5	1	.	1	.
Pakistan	2	2	1	.	1	1
Panama	2	3	1	.	1	.
Papua New Guinea	2	3	1	.	1	1
Paraguay	2	1	1	.	1	1
Peru	2	4	1	2	1	3
Philippines	2	8	1	5	1	7
Poland	2	7	1	4	1	7
Portugal	2	10	1	6	1	6
Qatar	2	1	1	.	1	.
Romania	2	6	1	8	1	10
Russian Federation	2	6	1	6	1	7
Rwanda	.	.	.	.	.	.
Saint Lucia	.	.	.	.	.	.
San Marino	2	3	1	4	1	4
Sao Tome and Principe	2	.	1	.	1	.
Saudi Arabia	2	5	1	.	1	1
Senegal	2	4	1	6	1	10
Seychelles	2	.	1	.	1	1
Sierra Leone	2	.	1	.	1	.
Singapore	2	3	1	.	1	6
Slovakia	2	5	1	4	1	4
Slovenia	2	3	1	2	1	2
Solomon Islands	.	.	.	.	.	.
Somalia	.	.	.	.	.	.
Republic of South Africa	2	6	1	10	1	9
Spain	2	9	1	9	1	8
Sri Lanka	2	5	1	.	1	5
Sudan	2	5	1	1	1	3
Suriname	2	.	1	.	1	.
Swaziland	2	1	1	.	1	.
Sweden	2	6	1	6	1	6
Switzerland	2	8	1	6	1	7
Syrian Arab Republic	2	9	1	2	1	1
Tajikistan	2	.	1	.	1	.
Tanzania, United Republic of	2	2	1	2	1	1
Thailand	2	13	1	9	1	7
The Former Yugos.Rep. of Macedonia	2	2	1	.	1	.
Togo	2	.	1	.	1	2
Trinidad and Tobago	2	3	1	1	1	2
Tunisia	2	6	1	5	1	5
Turkey	2	11	1	9	1	10
Turkmenistan	.	.	.	.	.	.
Uganda	2	3	1	1	1	.
Ukraine	2	6	1	1	1	2
United Arab Emirates	2	7	1	.	1	1
United Kingdom	2	16	1	9	1	8
United States	2	16	1	5	1	10
Uruguay	2	3	1	2	1	1
Uzbekistan	2	.	1	.	1	1
Venezuela	2	5	1	8	1	10
Viet Nam	2	4	1	.	1	1
Yemen	2	4	1	2	1	2
Yugoslavia	.	.	.	.	.	.
Zaire	2	2	1	1	1	1
Zambia	2	3	1	5	1	1
Zimbabwe	1	2	1	2	1	3

	1)	2)	3)	4)	5)	6)
Total	291	672	143	366	143	458

Since 14 of the States[1] now represented are in arrears in the payment of their contributions to the Organization, those Members, under the terms of paragraph 4 of Article 13 of the Constitution, may not at present participate in the voting in the Conference or any of its committees. Account is therefore not taken of 51 delegates in calculating the quorum.

In conformity with Article 17 of the Constitution of the Organization and with Article 20 of the Standing Orders of the Conference, the necessary quorum to give a vote validity will provisionally be 263.

Observers

On the invitation of the Governing Body of the International Labour Office, Bermuda, the Holy See and the Virgin Islands have appointed observer delegations to the Conference.

Organizations and Liberation Movements Invited

The Conference is also being attended by:

- representatives of the United Nations and some of its organs, invited by virtue of Article II, paragraph 1 – relating to reciprocal representation – of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;
- representatives of specialized agencies and other official international organizations, invited in conformity with Article 2, paragraph 3(b) of the Standing Orders of the Conference;
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with Article 2, paragraph 3(j) of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with Article 2, paragraph 3(j) of the Standing Orders of the Conference;
- representatives of a liberation movement invited in conformity with Article 2, paragraph 3(k) of the Standing Orders of the Conference.

A list of these representatives is appended to the List of Delegations published as a Supplement to the Provisional Record of the Conference.

Geneva, 6 June 1994.

(Signed) Mr. J.L. NKOMO

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[1] Albania, Angola, Cambodia, Cape Verde, Central African Republic, Dominican Republic, Guinea, Haiti, Iraq, Mauritania, Niger, Senegal, Sierra Leone, Yemen.

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International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

Second item on the agenda: Programme and budget proposals and other financial questions

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1. Information concerning the status of collection of member States' contributions is contained in the Appendix to this paper and is provided by the Governing Body in accordance with normal practice.

APPENDIX

STATEMENTS SHOWING THE STATUS OF COLLECTION OF ANNUAL CONTRIBUTIONS AS AT 31 MAY 1994

(in Swiss francs)

I. ASSESSED CONTRIBUTIONS FOR 1994

State (French alphabetical order)	Assessed contributions for 1994		Amount received or credited to 31 May 1994	Balance due as at 31 May 1994
	%	Amount		
A. *States which have paid or been credited with their 1994 contributions in full*				
Saudi Arabia	0.95	3 213 088	3 213 088	–
Australia	1.50	5 073 296	5 073 296	–
Austria	0.75	2 536 648	2 536 648	–
Belgium	1.05	3 551 307	3 551 307	–
Belize*	0.01	33 822	33 822	–
Burundi	0.01	33 822	33 822	–
Canada*	3.10	10 484 811	10 484 811	–
Cyprus	0.02	67 644	67 644	–
Denmark	0.65	2 198 428	2 198 428	–
Egypt	0.07	236 754	236 754	–
Spain	1.97	6 662 928	6 662 928	–
Ethiopia*	0.01	33 822	33 822	–
Fiji	0.01	33 822	33 822	–
Finland	0.57	1 927 853	1 927 853	–
France	5.98	20 225 540	20 225 540	–
Hungary	0.18	608 796	608 796	–
India	0.36	1 217 591	1 217 591	–
Indonesia	0.16	541 152	541 152	–
Iceland	0.03	101 466	101 466	–
Italy	4.27	14 441 982	14 441 982	–
Jamaica	0.01	33 822	33 822	–
Lebanon	0.01	33 822	33 822	–
Luxembourg	0.06	202 932	202 932	–
Mali	0.01	33 822	33 822	–
Malta*	0.01	33 822	33 822	–
Mauritius*	0.01	33 822	33 822	–
Mozambique	0.01	33 822	33 822	–
Myanmar*	0.01	33 822	33 822	–
Norway	0.55	1 860 209	1 860 209	–
Papua New Guinea*	0.01	33 822	33 822	–
Paraguay*	0.02	67 644	67 644	–
Netherlands	1.49	5 039 474	5 039 474	–
Poland	0.47	1 589 633	1 589 633	–
United Kingdom	5.00	16 910 987	16 910 987	–
Saint Lucia	0.01	33 822	33 822	–
San Marino	0.01	33 822	33 822	–
Singapore	0.12	405 864	405 864	–
Slovenia	0.09	304 398	304 398	–
Sri Lanka	0.01	33 822	33 822	–
Sweden	1.10	3 720 417	3 720 417	–
Switzerland	1.15	3 889 527	3 889 527	–
Tanzania, United Republic of*	0.01	33 822	33 822	–
Thailand*	0.11	372 042	372 042	–
Total – States which have paid or been credited with their 1994 contributions in full	31.93	107 993 563	107 993 563	–

* States which paid before 1 January 1994.

State (French alphabetical order)	Assessed contributions for 1994		Amount received or credited to 31 May 1994	Balance due as at 31 May 1994
	%	Amount		
B. *States which have paid or been credited with part of their 1994 contributions*				
Algeria	0.16	541 152	2 071	539 081
Germany	8.90	30 101 557	15 083 877	15 017 680
Argentina	0.57	1 927 853	168 908	1 758 945
Bahamas	0.02	67 644	9 733	57 911
Bahrain	0.03	101 466	2 480	98 986
Barbados	0.01	33 822	32 108	1 714
Bolivia	0.01	33 822	12 212	21 610
Brazil	1.58	5 343 872	203 562	5 140 310
Bulgaria	0.13	439 686	234	439 452
Cameroon	0.01	33 822	1 240	32 582
Chile	0.08	270 576	9 918	260 658
China	0.77	2 604 292	1 305 507	1 298 785
Colombia	0.13	439 686	33 387	406 299
Congo	0.01	33 822	179	33 643
Dominica	0.01	33 822	179	33 643
United Arab Emirates	0.21	710 261	23 555	686 706
United States	25.00	84 554 937	3 099 311	81 455 626
Gabon	0.02	67 644	3 719	63 925
Greece	0.35	1 183 769	5 882	1 177 887
Ireland	0.18	608 796	523 071	85 725
Israel	0.23	777 905	26 034	751 871
Japan	12.41	41 973 070	174 869	41 798 201
Jordan	0.01	33 822	152	33 670
Kuwait	0.25	845 549	4 737	840 812
Lesotho	0.01	33 822	161	33 661
Malaysia	0.12	405 864	1 291	404 573
Malawi	0.01	33 822	42	33 780
Mexico	0.88	2 976 334	738	2 975 596
Mongolia	0.01	33 822	1 240	32 582
Namibia	0.01	33 822	176	33 646
Nepal	0.01	33 822	6	33 816
Nicaragua	0.01	33 822	29 796	4 026
New Zealand	0.24	811 727	125	811 602
Uganda	0.01	33 822	2 923	30 899
Pakistan	0.06	202 932	38 271	164 661
Panama	0.02	67 644	47 381	20 263
Peru	0.06	202 932	7 438	195 494
Philippines	0.07	236 754	24 910	211 844
Portugal	0.20	676 440	2 444	673 996
Qatar	0.05	169 110	715	168 395
Seychelles	0.01	33 822	1 240	32 582
Slovakia (1)	0.18	608 796	703	608 093
Sudan	0.01	33 822	8 985	24 837
Suriname	0.01	33 822	1 240	32 582
Syrian Arab Republic	0.04	135 288	5 589	129 699
Chad	0.01	33 822	1	33 821
Czech Republic (1)	0.37	1 251 413	1 406	1 250 007
Togo	0.01	33 822	1 240	32 582
Tunisia	0.03	101 466	3 719	97 747
Turkey	0.27	913 193	3 076	910 117
Uruguay	0.04	135 288	4 959	130 329
Viet Nam	0.01	33 822	1	33 821
Zambia	0.01	33 822	1 259	32 563
Zimbabwe	0.01	33 822	2 480	31 342
Total – States which have paid or been credited with part of their 1994 contributions	53.86	182 165 158	20 920 480	161 244 678

(1) See Notes.

State (French alphabetical order)	Assessed contributions for 1994		Amount received or credited to 31 May 1994	Balance due on 31 May 1994
	%	Amount		
C. *States which have made no payment towards their 1994 contributions*				
Afghanistan	0.01	33 822	–	33 822
Albania	0.01	33 822	–	33 822
Angola	0.01	33 822	–	33 822
Antigua and Barbuda	0.01	33 822	–	33 822
Armenia	0.13	439 686	–	439 686
Azerbaijan	0.22	744 083	–	744 083
Bangladesh	0.01	33 822	–	33 822
Belarus	0.48	1 623 455	–	1 623 455
Benin	0.01	33 822	–	33 822
Bosnia and Herzegovina	0.04	135 288	–	135 288
Botswana	0.01	33 822	–	33 822
Burkina Faso	0.01	33 822	–	33 822
Cambodia	0.01	33 822	–	33 822
Cape Verde	0.01	33 822	–	33 822
Central African Republic	0.01	33 822	–	33 822
Comoros	0.01	33 822	–	33 822
Korea, Republic of	0.69	2 333 716	–	2 333 716
Costa Rica	0.01	33 822	–	33 822
Côte d'Ivoire	0.02	67 644	–	67 644
Croatia	0.13	439 686	–	439 686
Cuba	0.09	304 398	–	304 398
Djibouti	0.01	33 822	–	33 822
Dominican Republic	0.02	67 644	–	67 644
El Salvador	0.01	33 822	–	33 822
Ecuador	0.03	101 466	–	101 466
Estonia	0.07	236 754	–	236 754
Ghana	0.01	33 822	–	33 822
Grenada	0.01	33 822	–	33 822
Guatemala	0.02	67 644	–	67 644
Guinea	0.01	33 822	–	33 822
Guinea Bissau	0.01	33 822	–	33 822
Equatorial Guinea	0.01	33 822	–	33 822
Guyana	0.01	33 822	–	33 822
Haiti	0.01	33 822	–	33 822
Honduras	0.01	33 822	–	33 822
Solomon Islands	0.01	33 822	–	33 822
Iran, Islamic Republic of	0.77	2 604 292	–	2 604 292
Iraq	0.13	439 686	–	439 686
Kazakhstan	0.35	1 183 769	–	1 183 769
Kenya	0.01	33 822	–	33 822
Kyrgyzstan	0.06	202 932	–	202 932
Lao People's Democratic Rep.	0.01	33 822	–	33 822
Latvia	0.13	439 686	–	439 686
Liberia	0.01	33 822	–	33 822
Libyan Arab Jamahiriya	0.24	811 727	–	811 727
Lithuania	0.15	507 330	–	507 330
Madagascar	0.01	33 822	–	33 822
Morocco	0.03	101 466	–	101 466
Mauritania	0.01	33 822	–	33 822
Moldova, Republic of	0.15	507 330	–	507 330
Niger	0.01	33 822	–	33 822
Nigeria	0.20	676 440	–	676 440
Uzbekistan	0.26	879 371	–	879 371
Romania	0.17	574 974	–	574 974
Russian Federation	6.69	22 626 900	–	22 626 900
Rwanda	0.01	33 822	–	33 822
Sao Tome and Principe	0.01	33 822	–	33 822
Senegal	0.01	33 822	–	33 822
Sierra Leone	0.01	33 822	–	33 822
Somalia	0.01	33 822	–	33 822
Swaziland	0.01	33 822	–	33 822
Trinidad and Tobago	0.05	169 110	–	169 110
Ukraine	1.86	6 290 887	–	6 290 887
Venezuela	0.49	1 657 277	–	1 657 277
Yemen	0.01	33 822	–	33 822
Yugoslavia (2)	0.16	541 152	–	541 152
Zaire	0.01	33 822	–	33 822
Total – States which have made no payment towards their 1994 contributions	14.21	48 061 029	–	48 061 029
Total – Assessed contributions for 1994	**100.00**	**338 219 750**	**128 914 043**	**209 305 707**

(2) See Notes.

II. ARREARS OF CONTRIBUTIONS AND AMOUNTS DUE BY STATES IN RESPECT OF PRIOR PERIODS OF MEMBERSHIP IN THE ILO

State (French alphabetical order)	Arrears due as at 1 January 1994	Amount received or credited to 31 May 1994	Balance due as at 31 May 1994	Years partly or fully out–standing
A. *States which have arrears of contributions due which are less than the total of their assessed contributions for 1992 and 1993*				
Afghanistan	59 736	–	59 736	1991–93
Albania (3)	80 626	53 148	27 478	1993
Argentina	1 639 274	1 639 274	–	–
Armenia	448 936	–	448 936	1992–93
Azerbaijan	1 120 707	–	1 120 707	1992–93
Bahamas	41 999	41 999	–	–
Bahrain	154 461	62 335	92 126	1993
Belarus	1 395 131	–	1 395 131	1992–93
Benin	42 750	42 750	–	–
Bosnia and Herzegovina	73 391	–	73 391	1993
Bulgaria	161 555	100 000	61 555	1993
Burkina Faso	81 431	40 198	41 233	1992–93
Cameroon	20 558	–	20 558	1993
Chile	293 097	141 750	151 347	1993
Congo	19 680	–	19 680	1993
Costa Rica	89 247	–	89 247	1991–93
Côte d'Ivoire	94 777	36 937	57 840	1992–93
Croatia	615 333	–	615 333	1992–93
Cuba	609 707	79 846	529 861	1992–93
Dominica	28 211	–	28 211	1993
El Salvador	12 655	–	12 655	1993
United Arab Emirates	654 553	654 553	–	–
Ecuador	182 577	–	182 577	1991–93
Estonia	432 958	53 005	379 953	1992–93
United States	23 446 652	–	23 446 652	1993
Gabon	79 727	34 356	45 371	1993
Georgia	349 124	–	349 124	1993
Greece	31 623	–	31 623	1993
Grenada	47 648	–	47 648	1992–93
Guatemala	93 031	–	93 031	1992–93
Guyana	59 687	56 717	2 970	1993
Honduras	1 315	–	1 315	1993
Iran, Islamic Republic of	6 445 366	2 000 000	4 445 366	1992–93
Israel	811 139	–	811 139	1992–93
Kazakhstan	648 201	–	648 201	1993
Kenya	33 569	21 479	12 090	1993
Kyrgyzstan	330 904	–	330 904	1992–93
Lao People's Democratic Rep	72 275	72 275	–	–
Latvia	839 699	50 160	789 539	1992–93
Lebanon	97 674	97 674	–	–
Libyan Arab Jamahiriya	1 623 061	–	1 623 061	1992–93
Lithuania	781 130	–	781 130	1992–93
Madagascar	53 140	–	53 140	1991–93
Malawi	17 330	17 330	–	–
Mali	280	280	–	–
Moldova, Republic of	738 347	–	738 347	1992–93
Mongolia	20 987	–	20 987	1993
Nigeria	1 139 755	259 198	880 557	1992–93
Ukraine	8 236 984	895 839	7 341 145	1992–93
Uzbekistan	1 201 629	–	1 201 629	1992–93
Peru	23 820	–	23 820	1993
Russian Federation	42 643 015	5 864 711	36 778 304	1992–93
Sao Tome and Principe	47 386	12 209	35 177	1992–93
Seychelles	61 533	–	61 533	1992–93
Suriname	60 835	32 582	28 253	1993
Tajikistan	15 505	–	15 505	1993
Togo	52 125	–	52 125	1992–93
Trinidad and Tobago	293 194	–	293 194	1992–93
Tunisia	36 068	–	36 068	1993
Turkmenistan	51 167	–	51 167	1993
Uruguay	104 141	–	104 141	1992–93
Venezuela	1 310 103	–	1 310 103	1993
Zaire	8 498	–	8 498	1993
Zambia	5 670	–	5 670	1993
Zimbabwe	79 699	–	79 699	1992–93
Total – States which have arrears of contributions due which are less than the total of their assessed contributions for 1992 and 1993	100 346 386	12 360 605	87 985 781	

(3) See Notes.

State (French alphabetical order)	Arrears due as at 1 January 1994	Amount received or credited to 31 May 1994	Balance due as at 31 May 1994	Years partly or fully out-standing
B. *States which have arrears of contributions due that are equal to or greater than the total of their assessed contributions for 1992 and 1993 and which are therefore subject to paragraph 4 of article 13 of the Constitution*				
Angola	65 905	–	65 905	1991–93
Antigua and Barbuda	62 935	–	62 935	1991–93
Cambodia	507 412	–	507 412	1974–93
Cape Verde	91 044	–	91 044	1991–93
Central African Republic	80 346	–	80 346	1991–93
Comoros	339 042	–	339 042	1980–93
Djibouti	123 005	15 053	107 952	1989–93
Dominican Republic	984 856	–	984 856	1970–76 1985–93
Guinea	74 087	–	74 087	1991–93
Guinea Bissau	74 682	–	74 682	1991–93
Equatorial Guinea	189 208	–	189 208	1987–93
Haiti	107 982	–	107 982	1990–93
Solomon Islands	91 235	–	91 235	1991–93
Iraq	2 094 675	–	2 094 675	1988–93
Liberia	175 410	–	175 410	1987–93
Mauritania	81 919	–	81 919	1991–93
Niger	70 548	–	70 548	1991–93
Paraguay (4)	998 539	63 263	935 276	1966–90
Poland (5)	11 073 185	790 942	10 282 243	1982–87
Romania (6)	1 437 908	–	1 437 908	1987–89
Rwanda	80 045	–	80 045	1991–93
Senegal	80 426	–	80 426	1991–93
Sierra Leone	321 687	21 114	300 573	1982–93
Somalia	172 376	–	172 376	1988–93
Chad (7)	136 939	–	136 939	1977–82 1993
Yemen	113 947	29 113	84 834	1991–93
Yugoslavia (2)	4 251 613	–	4 251 613	1989–93
Total – States which have arrears of contributions due that are equal to or greater than the total of their assessed contributions for 1992 and 1993 and which are therefore subject to paragraph 4 of article 13 of the Constitution	23 880 956	919 485	22 961 471	
C. *States which have amounts due in respect of prior periods of membership in the ILO*				
Albania (3)	135 142	11 262	123 880	1964–67
Paraguay (4)	245 066	–	245 066	1937
South Africa	522 727	–	522 727	1964–66
Viet Nam (8)	170 770	–	170 770	1982–85
Total – States which have amounts due in respect of prior periods of membership in the ILO	1 073 705	11 262	1 062 443	
Total – Arrears of contributions and amounts due by States in respect of prior periods of membership in the ILO	**125 301 047**	**13 291 352**	**112 009 695**	

(2) to (8) See Notes.

Notes

[1] *The Czech Republic and Slovakia.* The 80th (June 1993) Session of the International Labour Conference adopted a scale of assessments for ILO member States for the 1994 year which included the Czech Republic and Slovakia at provisional rates of assessment of 0.37 per cent and 0.18 per cent respectively. The setting of provisional rates of assessment resulted, firstly, from the fact that both new member States were members of the United Nations but definitive rates of assessment in the UN would not be known until late in 1993 and, secondly, that it was not considered reasonable to place an additional financial burden on other member States in the ILO by the exclusion of these two new member States from the 1994 scale of assessments. Accordingly, provisional rates of assessment were adopted based upon the rate of assessment of the former Czech and Slovak Federal Republic (Czechoslovakia) of 0.55 per cent in the original 1992-94 United Nations scale of assessments approved by the General Assembly in December 1991, divided by two-thirds for the Czech Republic and one-third for Slovakia, these being the proportions at which the two member States had undertaken to make provisional payments against their eventual 1993 assessed contributions as explained below. A credit due to the former Czechoslovakia in respect of the Incentive Scheme for 1992 of 2,109 Swiss francs was provisionally credited to the Czech Republic and Slovakia in the same proportions of two-thirds and one-third respectively. The General Assembly of the United Nations in December 1993 approved rates of assessment in the United Nations for 1994 for the Czech Republic and Slovakia of 0.42 per cent and 0.13 per cent respectively. The Governing Body is proposing to the current (81st) session of the International Labour Conference that, in accordance with the usual practice of harmonizing rates of assessment of ILO member States with those of the United Nations, the definitive rates of assessment of the Czech Republic and Slovakia in the ILO for the 1994 year be the same, and also that the credit due to the former Czechoslovakia of 2,109 Swiss francs be allocated to the Czech Republic and Slovakia as credits against their assessments for 1994 proportionate to their respective rates of assessment for 1994. Under this proposal the resulting assessments, credits and net amounts to be paid, compared with the provisional assessments approved by the 80th (June 1993) Session of the Conference, would be as follows:

	Swiss francs		
	Amount assessed	**(Credits)**	**Net amount to be paid**
Proposed Definitive Assessment for the 1994 year			
Czech Republic			
At the rate of assessment of 0.42 per cent of the 1994 income budget of the ILO of 338,219,750 Swiss francs	1 420 523		
Minus 42/55ths of 2,109 Swiss francs		(1 611)	1 418 912
Slovakia			
At the rate of assessment of 0.13 per cent of the 1994 income budget of the ILO of 338,219,750 Swiss francs	439 686		
Minus 13/55ths of 2,109 Swiss francs		(498)	439 188
	1 860 209	**(2 109)**	**1 858 100**
Provisional Assessment made for the 1994 year			
Czech Republic			
At the rate of assessment of 0.37 per cent of the 1994 income budget of the ILO of 338,219,750 Swiss francs	1 251 413		
Minus 2/3rds of 2,109 Swiss francs		(1 406)	1 250 007
Slovakia			
At the rate of assessment of 0.18 per cent of the 1994 income budget of the ILO of 338,219,750 Swiss francs	608 796		
Minus 1/3rd of 2,109 Swiss francs		(703)	608 093
	1 860 209	**(2 109)**	**1 858 100**

The Czech Republic and Slovakia, which together had constituted the former Czech and Slovak Federal Republic (Czechoslovakia), which ceased to exist on 31 December 1992, became Members of the ILO on 5 February 1993 and 22 January 1993 respectively. They had both joined the United Nations (UN) on 19 January 1993, and were therefore not included in the revised 1992-94 UN scale of assessments which was adopted by the UN General Assembly in December 1992. Further, their rates of assessment in the UN would not be established by the General Assembly until December 1993, too late for submission to the 80th (June 1993) Session of the Conference. Accordingly, following the established principle of harmonizing the rates of assessment of ILO Members with their rates of assessment in the United Nations, the 80th (June 1993) Session of the International Labour Conference decided that consideration of the rates of assessment for the periods of membership in the ILO in 1993 of these two new member States be deferred to the 81st (June 1994) Session of the Conference. Czechoslovakia's assessed contribution for 1993, which had been approved by the 79th (June 1992) Session of the Conference, amounted to 1,697,813 Swiss francs. After the deduction of credits totalling 267,332 Swiss francs in respect of the refund of part of the Working Capital Fund, the incentive scheme, previous cash surpluses and the 1990-91 net premium, the net amount payable by Czechoslovakia was 1,430,481 Swiss francs. As Czechoslovakia ceased to exist on 31 December 1992 the obligation to pay the amount due for 1993 was extinguished. However, in recognition of the financial difficulties that could be caused if they were to delay payment of their 1993 contributions until after they were determined by the 1994 Conference, the Czech Republic and Slovakia undertook to make provisional payments towards their 1993 contributions, the amounts being calculated by reference to the 1993 contribution assessed on the former Czechoslovakia for 1993, on the understanding that appropriate adjustments would be made when the definitive amounts due from each Republic in respect of 1993 were established. The Czech Republic undertook to pay a provisional amount of two-thirds of the amount assessed on the former Czechoslovakia for 1993 minus two-thirds of the total credits that were due to the former Czechoslovakia. Slovakia undertook to pay a provisional amount of one-third of the amount assessed on the former Czechoslovakia for 1993 minus one-third of the total credits that were due to the former Czechoslovakia. In summary, the provisional payments that the Czech Republic and Slovakia undertook to make in respect of 1993 were made up as follows:

	Swiss francs		
	Amount assessed	**(Credits)**	**Net amount to be paid**
The Czech Republic			
Two-thirds of 1,697,813 Swiss francs	1 131 875		
Minus two-thirds of 267,332 Swiss francs		(178 221)	953 654
Slovakia			
One-third of 1,697,813 Swiss francs	565 938		
Minus one-third of 267,332 Swiss francs		(89 111)	476 827

During 1993 the Czech Republic paid 874,183 Swiss francs of the amount it undertook to pay and Slovakia paid in full the amount it undertook to pay. As explained above the General Assembly of the United Nations in December 1993 approved rates of assessment for 1994 of the Czech Republic and Slovakia of 0.42 per cent and 0.13 per cent respectively, and decided also that these rates of assessment should be applied in respect of their periods of membership in the UN in 1993. In accordance with the established principle of harmonizing ILO rates of assessment with those of the UN, the Governing Body is proposing to the current (81st) session of the International Labour Conference that it approve these rates of assessment for the periods of membership of the Czech Republic and Slovakia in the ILO in 1993, and also that the total credits that were due to the former Czechoslovakia be allocated to the Czech Republic and Slovakia as credits against their assessments for the periods of their membership in 1993 proportionate to their respective rates of assessment for 1993. Under these proposals the resulting assessments, credits and net amounts to be paid for the periods of membership of the Czech Republic and Slovakia during 1993 would be as follows:

	Swiss francs		
	Amount assessed	**(Credits)**	**Net amount to be paid**
Czech Republic			
At the rate of assessment of 0.42 per cent of the 1993 income budget of the ILO of 314,409,750 Swiss francs for a period of membership of 330 days out of a full year of 365 days the contribution payable is	1 193 896		
Minus 42/55ths of 267,332 Swiss francs		(204 144)	989 752
Slovakia			
At the rate of assessment of 0.13 per cent of the 1993 income budget of the ILO of 314,409,750 Swiss francs for a period of membership of 344 days out of a full year of 365 days the contribution payable is	385 217		
Minus 13/55ths of 267,332 Swiss francs		(63 188)	322 029

Accordingly, the resulting position of the Czech Republic and Slovakia as at 1 January 1994 in respect of their 1993 contributions would be as follows:

	Swiss francs
Czech Republic	
Net amount to be paid	989 752
Less – amount paid in 1993	874 183
Amount due as at 1 January 1994	115 569
Slovakia	
Net amount to be paid	322 029
Less – amount paid in 1993	476 827
Credit balance as at 1 January 1994	154 798

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[2] *Yugoslavia*. The 80th (1993) Session of the International Labour Conference approved a rate of assessment for Yugoslavia for 1994 of 0.16 per cent. The former Yugoslav Republic of Macedonia, which was previously covered by the membership of the former Socialist Federal Republic of Yugoslavia, joined the ILO on 28 May 1993. In December 1993 the United Nations General Assembly established a rate of assessment for the former Yugoslav Republic of Macedonia in the United Nations for 1994 and for the period of its membership in 1993 of 0.02 per cent. In accordance with the normal practice of basing the rates of assessment of ILO member States on those of the UN the 259th (March 1994) Session of the Governing Body has proposed to the current (81st) session of the Conference that it approve the same rate of assessment for the former Yugoslav Republic of Macedonia in the ILO for 1994 and that this rate of assessment be deducted from that of Yugoslavia for 1994 of 0.16 per cent, which would reduce the 1994 assessment of Yugoslavia to 0.14 per cent, representing 473,508 Swiss francs. It has also proposed that the contribution of the former Yugoslav Republic of Macedonia for the period of its membership in 1993 be based upon the same annual rate of assessment and that the resulting assessment, which would amount to 37,557 Swiss francs, be deducted from the 1993 assessment of Yugoslavia. This would reduce the arrears of contributions of Yugoslavia from 4,251,613 Swiss francs to 4,214,056 Swiss francs.

[3] *Albania*. These figures reflect a provisional measure taken in response to a proposal by Albania that it settle the amount due in respect of its previous membership of the ILO over a period of 12 years which is being submitted to the current (81st) session of the International Labour Conference for approval.

[4] *Paraguay*. The International Labour Conference at its 78th (1991) Session approved an arrangement for the settlement by Paraguay of its arrears of contributions accumulated to the end of 1990 and decided that Paraguay should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Paraguay has complied with the terms of its arrangement and has the right to vote. Paraguay also owes 245,066 Swiss francs in respect of contributions to the ILO and other League of Nations organizations for the period prior to 1939. The Conference at its 45th (1961) Session decided that these arrears should be cancelled, such cancellation to become effective on the payment by Paraguay of all its arrears of contributions due since 5 September 1956, the date when Paraguay rejoined the Organization.

[5] *Poland*. The 75th (1988) Session of the International Labour Conference approved an arrangement for the settlement by Poland of its arrears of contributions accumulated to the end of 1987 and decided that Poland should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Poland has complied with the terms of its arrangement and has the right to vote.

[6] *Romania*. The International Labour Conference at its 77th (1990) Session approved an arrangement for the settlement by Romania of its arrears of contributions accumulated to the end of 1989 and decided that Romania should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Romania has complied with the terms of the arrangement and has the right to vote.

[7] *Chad*. The 69th (1983) Session of the International Labour Conference approved an arrangement for the settlement by Chad of its arrears of contributions accumulated to the end of 1982 and also decided that Chad should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Chad failed to comply with the terms of the arrangement in 1993, and lost the right to vote on 1 January 1994.

[8] *Viet Nam*. This figure results from the application of a provisional agreement under which Viet Nam would settle the amount due in respect of its previous membership of the ILO over a period of 15 years which is being submitted to the current (81st) session of the International Labour Conference for approval.

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Second item on the agenda: Programme and budget proposals and other financial questions

Further information and proposals submitted by the Governing Body of the International Labour Office to the 81st Session of the Conference 1

No. 5 – Friday, 10 June 1994

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International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

6

Fourth sitting

Wednesday, 8 June 1994, 10.15 a.m.

Presidents: Mr. Gray, Mr. Ould Sidi

FIRST REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

The PRESIDENT – The first item on our agenda this morning is the first report of the Selection Committee. I call on Mr. Ilabaca Orphanopoulos, Government adviser, Chile, Chairman of the Selection Committee, to submit the Committee's report, which appears in *Provisional Record* No. 3.

Original Spanish: Mr. ILABACA ORPHANOPOULOS *(Government adviser, Chile; Chairman of the Selection Committee)* – I have the honour of submitting to the Conference the first report of the Selection Committee, which you will find in *Provisional Record* No. 3.

This report deals first of all with the election of the Officers of the Committee.

As regards the discussion of the Reports of the Director-General and the Governing Body, as you know yesterday we started with this discussion and the decision was taken that the speakers' list would be closed on Wednesday, 15 June at 12 noon, under the usual conditions.

Then the Committee endorsed a plan of work for the Conference committees which, although it is not binding, will enable them to organize their work in order to take maximum possible account of the overall needs and possibilities of the Conference. This plan is appended as Appendix II to the report.

As regards electronic voting at the Conference, Appendix I contains an explanation in written form of the electronic voting system which we will use again this year. The Selection Committee invites the Conference, in this particular case, to note that unless Officers of the Conference otherwise decide for a given question or a given sitting, the different methods of voting set out in article 19 of the Standing Orders shall be implemented in the plenary by means of the electronic voting system.

I would also like to draw attention of the members of the Conference to the proposal contained in the report as regards the quorum and punctuality, all of which is essential to guarantee the smooth functioning of this Conference.

As regards participation in the Conference committees, and those who have asked for the right to speak, the Selection Committee recommends that the Conference should continue the practice followed in the last few years as regards the number of regular Government members entitled to vote. Those who do not have the right to vote will not be allowed to vote.

The Selection Committee also proposes to the Conference that if this practice is not fully respected, then the calculation of weighting coefficients for votes in the committees should be based on the number of regular Government members present with a right to vote. The system of electronic voting takes into consideration this practice.

The Selection Committee suggests that the Conference authorize the Secretary-General to invite the People's Republic of Korea, a non-member State, to be represented at the 81st Session, in accordance with article 2, paragraph 3, of the Conference Standing Orders.

Another recommendation is made whereby the Committee suggests that certain non-governmental international organizations should be invited to take part in some committee meetings.

On the basis of the proposals made by the Director-General to the Governing Body, the Selection Committee has decided that there should be a special sitting of the Conference to consider the Appendix to his Report on the situation of workers of the occupied Arab territories. This decision is taken on the understanding that at this sitting the comments will be limited to this Appendix and that the matter will not be discussed outside the framework of that particular sitting. The special sitting will be held on Thursday afternoon, 16 June. The Selection Committee recommends to the Conference, as regards the discussion of the Appendix to the Director-General's Report, that we should not discuss that subject at any other time. The speakers who take the floor will find that it is necessary to have a fixed speaking time. The list of speakers for the special sitting will be closed on Tuesday, 14 June at 4 p.m., in order that the President may submit proposals for a time limit for interventions for that special sitting. The Selection Committee has decided that the Director-General could allow some time for the discussion of this Report in relation to the time which may remain during the general discussion. It has also been decided that the committees dealing with financial matters, resolutions, etc. would not meet at the same time as the special sitting.

The Selection Committee has submitted various proposals with regard to designation of members of the Credentials Committee, and other proposals concerning the composition of the Drafting Committee.

Finally, the Officers of the Committee recommend that the Conference accept the list relating to the composition of the committees which is found in Appendix III.

I commend the report to the Conference for adoption.

The PRESIDENT – Thank you. If there are no objections I shall take it that this report as well as the lists indicating the compositions of the committees appended to it are adopted.

(The report is adopted.)

COMPOSITION OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE

The PRESIDENT – I give the floor to the Clerk of the Conference who has an announcement to make.

Original French: The CLERK OF THE CONFERENCE – The Government Electoral College of the Conference has confirmed the designation of the Government of Philippines as a regular member of the Governing Body, as well as the designation of the Government of Indonesia as deputy member of the Governing Body.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We will now continue our discussion of the Reports of the Governing Body and of the Director-General.

Mr. SHEHI *(Government delegate, Albania)* – I am particularly pleased that on the 75th anniversary of the ILO I have been given the opportunity to describe the efforts that our Government is making to cope with the numerous problems arising during this phase of our development and to let you know of our attempts to find solutions for them.

These problems differ from those in many other developed countries and yet there are similarities, particularly with the problems being encountered by countries in transition.

Soon after the democratic process began, Albania courageously introduced five important reforms: political, economic, juridical, administrative and social. These are five important bridges to connect the Albanian island with the European continent.

It is worth mentioning that in contrast to the ILO, which on this anniversary is among the oldest of international bodies, the Ministry of Labour, Emigration and Social Protection is among the youngest ones, with a two-year operational history.

Under the centralized economy, this Ministry, the Ministry of Justice and other institutions were considered worthless, whereas for us democracy will always be based on the voluntary work of the people, and labour is considered as a dynamic force moving Albanians towards a market economy and social emancipation.

I am often asked about the employment situation in Albania and in reply I emphasize that there are lots of employment possibilities and that the employment structure is changing for the better. This does not by any means imply that unemployment is not a problem. On the contrary, it is one of the most urgent problems in our society. Unemployment varies widely between the different regions of the country, depending on inherited economic conditions and geographical location in relation to foreign markets.

Remote regions, artificially populated through the construction of arms combines, metallurgical combines etc., constitute a serious problem.

Understandably, we have inherited a multiplicity of problems such as those of ownership, investment and efficiency and also social problems arising during the solution of the latter.

In this context, the Ministry of Labour, Emigration and Social Protection assumes political leadership and responsibility for labour and employment services, labour inspectorate, social services and wage policies, social protection and protection for poor families, and social welfare for individuals with disabilities.

With a view to fulfilling these responsibilities, the Ministry of Labour, Emigration and Social Protection in Albania has established administrative machinery at the central and local level. New legislation is being drafted in the fields of labour relationships, social insurance and social protection for poor families and individuals with disabilities. The Albanian Government has for the first time created a budget for social affairs.

A major shortcoming is the fact that the labour market inherited from the past was unable to provide for mobility of the labour force from one branch of industry and the economy to another.

We are therefore making efforts to establish an effective training system which should also respond to the demands and strategies for the development of small– and medium-scale enterprises. In the light of these demands and strategies, a new system of vocational training separate from vocational education is being established in Albania.

The Government is giving priority to the promotion of favourable conditions for the development of medium- and small-scale enterprises taking more fully into account the population structure, the mentality and the geographica conditions of the country.

Although economic reform in Albania has been difficult, we have made a careful study of the process of implementation so that people under pressure from its consequences may be treated through social safety nets such as unemployment benefits, economic assistance and various social insurance systems.

Given the urgency of these measures, we have created a system of unemployment services throughout Albania to ensure that those who have lost their jobs as a result of the implementation of economic reform receive unemployment benefits. This is a very brief description of progress in the labour market institutionalization process and I would like to emphasize that the majority of these achievements have been realized through cooperation with the ILO. Our institutional reform was actually built up around the programme "Assistance to the Ministry of Labour Emigration and Social Protection", which was established by the ILO and is being executed by this Organization.

This programme, involving the creation of unemployment and employment services at the centra and local level, is of particular importance for our Ministry. Under the programme we are setting up important institutions such as a labour inspection system with strong legislative support. The design of a labour code is another important component of the programme.

Many international organizations have expressed appreciation of the progress that Albania has already made in economic reform.

I should like to stress not only the moral assistance provided by these bodies but also their practical assistance, for example the programme on wage policy development designed by the ILO, which perfectly coincides with the reform that our government is carrying out in that field.

I also take this opportunity to thank you for the assistance you are giving in setting up the Management and Training Institute in Albania, which is a valuable project at a time when our entrepreneurs, trade unions and public administration are keen to raise the level of their activity.

With a view to improving conditions in the labour market, we have invested considerable effort in creating proper training facilities for employees so as to enhance occupational mobility.

I therefore greatly appreciate the implementation of the ILO's programme for the establishment of a vocational Training Centre in Albania.

As a result of this cooperation, which I consider highly productive, we are participating for the first time with the third party represented by the Business Confederation. Taking advantage of this opportunity, I would like to thank you on their behalf for your readiness to assist them in this first stage of their activity.

In conclusion, I wish to express my warmest gratitude for the ILO's willingness to assist the country I represent, and I also thank all the other countries whose support has ensured the success of these efforts.

Original Burmese: Mr. THAUNG *(Minister for Labour, Myanmar)* – It is indeed an honour and pleasure for me to be present here at this opportune and quite unique time. This 81st Session of the International Labour Conference is truly an auspicious occasion, coinciding as it does with such important events as the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia.

On behalf of the Myanmar delegation and myself, I should like to express heartfelt congratulations to the President on his unanimous election to guide this august assembly. We are fully confident that, with a basis of experience and farsightedness, this Conference will come to a successful conclusion, bearing fruitful and meaningful results for the betterment of the working people of the world. Furthermore, we are hopeful that, under your able leadership and guidance, we will arrive at positive results in devising new approaches to keep the Organization in harmony with the changing world order.

At this juncture, allow me to commend the report of the Governing Body and the Report of the Director-General. Allow me also to join with the other speakers before me in expressing our appreciation of the foresight and vision of the Director-General in presenting timely proposals for consideration of appropriate future programmes of action. His objective assessment of the existing activities and programmes of the Organization and his valuable suggestions for the adjustment needed to meet the changing world order, are much to be praised. Moreover, we should like to express our support for his call to the international community to reaffirm its belief in social justice as a fundamental value, and his determination to further its cause. We laud his confidence in active tripartism as a motivating force, and its determination to adapt the Organization and its secretariat to the tasks that lie ahead. These three issues are of primary importance for the ILO; and, proposed by the Director-General, Government, employer and worker delegates should all join together to reaffirm their support in this respect.

The world has witnessed the unwavering efforts of the Organization to promote the economic and social progress of mankind throughout the long years of its existence, firmly based on noble ideals and firm principles. The International Labour Organization, a specialized agency of the United Nations, is fulfilling its share of responsibility in promoting the economic and social advancement of all peoples.

In this context, the Director-General has referred in his Report to the World Employment Programme which was, at one time, regarded as a privileged task of the ILO. This evokes for us memories of the International Development Strategy for the Second United Nations Development Decade which aimed to achieve full employment for all nations of the world. In this regard, it should be recalled that the ILO initiated the World Employment Programme in the 70s.

Myanmar, like other member countries, has actively cooperated with the ILO in implementing national programmes and by participating in regional activities directed towards the eradication of unemployment and the fullest possible utilization of manpower resources.

We are now coming to the close of the 20th century; political and economic changes have taken place in the world arena during this final decade, and still we are witnessing prevalent employment problems which should not be left unchecked for long, as these are not the concern of just one particular nation or region but of the entire world. The availability of dignified and income-generating employment is a basic need for all. Thus, we are very pleased to express our support for any new initiative by the Organization to reactivate the World Employment Programme.

Nations of the world are today devoting their attention and energy to the cause of economic and social development. With the end of the Cold War, the international community is now in a position to create an environment conducive to the success of the endeavours developing countries are making for economic and social progress.

Myanmar is today in a period of nation building and is adopting market-oriented economic policies. The Myanmar Government has taken a series of measures to promote private sector development; the economy is making remarkable progress, registering in 1993-94 6 per cent growth, over the previous year; agricultural production rose by 5.4 per cent; a market economy is now taking shape in Myanmar, and the people of our country are taking advantage of the initiative and possibilities open to them.

Since assuming state responsibility, the State Law and Order Restoration Council Government has been endeavouring to ensure public order and peace while promoting economic reforms. The National Convention has been called together to work out the basic principles for drafting a new and firm Constitution. Nearly 700 delegates, comprising elected representatives, representatives of the national races, political parties, peasants, workers, intelligentsia and technocrats, state service personnel and specially invited persons are all participating in its deliberations.

Following extensive discussions, consensus has been reached on 104 basic principles.

After more than five years of unswerving efforts by the Myanmar Government, we are now enjoying a considerable degree of peace and stability throughout our country. The situation has grown even more encouraging since a total of 11 armed groups from different national races returned to the legal fold to participate in national development endeavours; that they have done so, is an unmistakable testimony of the complete trust and confidence which the national races place in the policy of national reconciliation espoused by the State Law and Order Restoration Council and in the Council's goodwill and sincerity.

So far, there has been substantial progress in every region of the country, thanks to the Government's unrelenting efforts for the development of the nation's states and divisions – including the border areas where several national groups reside. In both urban and rural areas, as well as in these border regions, unprecedented infrastructure development is taking place: schools, hospitals, dispensaries, as well as railways, roads, etc.

Let me conclude by saying that we are committed, as well as determined, to strive for the all-round development of our country in order to bridge the rural and urban gap.

Mr. MOUSHOUTTAS *(Minister of Labour and Social Insurance, Cyprus)* – On behalf of the delegation of Cyprus, I wish to extend warm and sincere congratulations to the President on his election and to express the conviction that with his qualities and long and varied experience this session of the Conference will, through frank and constructive debate, come to a successful conclusion.

The Director-General of the ILO is to be wholeheartedly congratulated for the theme he has chosen for this year's session of the Conference and for the outstanding Report which he has prepared – a Report which is thorough and rich with ideas and suggestions for a more efficient Organization and a more equitable world where social justice will continue to be one of the fundamental goals to be pursued along with economic and technological development.

Indeed, the 75th anniversary of the ILO provides an excellent opportunity for an overall assessment of the Organization's values, aims, role, means of action and methods of work with a view to defining the policies and action which the Organization should follow in coming years in order to be at once "inventive, effective and respected".

We agree that this re-evaluation has become necessary in view of the tremendous geopolitical upheavals of recent years, but also in view of the rapid globalization of the economy, the changes in the world of work, the proliferation of social and labour problems and the widening inequalities not only between but also within States.

Responding to the invitation of the Director-General, I shall attempt to give our position on some of the precise and specific proposals made in his Report for, unfortunately, time restrictions prevent us from commenting on all the questions, however challenging or interesting they may be.

We agree that the ILO's standard-setting machinery and action should be adapted to deal with pressing social issues, resulting from free international trade and globalization of world production and markets, and that what is needed is a qualitative rather than a quantitative approach to standard-setting. We also find very useful the ideas of supplementing the normal standard-setting with authoritative guidance offered to governmental and non-governmental decision-makers through a sort of "soft law" in fields where conditions and needs change rapidly. Reorienting the general surveys of the Committee of independent experts on unratified instruments towards an evaluation of the instruments to which they relate would also be very useful.

At the same time, we believe that the time has come for the ILO to play a greater role in the international scene, along with other organizations concerned with the world economy, for the ILO, through its tripartite structure, can provide an effective forum for addressing the social aspects of international economic trends and policies – something which is lacking today. Upgrading of the role of the ILO cannot but have a beneficial effect also on the role which ILO constituents themselves can play at the international level.

The idea put forward by the Director-General for the preparation of a major annual report containing an authoritative analysis on the situation of employment and incomes in the world and the impact of economic and financial policies on them is an excellent one. We feel that it would be particularly important if this Report were to propose alternative policies that need to be adopted nationally or internationally to reconcile the need for economic growth and stability with the no less pressing need for more jobs and higher incomes for the poor.

Finally, we wish to express our strong support for the proposal that the International Labour Conference should have a standing item on its agenda on the examination of problems of employment and living standards in the world with a view to the adoption of "a statement reflecting the views of the ILO's tripartite constituency on the goals to be pursued and the policies to be followed".

With regard to Cyprus, social justice and tripartism, based on freedom of association, have become a way of life.

The relationship between social equality and economic efficiency has been tested and affirmed in Cyprus. We firmly believe that an adequate standard of social equality and social protection is a prerequisite for higher productivity in industry and contributes to economic efficiency.

Labour relations during the 1974-76 crisis caused by the invasion of Cyprus by a foreign power demonstrated the adaptability and value of tripartism and greatly contributed to the miraculous revival of the economy.

We now look forward to a quick entry into the economic and political organization of our region, the European Union, and we feel confident that the international community and the Union itself will show understanding and flexibility and exercise their authority so that peace and democracy, as well as economic progress and social justice, will be firmly established on the whole island.

Cyprus within Europe will not be a liability. Fully appreciative of the technical assistance and advice which Cyprus has received from the ILO in a number of fields, during the last decade we have started to cooperate with the ILO in offering technical assistance to other developing countries as well as countries of Central and Eastern Europe in the fields of labour administration, social protection and small enterprise development.

I would like to conclude with the wish that the wide-ranging reflection to which the Report of the Director-General has given rise will lead to the adoption of measures which will enable the Organization better to fulfil its mandate for the benefit of all its constituents and above all to secure the progress of social justice in the world of today and tomorrow.

My Government, which has always been a staunch supporter of the noble objectives set by the founders of the International Labour Organization, will do its share towards upgrading and strengthening social justice in a world under pressure from global economic forces.

Mr. COLLIS *(Minister of Labour and Cooperatives, Trinidad and Tobago)* – I wish to take this opportunity to join with colleagues who have spoken before me in congratulating the President and Vice-Presidents on their election. May I say that I too find it most fitting that in this 75th year since the founding of the ILO in 1919 a Workers' delegate has been elected to preside over our annual Conference. I am confident that under such able and dynamic leadership our deliberations will undoubtedly be fruitful.

On behalf of the delegation of the Republic of Trinidad and Tobago, and indeed on my own behalf, I would like to extend greetings to fellow delegates and other participants also attending the 81st Session of the International Labour Conference. As in previous years, we appreciate this opportunity offered to participants by the ILO to exchange views, share experiences, review developments and trends and consider international instruments.

The year 1994 not only marks the 75th anniversary of the founding of the ILO and the 50th anniversary of the Declaration of Philadelphia, but also for us in the Caribbean the 25th anniversary of the opening of the ILO Caribbean Regional Office in Port-of-Spain, Trinidad. I wish to assure you that my country recognizes the significance of these three ILO anniversaries, and I am happy to report that among activities taking place in Trinidad and Tobago in commemoration of these events are (i) a decision by the Government of Trinidad and Tobago to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); (ii) the minting of an appropriate postage stamp; (iii) a programme of public relations activities including a public display of an ILO exhibition and the nomination by the social partners of persons who have distinguished themselves over the years in the field of industrial relations, for national awards.

Indeed, the ILO is world renowned, having been a past recipient of, among other awards, the Nobel Peace Prize. In this vein I wish to add my Government's and my own personal tributes to the outstanding work performed by the ILO over the years in its efforts to reconcile development and social justice on the solid and credible basis of tripartism. In this connection, we in Trinidad and Tobago are in the very happy position of having the Caribbean Regional Office located within our borders and we are extremely pleased to have been selected for priority attention by the ILO's Caribbean area multidisciplinary team under the new active partnership policy. In this regard I was very pleased to have recently had the privilege of welcoming to my country Mr. Jean-François Tremeaud, Assistant Director-General of the ILO with responsibility for, inter alia, multidisciplinary teams worldwide.

Indeed, we in Trinidad and Tobago very much welcome the ILO's new active partnership policy which we view as a natural outcome of what may perhaps be perceived as a new dispensation for the ILO worldwide, as signalled by the Director-General in his Report *Defending values, promoting change – Social justice in a global economy: An ILO agenda*. For our part, we certainly view the theme of the Director-General's Report this year as an invitation to member States to participate in a reassessment, both of the role of the ILO as we move towards the twenty-first century, as well as an acknowledgement of the need to ensure that the relationships between member States and the ILO are made most meaningful in these times as we continue to experience the challenges of financial stringency and structural adjustment.

I note with great pleasure that 1994 also marks the installation of a Government of national unity in South Africa under the astute leadership of President Nelson Mandela. The new South African Government has come to power in a free and fair election on the basis of one person, one vote. Black people in South Africa for the first time have had the right to vote and consequently to participate in the democratic election of the Government of their country. This event serves to demonstrate what united action by the world community and concerted resistance by those directly affected by oppression can achieve. The ultimate eradication of the abhorrent apartheid system from the face of the Earth will be a testimony to the courage, resilience and boundlessness of the indomitable human spirit. It is therefore timely that included on the agenda is the item "Review of the Declaration concerning Action against Apartheid in South Africa", and I take this opportunity to extend the heartiest of congratulations to President Mandela and members of his Government and to members of the South African delegation represented here at the ILO.

Trinidad and Tobago continues to undergo the process of structural adjustment and to face the challenge of employing structural adjustment policies to serve the cause of growth and social justice in a developing country. We have continued to place greater reliance on the private sector and to reduce the level of state control over the economy. However, we do recognize that, in a country such as ours with high levels of unemployment, a free market left entirely on its own would tend to benefit a select minority rather than serve the general interest of our society. Given the limitations of the market, structural adjustment programmes must ensure that measures are instituted to combat poverty and to protect and develop employment for the poorest segments of the population. Democracy would face stern challenges in the absence of such measures. In this regard, the Government in 1994 has dedicated to a social safety net TT$1.1 billion in a national budget where total recurrent expenditure is TT$7.7 billion. Moreover, the Government continues to make efforts to alleviate unemployment among the poorest of the poor through such mechanisms as our unemployment relief programme. Nevertheless, we recognize that employment levels would be sustainable to the extent that private individuals are able to develop their business capabilities and the Government is prepared to play its part in facilitating such activities.

In 1994 this Conference will again address the issue of part-time work. Current trends in employment practices have given this issue some prominence. There is a tendency worldwide towards, among other things, declining working hours, flexible work schedules and production systems which require flexibility. Part-time work therefore is emerging as an important instrument of employment generation. Consequently, in developing countries experiencing high levels of unemployment, careful consideration must be give to ensuring the economic viability of employers as well as protecting workers from abuse.

I note that our agenda also includes an item on safety and health in mines. Although mining as an activity does not make as significant a contribution to our national income and employment as in many other countries of the world, we recognize that in many countries mining remains the most hazardous industrial occupation and in this connection I would wish to iterate my Government's commitment to protecting the working environment. Towards this end, a comprehensive occupational safety and health Bill, covering virtually all persons at work, will be put before our Parliament shortly.

I observe that also included on the agenda is the role of private employment agencies in the functioning of labour markets. In this respect it is noted that chiefly responsible for the development of such agencies were certain shortcomings of the public employment services in addressing the rise in unemployment and in responding with flexibility to specific requests of employers, notwithstanding the potential for abuse by private employment agencies in the absence of adequate safeguards.

The more successful economies of the world have been characterized by less antagonistic labour-management relations. There is need, therefore, for countries to strengthen labour-management linkages which maximize constructive discussions between the social partners. It is better to avoid the tremendous cost of industrial unrest than to repair the damage resulting from neglect of labour-management relations. On a related issue, I note with positive interest the proposal of the Director-General for the ILO, at the request of parties and subject to the approval of the government in question, to intervene in the settlement of serious labour disputes by way of mediation and arbitration.

At the very foundation of the ILO is the principle of tripartism. In this context the Government of Trinidad and Tobago supports the view that the promotion of social justice in the field of labour could be achieved if the social partners are themselves involved in the search for appropriate solutions. I am happy to report that in my country there is widespread adoption of the principle of tripartism as demonstrated in such institutions as our National Insurance Board, National Training Board, our Registration, Recognition and Certification Board, our Minimum Wages Board and our Cabinet appointed tripartite committees established to address the issues of labour legislation generally, and our industrial relations in particular.

I finally pray God's blessings on this Conference and hope that we may advance further towards the attainment of the noble objectives of the Organization.

Original Turkish: Mr. MOGULTAY *(Minister of Labour and Social Security, Turkey)* – At the outset I would like to congratulate the President and the Vice-Presidents on their election and express my confidence that under their able guidance the 81st Session of the International Labour Conference will fulfil its task in the best possible manner.

I would like to take this opportunity to congratulate the new members of the ILO, Oman, Turkmenistan and Tajikistan. I also congratulate South Africa on the resumption of its membership.

I wish also to congratulate the Director-General on the comprehensive report he has prepared for this Conference.

It is timely that the Report of the Director-General this year addresses the prospects facing the ILO. Nothing could be more appropriate and natural for the ILO on the memorable occasion of its 75th anniversary than to look back in its past and evaluate its place and function in a changing world.

It is true that the liberalization of trade has the potential to accelerate economic growth and thereby improve working conditions and create employment.

It is also true that there can be no development based on exploitation, deprivation and restrictions of social rights. We should not allow the balance between these two elements, trade liberalization and economic growth on the one hand, and social rights on the other, to be shifted at the expense of the latter. Nevertheless, we have noticed that those who disregard all social concerns and favour an unleashed type of competition are becoming more vocal.

As you may recall, in the speech I made from this rostrum last year, I expressed my deep concern over this tendency and referred to the Preamble of the ILO Constitution, stating that economic development can be achieved together with social justice and that the ILO should maintain its stance for the preservation of this principle. At that time we felt the need to make a sound assessment of recent developments.

The topic selected for the Report of the Director-General this year gives us this opportunity.

The Director-General has made this assessment effectively and capably. In his Report the developments that have marked recent years as well as their implications are reflected in their real dimensions; the validity of the values, structures and functions of the ILO are analyzed in the light of these developments. The Report also seeks to identify ways of maintaining the balance which I mentioned earlier under the new conditions which we call globalization.

Before expressing my views on these proposals, with your permission I would like to indicate the importance we attach as the Government of Turkey to the balance between the solution of economic problems and social rights, by giving as an example two sets of measures we introduced this year.

The economic stabilization package that we have been implementing as of 5 April 1994 in order to cut down the public sector borrowing requirement and to achieve a more healthy budget includes – apart from such measures as new taxes, etc. – a substantial programme of privatization and the closure of inefficient state economic enterprises that cannot be privatized. The package also contains measures for eliminating the adverse consequences of privatization on workers, including measures giving priority in re-employment to those who lose their job as a result of privatization or closure, paying an adequate amount of unemployment compensation and unemployment benefits for a certain period of time, or assisting those workers who wish to re-establish their own business.

The second package is part of our continuous democratization efforts. It was announced on 18 May 1994 shortly after the launching of the economic stabilization programme and comprises some 62 bills. This package contains a chapter aimed at minimizing the difficulties caused by the economic austerity measures.

The bill on the ratification of Convention No. 158 is one of these measures.

Another is the introduction of bills that have already been prepared in consultation with the social partners with a view to creating a working environment in conformity with the ILO standards, enhancing the freedom and independence of trade unions and their internal democracy, and developing autonomy in collective agreements and limiting further the scope of strike restrictions.

Efforts to enact the bill on protection against unjust termination of the employment contract shall be speeded up.

The unemployment insurance bill which aims at providing a certain amount of income security in case of unemployment is currently on the agenda of the Council of Ministers. It shall be submitted to Parliament as soon as possible.

No effort will be spared in order to secure the passage of the bill concerning the principles governing trade unions, collective labour agreements and the right to strike in the public sector, in accordance with the provisions of Conventions No. 87 and No. 151 which we ratified last year.

After this brief report on the attitude of the Turkish Government, which does not neglect the social dimension even as it is attempting to overcome the economic crisis, I now turn to the proposals made by the Director-General.

I fully support his proposal regarding the better adaptation of the standard-setting activities of the ILO to real and pressing needs. I also support his view of approaching the subject in qualitative rather than quantitative terms.

In order to overcome the difficulties arising from the liberalization of international trade and the globalization of world production and markets, I find the following proposal made by the Director-General most useful: The awarding of a "social label" to multinational enterprises that subscribe voluntarily to certain standards of codes of conduct. This might render them more valuable in the eyes of consumer organizations.

In addition to this measure related to standard-setting, I am in favour of giving the ILO a significant role to play as a leader in the establishment of a forum where the social aspects of international economic tendencies and policies might be dealt with, and equipping the ILO with the necessary authority and means so as to enable it with its unique tripartite structure, values and experience, to play its part effectively in this forum.

I fully support the notion that productive and freely chosen employment, which is the first priority of policy-makers all over the world, should be made the centre-piece of all activities carried out by the ILO. In this context, I believe the following proposals made by the Director-General are extremely useful.

A major annual report should be issued containing an authoritative analysis of the situation of employment and income in the world and the impact of economic and financial policies on them. Such a report should contain alternative policies with a view to reconciling the need for providing more jobs and more income for the poor and to promote growth and stability.

The Conference should have as a standing item on its agenda the examination of employment and living standards in the world.

Our Government, like other governments, aims to find immediate solutions to problems of employment. In this context I would like to mention two projects which were put into effect last year, one of which is in the preparatory stage.

The first project, prepared in cooperation with the World Bank, amounts to US$107 million. This consists of programmes such as labour force training and labour market information systems. Within the framework of this project, some 73,000 unemployed Turkish citizens shall be trained and placed in suitable jobs in the next five years.

The second project aims to restructure the Turkish Employment Agency. Within the scope of this project the agency will be transformed into an effective and modern institution to fight unemployment and to develop jobs. The bill envisaging change in the functions and structure of the agency as well as aiming to provide additional sources of revenue has been submitted to the Prime Minister's office.

An overview of the proposals made by the Director-General in his Report will reveal that the fundamental point is the establishment of international recognition of tripartism. As a Minister of a Government that ratified Convention No. 144 and five other ILO Conventions last year, and that later began work on the establishment of a body with consultative capacity to advise the Government on social and economic matters, I wish to express my firm belief in the useful role of tripartism and the role it can play in creating a new equilibrium in a changing world.

Before concluding I feel it is my duty to express my gratitude to all those who have contributed to the celebration programme of the 75th anniversary of the ILO. We have planned in this context a series of activities throughout our country to last through 1994.

I wish the ILO every success in its march towards spreading respect for human rights and freedoms, establishing democracy, achieving social justice and fighting poverty, to which it has devoted 75 years of long and honourable efforts.

Believing that the ILO will continue its advance in the same direction in keeping with its mandate, adapting itself to a changing world, I also wish a successful conclusion to this 81st Session of the International Labour Conference.

Original Arabic: Mr. KHALIL EL FADHEL *(Minister of Social Affairs, Tunisia)* – In the name of God the Merciful, the Compassionate! First of all I should like to join those who have preceded me here to congratulate sincerely Mr. Charles Gray, the American Workers' delegate, on his election as President of the 81st Session of the Conference

In this connection, I believe that the choice of Mr. Gray to direct the work of this session, which is to discuss the future of the Organization, is an indication of confidence in his skill and experience, and eloquent proof of the attachment of the organization to tripartism.

This year our Organization will have been in existence for three-quarters of a century. Ever since its creation, and even during the periods of international tension, it worked for dialogue and consultation between the social partners. As a result, it was possible to take up the challenges, broaden the spectrum of fundamental freedoms and protect human rights. Today it is preparing to adapt its working methods and means of intervention to the demands of the global economy, in order to instil social justice and give a human slant to world economic relations.

His Excellency, President Ben Ali has instructed me to transmit his best wishes to the ILO on its 75th anniversary and to stress his great esteem for the Organization by virtue of its tireless efforts to promote labour and development.

I would like to take this opportunity to reiterate how far Tunisia is attached to the noble ideals pursued by the ILO and its desire to see them become reality. We are also extremely proud of the Organization's achievements in the area of social legislation and technical cooperation.

During my country's recent celebrations to mark the 75th anniversary of the ILO, we emphasized, through the media, its aims ad achievements, and held cultural events, including in institutes to raise the awareness of students.

I would also like to pay homage to the Director-General for his Report which gives an objective analysis of the world economic situation and makes practical proposals on how to promote international cooperation in order to re-examine how the new social problems arising at the international level are being dealt with.

We also welcome the fact that in his Report, the Director-General conjured up many concerns, which reminded us of those felt in Tunisia with regard to overall development. This holds true also for methods of analysis and the approach to finding solutions which correspond to our socio-economic situation.

The turning point of 7 November 1987 was the time when Tunisia was first able to move towards finding consensus, which as the Director-General pointed out, is so important. Our country, which has time and again sought consensus has been able to marry political change with an economic restructuring programme and a forward-thinking social policy.

Tunisia has been successful in consolidating freedoms, including freedom of association and in creating a climate of confidence among the social partners, which has helped them to shoulder their responsibilities with complete independence, whilst taking full account of general interests.

This democratic process has led to consensus on the countries present and future in the light of the radical changes taking place in the world, and united
efforts to reconcile as positively as possible the need
of economic growth and social welfare, in an atmo
sphere of mutual respect for the fundamental differ
ences of the various parties.

In this way, consensus has been reached in Tunisi
on the practical methods needed to solve the prob
lems of employment, occupational safety and health
problems which have been included on the agenda
this session. We have adopted the approach of dia
logue and negotiation in order to strengthen the le
gislative provisions on these issues, and thus amend
ing the relevant sections of the Labour Code.

In this context, I appreciated the Director-Gen
eral's insistence on the need to turn to the appropri
ate mechanisms to help cope with the negative im
pact on the employment market, the widening
social disparities, the increasing poverty and the in
ability to meet the fundamental needs of human be
ings.

This is even more worrying because the hopes tha
a more judicious use would be made of funds ear
marked for arms at the end of the Cold War have no
materialized; and the globalization of the econom
has only worsened the situation because of the majo
burden being borne by the developing countries
particularly the weakest members of society.

I noted with interest the Director-General's wis
to participate actively in the World Summit for Soci
Development. We are sure that our presence will b
profitable for the Summit because of our vast exper
ence; and we are also convinced that because of it
tripartite nature, it is the Organization most suited t
express the social concerns of our era and to defen
the cause of social justice among economic and f
nancial institutions.

More than ever before our Organization is bein
called upon to move away from its traditional acti
ities of standard-setting to propose specific solution
to the social problems prevailing in the world and t
develop new forms of international cooperatio
based on active partnership and development for al

If we are to make any comments on the Directo
General's Report it is to say that, in spite of the man
references to the interdependence of interests
countries, it has failed to emphasize sufficiently th
need to find solutions in an overall revision of inte
national economic relations. This is no doubt due t
many factors, amongst which, and I quote: "the lac
or ineffectiveness of formal institutional arrange
ments that would enable the ILO to influence th
policies and activities of the major international ec
nomic and financial institutions".

While agreeing with the Director-General's con
viction that development is the responsibility of eac
country, we believe that technical cooperation ca
provide global solutions to meet the various cha
lenges and that our Organization is capable of pro
posing alternatives within the framework of the lib
eralization of international trade; it is also able t
establish rules for economic competition, by optin
for equitable standards that take into account th
weight of the foreign debt and the social burden
countries, whilst taking care of the weaker econo
mies – the victims of the worsening of the rates
exchange and devaluation.

We also believe that our Organization should tak
more account of the number of constructive pro
posals and back them – when they can meet deve
opment objectives. This comment could apply to th

proposal made by President Ben Ali in the speech he made to the European Parliament in June 1993, while presiding over the Arab Maghreb Union; in his speech he suggested that funds collected from the repayment of foreign debt should be earmarked for development and environmental protection.

Furthermore, while acknowledging that the majority of technical cooperation programmes should be aimed at assisting the least developed countries, we feel that our Organization should also assist other developing countries – including Tunisia – which need programmes that take into account the strengthening of democracy, social dialogue, social protection and the integration of weaker members of society.

Tunisia, which is at present hosting the 30th Assembly of African Heads of State and Government, is particularly honoured that the first Head of State of South Africa is attending this meeting; indeed, it is most auspicious that this coincides with the suspension by our Organization of the Declaration concerning Action Against Apartheid.

We also welcome that the first step has been taken on the road to peace in Palestine and we hope that all the provisions in the agreement reached will be duly applied. In this respect, we should all strive to ensure that peace efforts lead to the freeing of all occupied Arab territories so that peace and safety may reign in the region.

Over the years our Organization has, by its unstinting efforts and with its considerable experience, convinced us all that cooperation between countries is a far better alternative to conflict; no international order, whatever its characteristics and level of sophistication, can make any claims to stability if it has been unable to meet the needs and interests of the various groups and communities on the basis of justice and social equality.

Let us all draw inspiration from these principles and move forward together to help not only developing countries but also the developed countries.

Mr. CASSAR *(Parliamentary Secretary, Ministry of Education and Human Resources, Malta)* – I should like to start by congratulating the Director-General for his excellent examination of the ILO in the changing context of the world. It could hardly be bettered.

I would like to offer four main reflections built on four central points made in the course of the report which tie up with items which are close to the concerns of my Government and the people of Malta.

The first is the crisis of the nation State. I do not think it necessary to add anything to the analysis of the phenomenon itself as it is presented in the report. What I wish to do is to indicate an area where it may be possible for the ILO to make a contribution which it, and it alone, may be in a position to make.

It is well known that Malta has made its deepest mark in world affairs through the introduction of the concept of the common heritage of mankind in international law, beginning with its application to the deep seabed. The recognition of the "common heritage" of mankind meant the recognition that there were resources, the nature of which excluded their subjection to either national sovereignty or private appropriation. The nation State was not an adequate instrument for their management, nor were profit-motivated companies. It was recognized that some new form of management structure was necessary. The system actually proposed and agreed in the Treaty has proved to be much too cumbersome and unworkable. Yet, there is a crying need for a type of management structure which is not modelled either on that of the capitalist private firm, or on that of the classical state-owned enterprise; it should be capable, however, of operating effectively at the international level.

There is perhaps no symptom which manifests more eloquently the crisis of the nation State than the growth and power of the multinational companies, the typical expression of the prevalent trends in the globalized economy. Gradually in the same way as at the national level, there emerged as a kind of golden moral mean, distinct from either the capitalist or the state-run enterprise, a form of management structure – that of the cooperative, with the emphasis on active participation in shared benefits. In our times, the cooperative counterpart of the multinational enterprise should emerge at the international level . It would be the most appropriate management structure, not only for those resources which have been already officially declared common heritage of mankind, but also in many other fields such as those of knowledge and know-how which are not likely to be made subject to the principle in the short run.

Obviously, it is not the function of the ILO to bring bodies with the kind of management structure envisaged into being. But it could be the ILO's function to orient thought in that direction and even to devise model legal frameworks which could facilitate the ushering into being of what might be called "multinational cooperatives". That might also be the direction in which an answer to the dilemma between wholesale privatization and anachronistic statalism could be found.

Secondly, the crisis of the nation State links up to the crisis in industrial organization which could be labelled "from Taylorism to Toyotism" – the adoption of the so-called "lean" and sometimes "mean" systems of production. A principal result of this structural change in the organization of work at the enterprise level is the onset of structural unemployment. Here it is important to keep stressing that work is a human right, a fundamental human right, but at the same time one has to take account of the concrete conditions under which the right can only be exercised. Forms of part-time employment are often being proposed if not as the solution, at least as a necessary palliative to the ills of unemployment. Speaking as the representative of a country which in the last years has succeeded, in its smallness, to drive the wolf of unemployment fairly effectively from its door, I feel authorized again to echo an appeal I have already made a year ago to this Assembly – namely that serious attention be paid to the informal economy. It is the informal sector which explains the otherwise inexplicable flourishing of certain local economies, even in a time of world recession. It is the recognition of this reality and the establishment of fair-play within it that can prevent a source of economic advantage from becoming also a source of social blight. The reason for my recalling these points today is the belief that part-time employment can only be an acceptable resort in the face of threatening or rampant unemployment, if it means that part-time workers are able to put the time they are freed from unemployment to productive or even creative use in fields of their own initiative or, in other words, in the informal economy, legitimized and fortified against injustice. I strongly believe that if the ILO turns much more attention to what needs doing in the informal sector of the economy it will be making a major contribution in facing up successfully to the great industrial and technological revolution at present under way.

A third, also related, critical area in the western world is the crisis of the "welfare state". The crisis is not just a matter of a welfare bill which becomes too heavy to bear because of such factors as increasing ageing populations, larger armies of unemployed, or marginalized members of society; the kind of assistance traditionally given by the welfare state, mostly financial and institutionalized, lacks the human element because of its depersonalization and bureaucratization. This is particularly true in work-related services, such as employment agencies. In my country, we are striving to allocate new roles to state-aided, voluntary organizations, and as much as possible to encourage these to operate in a family-centre manner rather than on an individual-centred basis.

I would like to point out that there is a large open space for international initiatives, although of a difficult kind. Welfare services have increasingly to be operated through specific funds of one kind or another of insurance basis. It is obvious that such funds could be much more humanly valuable if they could operate on an international basis on agreed criteria of equitableness. Once again, I cannot suggest that it falls within the ILO's mandate or possibilities to bring about the parallel development of integration at the level of social welfare provisions, such as insurance systems against unemployment, as is occurring in the economic, if not the political, sphere.

But I am suggesting that the prospecting and projecting of the sketching out and canvassing the possible ways in which systems of work-related social benefits could possibly be internationalized on a cooperative and progressive basis – and could also be a positive contribution to some humanization of the global economy.

Fourthly, and finally, the three crises I have spoken about in the political, the economic and the social spheres converge at the deepest level of all – that of values. The challenge here is that competition appears to be increasingly acknowledged to be almost an absolute and practically the supreme value. Against this, it is fitting that we should record that the values embodied in the 1944 Declaration of Philadelphia are still valid. It is important that the welcome downfall of over-centralized state systems should not imply the triumph of unbridled capitalism. No less a body than the Lisbon Group of the Club of Rome, which once issued the clarion call for "limits of growth", is now eloquently appealing for "limits to competition".

Indeed, the Lisbon Group is right in emphasizing the fact that for the effectiveness of the free market itself, a framework of cooperation is a necessary asset. Competitiveness can only yield its genuine benefits to the economy if it is enveloped and fostered within a structure of generally accepted and applied rules rooted in the common interest and the common good. Because of its history and nature, its achievements of the past, and the evident clairvoyance of its present perceptions, the ILO is perhaps the institution best suited to serve as the very emblem or standard-bearer of the often blurred idea: that it is the cooperative principle which is the *sine qua non* of fruitful competitiveness.

Mr. POPESCU *(Minister of Labour and Social Welfare, Romania)* – I have the honour on behalf of the Romanian delegation to congratulate the President on the occasion of his election to chair this important session of the Conference and to wish him every success in carrying out the highly responsible mission which has been entrusted to him. I would also like to express my congratulations to the Director-General, Mr. Michel Hansenne, on the Report presented to this session of the Conference. It is a significant document which provides an analysis of and pertinent approach to the future trends of ILO's activity in the context of the political and socio-economic transformations in the world.

Celebrating at this session, together with all member States, the 75th anniversary of the establishment of the ILO, Romania, one of its founders, joins with the unanimous appreciation of its long and fruitful activity in preserving a durable peace by promoting social justice, an important objective included also in its Constitution and reiterated in the Declaration of Philadelphia.

An activity of three-quarters of a century in the service of social justice undoubtedly represents a triumph which should be continued and enriched.

We appreciate the evaluations made in the Director-General's Report concerning the radical transformations that are taking place in the international arena. Real foundations have been laid by putting an end to a bipolar world system and, implicitly to divergent positions and the conflictual relations which have existed for many years, so that we might have constructive debates on essential matters such as, first of all, the elimination of inequities between and within States. We cannot but lament that the process of structural adjustments under way in Eastern and Central European countries during this period of transition is accompanied by a significant decrease in production, a high unemployment rate and growing inflation which has negative effects on the living standards of a large section of the population. It is true that the situation could also be seen as a consequence of the policy of these States, consisting in endeavours aimed at finding a balance between the State, the market and the civil society on the way towards democracy.

Moreover, we cannot ignore the fact which is also mentioned in the Report that the globalization of the economy has potential risks and aggravates the negative impact on employment unless we find adequate formulae for a new balance between reducing unfair competition and promoting free access to international trade.

Considering the rich experience of the ILO, we hope that together with governments, workers' and employers' organizations it will succeed in replacing old and rigid mechanisms with flexible, realistic forms in order to reach the common goals and further justice and social progress.

The process of restructuring the economy, as in the other countries of this region of Europe, involves social pressures in Romania, too. This explains the constant preoccupation of the Executive with regard to revising the social protection system and limiting the transition's effects especially on the protection of the most disadvantaged sectors of the population.

So, the amendments to the Unemployment Act submitted to Parliament provide for advantageous credits to the unemployed to help them to set up small and medium-sized enterprises, and aim to extend professional training and facilitate the employment of young graduates.

New regulations will be adopted with respect to the establishment of a social allowance for the people who do not have the material means to ensure a decent living standard, to protect minors in difficult situations, and generalize flexible or part-time working programmes, especially for women.

Of course, the level and the quality of social protection depend on the quantity and efficiency of labour and on productivity, taking into account that the Government's resources are directly proportional to the volume of the social labour done with regard to creating goods and services.

Bearing in mind the other items on the agenda of this session of the Conference, I should like to present our considerations in a few words.

First of all, we appreciate the fact that the objectives of continuing the process of democracy in some specific segments of the Organization, of consolidating institutional capacities by supporting the government and administrative structures of the member States throughout the transitional period, and of strengthening tripartism are being preserved within the ILO programmes.

In order to consolidate the tripartite mechanism in Romania, a bill was worked out on the establishment of an Economic and Social Council which is a consultative body and a forum of social dialogue at the national level designed to facilitate the union of the two social partners' efforts and of the Government as mediator.

The Romanian delegation also appreciates the fact that safety and health in mines have been included on this session's agenda, this being a problem to which we have granted special attention during the past years.

I avail myself of this opportunity to tell you that we welcome the preoccupations of the secretariat of this Organization and the Director-General with regard to adjusting the whole activity of the ILO to reflect international developments by firmly adopting adequate reforms.

Before concluding, I wish to express my thanks for the technical assistance given to Romania in restructuring and modernizing mainly the labour force and services for the unemployed, and improving the social protection system in general.

I assure the Conference that the Government of Romania is fully committed to fruitful collaboration with the ILO.

Mr. FALBR *(Workers' delegate, Czech Republic)* – First sincere congratulations to our colleague Charles Gray on his election to the position of President of this Session of the International Labour Conference. We highly appreciate this significant honour for a representative of the Workers' group at a time when we are commemorating the 75th anniversary of the establishment of the International Labour Organization. We understand it also as a gesture of appreciation of the important role workers' representatives have been playing in the activities of the ILO.

The anniversary we are currently commemorating has been the source of various debates on the future role of this unique and universal organization in the framework of the United Nations system. Discussions going on at various levels and within all three groups at the International Labour Organization have inevitably been reflected in the main report of the Director-General of the ILO; a report which tries to explore new ways of further developing its capability and effectiveness to enable the ILO to effectively address the changing labour conditions in the present world. Let me briefly express the views and positions on these issues held by the Czecho-Moravian Chamber of Trade Unions which represents more than 3 million Czech trade unionists.

We highly appreciate that the Director-General emphasizes in his Report the significance of tripartism as a key principle not only of the Organization as a whole but also as a fundamental precondition for any discussion when seeking solutions to the current great problems of the world. There is no doubt of the specific importance of tripartism for the countries of Central and Eastern Europe, the countries in transition. It is our firm belief that negotiations and efforts to achieve consensus among governments, employers and unions is the only way to secure a successful transformation, without greater conflicts and social tension. Unfortunately we often witness doubts, lack of confidence or rejection not only by civil servants but also by certain newly emerged private entrepreneurs and employers. It is obvious that the practical application and support of tripartism on the national level should also be one of the main tasks of the ILO in the future. Among others, the frequently discussed issue of adoption of a new ILO Convention on tripartism at the national level emerges once more as a necessity.

The issue of ILO standards is one of the most frequently discussed problems of future ILO activity. It is necessary to stress here – as the Director-General has also done in his Report – that the ILO has a great responsibility to defend fundamental human and trade union rights. Therefore, it is impossible to reduce the future significance of key ILO Conventions such as those concerning freedom of association and discrimination which make up the cornerstones on which the ILO was built. A number of cases show that serious attempts to violate these fundamental rights, inseparably linked with freedom and democracy, do occur. Similar tendencies can be found in all Central and Eastern European countries.

As far as the future creation of standards is concerned, the problem is to be tackled very sensitively in order not to substitute them gradually by less binding documents which, according to the Director-General, would have the form of so-called "soft laws". We would like to say a clear "no" to such a philosophy. It is necessary to realize that for the workers and unions in many countries the ILO Conventions and Recommendations often represent one of their few supports in their struggle for rights and social guarantees.

In this context I would like to make a comment concerning the situation in the Czech Republic and in other countries which not long ago rid themselves of communist regimes with their centralized economies, and which now strive for the democratic transformation of their societies including the introduction of market economies. As I already mentioned, this process is complicated and has negative social repercussions. This process is strongly influenced by the financial policies of the International Monetary Fund and the World Bank which are both well known as not being very socially oriented. We consider as unsatisfactory the statement that up until now the ILO has not succeeded in in-depth negotiations with these financial institutions. We understand the complexity of the situation, nevertheless, we believe that in future the ILO should use more of its weight, authority and mandate and try – at least in individual cases together with national governments and workers' and employers' organizations – to help solve various problems, especially if the top representatives of the IMF ostensibly express the need to strengthen the "social pillar" in the framework of contemporary economic changes.

In the short time I have at my disposal it is unfortunately impossible to mention all the problems the ILO faces in the year of its 75th anniversary. We think that each of the delegates at this Conference is especially interested in an even better and more effective performance of the ILO in the future, and in it fully honouring the mandate with which it was entrusted when it was established. Therefore, I oriented my address more to the spheres where its activity could be further improved. On the other hand, we must not forget the considerable work the ILO has done since its foundation for the benefit of workers, employers and the general social development of nations worldwide. We believe that the ILO in its uniqueness will continue its noble mission well into the future.

In conclusion, I would like to thank the ILO for all the assistance which has been granted to our unions in various fields since their foundation as new democratic organizations four years ago. We believe that also in the future years which undoubtedly will not be easy for workers in the countries of Central and Eastern Europe, we can rely upon your help.

Original Spanish: Mr. MELO ACOSTA *(Government delegate, Colombia)* – Our congratulations to the President for his election to the presidency of this Conference which is of such great symbolic importance since we are celebrating the 75th anniversary of our Organization. Might I also express a word of welcome to our new member States and more particularly to the delegation of South Africa which has now joined once again in our deliberations after so many years of absence.

It is a matter of satisfaction and pride for me to participate in this Conference as a Government delegate, particularly and precisely at this point in time when the International Labour Organization is commemorating its 75th anniversary, that is to say, the 75th anniversary of its creation and the 50th anniversary of the Declaration of Philadelphia. The ILO is the international organization which has made the most important contribution to establishing social justice as a cornerstone in the effort to achieve universal peace.

On behalf of the people of Colombia, led by our President, César Gaviria Trujillo, on behalf of my delegation, the delegation I am representing, and on my own behalf, I would like to express my sincere appreciation and admiration to the constituents of the Organization and to all people who since 1919 through their work, expertise, dedication and det mination have made it possible for the ILO to fu the aims and objectives for which it was created.

I would like to pay a special word of tribute Albert Thomas for his invaluable contribution, b his thinking and his forceful action. More than e before, the Organization expects and hopes that decisions of its Members will honour the legacy that unique personality. I also wish to pay tribute Mr. Jairo Escobar, of Colombian nationality, who more than two decades, as a representative of employers' organization, enriched the deliberati of the Organization's Governing Body.

The phenomenon of the globalization of the ec omy to which the Report of the Director-Gene draws our attention directly affects the projects, stitutions and values which contribute to achiev the ultimate aim of humanity, which is to live peace. A world such as ours, which is in the throes far-reaching radical changes, presupposes that th is always a constant threat to social balance.

In the Preamble to the Constitution of the Or nization attention is drawn nevertheless to the cou which has to be taken when we deal with challen such as those we are facing at present, that is to s "universal and lasting peace can be established o if it is based on social justice".

There is no doubt that the main task of int national organizations such as the ILO is in direct its efforts to ensure that we can achieve a situat within countries which enhances the creation consolidation of increasingly higher standards of ing for the people through what we would like term the "globalization of social justice". It is nec sary to understand that this should not mean a co pulsory levelling of social costs but rather a progr sive and gradual process whereby the most import political decisions taken by the countries are ba on the guiding principles which are universally rec nized and which are contained in the Declaration Philadelphia with a view to achieving universal so justice.

This process should take into consideration the alities of each country so as to ensure its posit development without imposing conditions w which it is impossible to comply. The achieving social justice is a challenge which involves should affect all constituents of the Organizat meeting here and actions taken toward this should be appropriate to the tripartism of the IL

That is why we are of the view that at the pres moment there is a confirmation of the standard-s ting machinery, cooperation and control shaped implemented by the ILO in order that through constituents the objectives of the Organization n be achieved. At the same time, they are slowly steadily attaining social justice at higher lev among nations, bearing in mind the peculiarities each member State through analysis and tripar consensus.

It is imperative, however, to seek and apply dar and innovative solutions to the complex challen facing our world today in the task of the pract implementation of the aims of the Organizati which is what the Director-General proposes in Report. I welcome therefore the invitation of the rector-General to reflect on the role which the I should adopt in our contemporary world and the r chinery necessary for it to be able to play this r

Thus, for example, as regards the so-called social clause, I would like to reiterate in this forum the position of the Government of Colombia, according to which it is appropriate to accept it provided that the conditions of work are improved and social justice promoted.

Nevertheless, I should also draw attention to the fact that this clause should not permit the indirect introduction of obstacles to trade which would replace those recently eliminated by the newly created World Trade Organization. The social clause cannot be converted into yet another trade barrier against developing countries such as ours, which are trying to adapt gradually their economies and regulations to the standards of justice attained by the more developed countries.

We do not feel that one can tackle this subject without the full participation of the ILO and its decision-making bodies because, amongst other reasons, the social clause cannot be divorced from the vast standard-setting activities of the Organization and the tripartite manner in which decisions are adopted.

The ILO is the natural forum in which to discuss these matters – matters which directly affect the social actors currently involved in change. Although it certainly should not be responsible for regulating international trade, it is also true that the encouragement of social progress is the task of its member States. Nevertheless, the leadership of the ILO in this delicate task should be guided by a modern, up-to-date vision which represents a true and authentic contribution to the discussions.

The anxieties generated by the concept of the social clause threaten to create an imbalance in the work and decision-taking by the international organizations involved in this area.

Together with the social clause there should be an ILO "economic clause", which would make it possible to define the scope of obligations of the Organization's member States, depending on the relevant level of our development. It is obvious that the obligation to achieve social justice through the implementation of standards adopted by the Organization is part of the social clause, but it is also important to strengthen the harmonization of conditions of economic competition, going well beyond what was achieved by the Uruguay Round and creating an economic situation which is more equitable as a mechanism whereby the less-developed countries may reach higher levels of economic growth and greater social justice.

On the other hand, we believe that the ILO's role in the concert of nations, in addition to being based on universal validity, is also based on the services it offers its constituents.

So, for example, we should highlight the ability of the Organization to support the Ministries of Labour of the less-developed countries. Usually these institutions lack adequate infrastructure and the instruments that are necessary to formulate social and labour policies which are adapted to their particular realities, as well as mechanisms allowing them to effectively exercise control and implement the social standards included and adopted by the ILO.

Therefore it would be desirable not only to see the incorporation of new standards in national legislations, but also the definition, designing and implementation of mechanisms which will contribute to their realization in each of the countries. To this end control procedures of Ministries of Labour must be improved to make them more effective. Their capacity to formulate policies with a view to being able to better interpret the needs and necessary social solutions must also be strengthened.

Obviously the contributions which can be made by the ILO to defining the social clause must be based on a perspective of change, and must give appropriate consideration to the new international political economic structure, as well as possible changes in the future.

The Government of Colombia fully agrees with the philosophy and the values of the Organization and reiterates its full and absolute commitment to its guiding principles, while reaffirming its conviction that social justice is a valid and irreplaceable tool for attaining social justice.

It is up to us, as constituents of the ILO, to take decisions that will fine-tune the machinery it employs to implement its principles in this changing world we live in, so that we may further the noble mission entrusted to it by its founders.

Mr. FOKEER *(Minister of Labour and Industrial Relations, Mauritius)* – It is a great honour for me to address this 81st Session of the International Labour Conference, which is marking the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia.

I wish to convey to the President, on behalf of the Republic of Mauritius, my warmest congratulations on his election to the presidency of this very important gathering and to extend them to the Vice-Presidents. I can assure the President of the full cooperation of my delegation in fulfilling his challenging task and I am confident that under his able guidance the discussions at this Conference will yield positive results.

Seventy-five years have lapsed since the ILO was created as an outgrowth of the social thought of the nineteenth century to champion the cause of labour and relieve the untold hardships endured in the wake of the industrial revolution. Throughout its existence, the ILO has earned the reputation of an organization imbued with the fundamental purpose of protecting and promoting freedom of association and social justice and civil liberties. On the basis of its mandate expounded by the Declaration of Philadelphia, our organization has become a seedbed for the emergence of a cohesive legacy of principles which provide useful signposts along the way for positive development. Its basic Conventions have always formed an indispensable springboard for achieving acceptable change and for moulding democratic industrial systems. At the same time, technical cooperation has developed considerably and has become the principle mechanism by which the ILO has promoted awareness of its social philosophy.

This twin celebration of the creation of the ILO and the Declaration of Philadelphia comes at a historic moment in this present watershed of human development. Within less than a decade, we have witnessed global changes which never occurred before. The recent first time all-race elections in South Africa, giving political power to the majority after centuries of abject discrimination, is this century's most significant world event. We are proud to belong to an Organization which has been working for 30 years to secure the abolition of apartheid, and has in its own way contributed to this event. This august assembly still echoes the inspiring words of Mr. Nelson Mandela at the 77th Session of the International Labour Conference when he affirmed that "the road ... to travel to arrive at the liberation ... is not too long". Democratization is now on the move in South Africa. It is a time for many hopes and also of great patience. True equality among citizens of this new democracy may take time to evolve, due to the implanted imbalances – a legacy of a political system. South Africa more than ever needs our support to correct the entrenched socio-economic inequality. At this stage, I wish to recall the resolution concerning South Africa adopted at our Eighth African Regional Conference held in Mauritius this year. This resolution calls upon all member States to continue to support, through all possible means, the process of transition to a democratic and non-racial South Africa and the final abolition of apartheid and its consequences.

The democratic processes which have taken place in Eastern Europe, Asia, Southern America and Africa are landmarks which could never be thought of ten years ago. Even the peace process in the Middle East seems to be a miracle.

The re-emergence of democracy brings the hope of peace and prosperity. Yet some zones of ethnic, political and religious intolerance have become the scourge of our times. This new upsurge of ethnonationalism leading to resurgence of discrimination is taking the place of earlier antagonisms between politic-economic systems. These conflicts have strained the capacity of mankind to find timely solutions in order to bring peace to these hotbeds of violence, thus threatening the economic development of many States. Indeed the increase in the number of the poor is now a stark reality attributed primarily to political and civil strife. To those people the problem is one of survival rather than development. But growth of poverty is not an uncontrollable variable as it can be alleviated by policy decisions, for we live in a world that has the means and ability to lift them out of conditions that defy any definition of human decency. So let us do it now when it is still time. Delay in any form to alleviate poverty is the deadliest form of denial of a decent living.

In contrast, we have to recognize that humanity has been hurtling into the future at an accelerated pace due to its inventive genius and wisdom. Technological innovation, a product of man's virtuosity, has to such an extent been the driving force of economic growth that the whole outlook on mankind has been transformed; and the world has irrevocably become one to the extent that we can no longer afford to escape the consequences of events occurring anywhere on the globe. We now speak of globalization of economic relationships which have changed the industrial landscape and economic behaviour of nations. The business environment is today marked by intensifying international competition and the speed with which the world market is evolving, raises major social problems due to the differences in the capacity of nations to adjust to these global economic forces. It threatens to impose a heavy economic penalty on those countries that fail to catch up.

Widespread industrial restructuring has again made labour standards a subject of debate. Labour market institutions and social policies, a critical ingredient of industrial organization, are no longer sheltered from external influence. Advocates of greater flexibility argue that labour standards inhibit the capacity of enterprises to adapt to changing circumstances and consider them distortions to the free operation of market. Proponents of labour standards argue that sustainable growth and development will not occur without these standards. Still some consider that standards may provoke beneficial effects, but only at advanced levels of economic development, or at times of economic prosperity. Whatever the arguments against labour standards, one should not lose sight of a philosophical underpinning which provide an enabling environment for a typical model of development based on social justice. What is more, Conventions on freedom of association are conducive to growth rather than a constraint and establish basic linkages between human rights, development and change in view of the strong correlation between democracy and development.

The successful conclusions of the Uruguay Round have already set the stage for an ever-more competitive economic environment and will, with the formation of mega trading blocs, undoubtedly reshape the configuration of the world economy. In the wake of the emerging new world trade agreements, there are apprehensions that the new opportunities opening up with major areas of trade are unlikely to benefit substantially the Third World economies that may become isolated and face the added risk of being marginalized if they are not on the political agenda of the developed nations. Faced with the challenge of ensuring that economic growth goes hand in hand with social progress, both the ILO and the new World Trade Organization will have to face the common task of encouraging the promotion of democratic and social reforms for enhancing the market-oriented system.

I must here congratulate the Director-General for his excellent Report, *Defending values, promoting change*, as it evokes problems raised by the inclusion of a "social clause" in international trade agreements. Initiatives to link international trade and workers' rights with a view to use market access as a lever for improving working conditions have again come to the fore with the signing of the agreement within GATT. Some brand this initiative as ostensible expression of social concern with a view to disguise protectionism. On the other hand advocates of the "social clause" claim that this is simply intended to correct abusive labour practices and that it offers the advantage of improving the lot of workers and of benefiting from increased trade opportunities. The question, is a basic one that lies at the heart of the issue of international trade relations and we should face it dispassionately, within a framework of meaningful dialogue.

I must also recall the bold initiative of the ILO for its involvement with the World Summit for Social Development to be held in 1995. The Summit comes at a time when the third world is deeply concerned with economic gloom, unemployment and indebtedness. Of great concern also is the structural adjustment policies which are putting pressure on the scaling down of budget allocations, which have a direct bearing on health, education and social protection. Moreover, while technological change can improve the life of society, technological innovation can damage society when political and social initiatives fail to keep pace with it. Social responses to the challenge of change differ according to the political, economic, social and cultural structure and the tradition of every society; but the challenge to develop forms of social organization that will maximize benefits and minimize damage is universal. I am therefore strongly convinced that the ILO, with its mandate to promote social justice, can help to develop a world social order that will place more emphasis on the human face of development and thus help to set up a new blueprint for the future.

The Government of Mauritius is committed to the principles embodied in the Constitution of the ILO. Tripartism and social dialogue inspire our policies at various levels of the decision-making process as they enable progress to be developed in partnership, by giving those concerned a say on the decisions that affect their lives. As a contribution to mark the 75th anniversary of the ILO the Government of Mauritius has agreed to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Labour Statistics Convention, 1985 (No. 160). In addition, my country is updating all its labour laws so as to keep pace with social evolution for the present and future generations. We commit ourselves to ensure constant dialogue with our social partners and progress on guidelines set up by our Organization.

(The speaker continues in French.)

In abiding with the tradition of bilingualism in the Republic of Mauritius, I should like to conclude in French.

I am convinced that we have all come here – and will leave – with a strong commitment to strive even more for the well-being of our peoples in peace, justice and equality. It is my fervent wish that this Conference will be crowned with success.

(Mr. Ould Sidi takes the Chair.)

Mr. AMOAKO *(representative of the World Bank)* – It is a great pleasure for me to be participating in the International Labour Conference, particularly on the occasion of the 75th anniversary of the ILO.

May I start by congratulating the Director-General on a very thoughtful and inspiring report. As you know, this year also marks the 50th anniversary of the World Bank, and as the Director-General rightly notes, an anniversary is both a time for celebration and for reflection – on the achievements and the lessons of the past and on the enormous challenges of the future.

As I read the Director-General's Report, I was struck by the many similarities between the process of re-evaluation of basic objectives which you in the ILO are now undertaking and the World Bank's own internal discussions on its current and future agenda.

Let me just mention a few of these similarities. First, there is the need for organizations such as ours to be able to respond rapidly and flexibly to a changing world and new problems. Then there is the need for enhanced partnerships. The ILO's new policy of "active partnership" parallels in many ways the Bank's increased emphasis on local participation in the design and implementation of projects. There is also the need for greater focus on the implementation of development strategies. The ILO's proposals to develop a kind of "soft law" is quite similar to our own increased attention to the formulation of best practices to guide policy-makers. Finally, there is the need for greater selectivity to avoid setting courses of action and raising expectations out of proportion with available resources.

Yet, despite the extraordinary changes taking place today which are described so vividly in the Director-General's Report, we, like you, have concluded that our basic mandate remains the same.

The ILO's fundamental objective is to promote social justice. The Bank's is to reduce global poverty and improve people's lives.

Over a billion people continue to live in absolute poverty, struggling to survive on a dollar a day. Our estimates suggest that if economic growth is low and recent trends in poverty continue, there could be 200 million more poor people in the developing world by the end of the century. Poverty, therefore, remains our most fundamental challenge.

The strategy that we believe to be most effective in reducing poverty is a simple but powerful one. It has two basic "tracks": labour-intensive economic growth and investment in people.

No country has managed to reduce poverty without economic growth. But the pattern of growth is as important as the rate. Labour-intensive growth allows the poor to make use of their most abundant asset, their labour. It provides jobs and it boosts income.

But this must be accompanied by effective social safety nets. We have found that the poor benefit most from the broad targeting of basic services, such as primary education and health centres, but narrower targeting is also necessary to reach the particularly vulnerable groups: health and nutrition programmes for mother's and infants, feeding programmes for victims of drought or famine; safety nets for the sick and the old.

One may ask – what is the basic, positive role of the labour markets in bringing about employment-generating economic growth and poverty reduction?

An efficient and responsive labour market facilitates economic growth by ensuring that workers are employed in jobs where their skills are most productively utilized and by allowing wages that support a labour-demanding pattern of growth.

Conversely, a distorted and inflexible labour market can be extremely costly, constraining the growth of output and employment and increasing inequality.

The fast-growing economies of East Asia provide one of the best examples of a development strategy which has led to dramatic and sustained growth in labour, incomes and employment. These countries invested heavily and broadly in education and made strategic policy choices that favoured growth in activities which were both efficient and labour-intensive.

This was underpinned by labour market strategies that were pro-employment, but avoided premature protection or excessive wage increases for small groups of the labour force. Outside East Asia, governments in many developing countries have intervened heavily in labour markets, using the legal system, public sector employment and social security programmes to try to influence wages, job security, income stability, and even the level of employment.

Of course, these are all highly desirable objectives, but invariably such interventions affect incentives and behaviour and often lead to unintended negative effects.

In some countries, protectionist labour legislation has led to a small labour elite enjoying high wages, job security and other social security benefits, while employment and real wages outside the protected formal sector have stagnated or declined.

Clearly, we need to be more sensitive to possible trade-offs – improvements in labour standards can increase labour costs and reduce international competitiveness which, in turn, can undermine economic growth and employment creation in the medium term.

At the same time, income security is clearly an important objective. The key is to design measures in a way that does not protect insiders at the expense of outsiders, nor reduces the demand for labour.

Helping countries achieve the right balance between promoting employment and improving income security is, of course, at the heart of the ILO's mandate to promote social justice.

We fully endorse the flexible approach that the ILO has taken in its work on international labour standards – setting benchmarks that countries are expected to adopt when their level of development allows. We are also very pleased to learn that the ILO will devote more resources to research and analysis into the central question of the relationship between regulation, worker protection and employment.

The World Bank's work in the labour market area has gained momentum in recent years.

Traditionally, vocational education and training was at the centre of the Bank's labour-related lending. Of the $600 million of international assistance provided annually for vocational education in the 1980s, the Bank's share was 45 per cent. Most of these projects focused on pre-employment training. However, recent projects are increasingly oriented towards training for the unemployed, rural migrants and small enterprises. One such loan was signed last year with Mexico.

In the 1990s, our poverty assessments, as well as our education sector studies, have begun to pay more attention to the role of labour markets in providing incentives to work and to invest in people. The Bank is also engaged in discussing revision of labour legislation.

Occasionally, there have been structural adjustment loans tied to labour market reforms, such as in Peru in 1991. Moreover, as part of our work on safety nets to help mitigate the social costs of adjustment, we are examining the role of public works in creating temporary employment.

The Bank is also active in the transition economies in Eastern Europe and the former Soviet Union. In these countries, the Bank is supporting "pro-active" labour market policies, such as employment services and training, and "passive" programmes, such as building up the capacity of local agencies to manage unemployment insurance systems. One such loan was signed with Poland in 1991.

Currently, there are a number of labour-related projects in the pipeline in the countries of Eastern Europe, in the East Asia region, including China, and in Africa.

In conclusion, let me repeat the belief that the World Bank's goal to reduce world poverty and the ILO's goal to promote social justice are essentially two sides of the same coin. We must work together to achieve our shared objective.

To reach our objective of sustainable development, the Bank recognizes that governance – that is, the manner in which power is exercised in the management of a country's economic and social resources for development – is an important aspect. We also recognize that labour unions are an important part of the social fabric of democratic countries.

The Bank increasingly discusses issues of mutual interest with labour unions out in the field, most recently in South Africa and the occupied territories.

During the past few years, there have been several meetings between the World Bank and the leaders of international trade unions. I see this Conference, here in Geneva, as another step on the way to more such contacts and exchange of views – all in order to explore ways in which our two institutions can collaborate more effectively to reduce world poverty and to promote social justice.

Mr. KAPARTIS *(representative of the International Organization of Employers)* – On behalf of the International Organization of Employers, and myself, I wish to convey our congratulations to the President on his election to this high post. We are genuinely pleased to see him in the Chair of this Session of the Conference and are fully confident he will lead its work to a successful conclusion. We wish to congratulate the President most sincerely and, through him, the workers of the world the ILO so honourably represents.

At this early stage of the debate on the Report of the Director-General, it is difficult to anticipate positions delegates may choose to take and the degree of support they may give to the suggestions contained in the Report. What one can easily foresee is that the comments delegates will make will provide a wealth of ideas the ILO cannot afford to ignore. This is not an ordinary debate that can finish in the traditional way with a last-day response from the Director-General. The debate we have started can only be the beginning of a process that aims to revitalize the ILO by redesigning its profile and making it relevant to the expectations of its tripartite constituents and the international community. Too much is at stake to leave decisions in the hands of the executive alone. The policy-making supervisory organs – the International Labour Conference and the Governing Body – have primary responsibility for deciding on appropriate ways that could transform this debate into consensus on what needs to be done to reform the ILO.

Naturally, we welcome the decision of the Director-General to devote his Report on this 75th anniversary to the theme of change. His recognition of the need to change whilst retaining the Organization's fundamental values is the Report's strongest point. There is reality and vision in his Report, alas also utopia and illusion.

Because, how else could one reconcile the Director-General's staunch support of tripartism with his own suggestion that tripartism should be strengthened by the inclusion of other interest groups? This alleged strengthening, this new dimension of tripartism, could only result in diluting the prestige and power of the two non-governmental groups and could dramatically change the uniqueness of our Organization by dealing tripartism a severe, perhaps fatal, blow. For tripartism to be really strengthened, all officials of the ILO must be trained to accept that

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tripartism is a fact governing their professional lives. The employers can no longer accept being treated as an appendix to the institution.

The references in the Report to the free market, private enterprise and deregulation appear to negate the virtues of the liberalization of international trade. The suggestion that the globalization of the economy has contributed to the widening of inequalities among nations is an unduly pessimistic syllogism and fails to recognize that the liberalization of trade helps many more people than it hurts. The references in the Report to these issues amount to rhetoric based on ideology rather than intellect or empirical evidence.

Subject to my correct understanding of what the Report really says on the social clause, the position of the Director-General is plausible. The ILO cannot alienate itself from the field of its competence nor can it ignore the twin concern for a universal application of basic labour standards and the legitimate search by developing countries for a place in the sun. Very rightly the Director-General explores the different apprehensions of the ILO constituents and points to the need for painful efforts aiming at consensus. It is imperative to strive for consensus, not only among the tripartite constituency but also across the geographical regions and the political groupings. There are many obstacles standing in the way, including suspicions about the real motives behind the proposal for a social clause. And there are many questions surrounding the subject which have remained not only without a reply but even without further investigation. Some of these questions are: Which standards are we talking about? Who establishes failure to apply standards and how? What are the sanctions and which authority is vested with the power to impose them?

Until these questions are properly answered and until consensus is achieved officials of the ILO should be asked to refrain from expressing from official platforms pieces of their own personal intellect.

In the related issue of linkage between international labour standards and technical cooperation, the argument is made in the Report that the links should be strengthened. It sounds quite easy to say that it is therefore natural that technical cooperation should restrict itself to promoting standards, since the latter constitute the objectives of the ILO. But the premise on which the argument is based, that standard setting is the only valid activity of the ILO, is wrong. Standards are only one of the means available to the Organization to achieve the objectives it set for itself in the Declaration of Philadelphia. Some of these objectives, like employment, cannot be achieved through the setting of standards. Only sustainable economic activity can produce jobs, incomes and improved living and working conditions. Technical cooperation cannot be confined to the objective of getting standards ratified or implemented. The world will turn to other multilateral agencies to fill the gap left by the ILO if it withdrew from activities such as employment generation.

The employers recognize the importance of the standard-setting activity but argue that Conventions should be capable of being ratified and applied by as many member States as possible. For this we need flexible texts, not precise prescriptions, which can adapt to the different capabilities of different countries and to the continuously changing overall circumstances in the world. The immediate attention of the Organization should focus on revising old, obsolete instruments rather than continuing with the production of instruments as a matter of course and not out of necessity.

In the case of multinational enterprises, the Report has taken liberties which are unwarranted, both in terms of their contradiction with the wishes of the membership as well as with the realities of the issue. It is saddening to notice in several paragraphs of the Report an unjustified attack on multinationalization and the downplaying of the importance of the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. For an Organization which has done so much good work in the study of the social policy of multinational enterprises, it is unbecoming to revive international collective bargaining, a target long fought for in earlier times but eventually abandoned. The ILO's own studies cannot substantiate the assertions made in the relevant pages of the Report. The adding of verification of procedures and the offering of a "social label" award reveal that the Office has chosen the wrong moment to join the critics of multinational enterprises when in the world big and small countries compete to attract foreign investment.

Not everything in the Report is negative – far from it. But I have deliberately chosen to concentrate on some issues that in my opinion need to be looked at critically and corrected. I trust this is also the wish of the Director-General whose task will become less difficult if we all, in our different ways, inform him of our views honestly, of whether we share his vision or not and of the appropriate remedies we wish to apply to the many problems he raises in his Report.

A final remark. Looking on the ILO and carrying the weight of commitment and of old values is undoubtedly our duty and especially so of the Director-General. But it is not enough. Unquestionably, we also have to look outside and free ourselves from the certainties which daunt us, allowing our doubts to lead us to solutions that respond to the expectations of the tripartite constituency of the ILO and of the world that has dramatically changed. The Employers' group offers itself uncommittedly to an open dialogue and is ready to accept that there are legitimate views and positions other than its own. It expects nothing less from the governments, the workers and, above all, from the Office.

Original Spanish: Mr. ARRATE MAC NIVEN *(Minister of Labour and Social Welfare, Chile)* – I would like to congratulate the President on his election to the chair of this Conference. It is important to emphasize that a very great responsibility has thus fallen to a representative of the workers.

I should also like to say that the celebration of the 75th anniversary of the ILO is a source of considerable satisfaction for my country. The past three-quarters of a century have demonstrated the value of an institution that has made a decisive contribution to progress in our societies and in the world of work at a time in history marked by many far-reaching changes.

The Government of Chile, which has served on the Governing Board since last year, is interested in becoming actively involved in the tasks and challenges that the ILO has set itself for the future.

I therefore wish to refer in particular to the Director-General's Report, whose title *Defending values, promoting change* we find stimulating inasmuch as it reflects, in more than one sense, what we have sought to achieve in Chile in the period of democracy.

We have taken decisive steps towards combining democratic values and social justice with the task of bringing about the economic, social and institutional changes that modern development demands.

We are convinced that it is only by rigorously preserving these values that the changes required for modernization can be introduced on a solid and sustainable basis. To that end, we are making every effort to ensure that economic growth is a source of greater equity and that democratic and participatory institutions serve as effective instruments for achieving the requisite social and political consensus.

As the Director-General notes, we are undoubtedly living in a world that is undergoing major changes, a situation that also provides the opportunity for progress in identifying the type of adjustments that must be made in many areas related to the world of work.

Nothing would be more risky than to imagine that the uncertainty associated with economic, social, political and technological change can be met with immobility or the seeking of refuge in structures that have now become obsolete. To overcome such uncertainty, society as a whole and, in the field of labour, employees, employers and governments through tripartite or bipartite bodies must set in motion a process of innovation.

Social dialogue is an effective means of taking up this challenge of creativity and innovation in a democratic way. Social dialogue is a way of avoiding technocratic or authoritarian temptations and ensures that all constituents of society can assist in specifying and working out the necessary solutions.

As mentioned by the Director-General in Chapter 3 of his Report, the field of labour standards is particularly sensitive to the new economic circumstances and to technological change. The necessary adjustments must certainly be considered carefully and in depth to ensure that the results are consistent with job creation and continuous enhancement of the quality of jobs, as well as with the dignity of workers and their role in economic life.

In our country we are in the process of improving our labour institutions to bring them into line with the requirements of an economy that is open to international competition and to market conditions involving high factor mobility. But we must at the same time consider the new forms of protection and regulation that are required to ensure equitable labour relations under the new circumstances.

We intend to reform our national vocational training system, introducing ideas and tools that make it capable of tackling, in coordination with the private sector, such vital tasks as retraining in connection with the restructuring of outdated branches of production, easier access for young people and women to the labour market and, in particular, effective use of training resources by small-scale enterprises.

The country's unemployment rate is now running at about 5 per cent, which is a considerable achievement. But at the same time it is essential to improve the quality of the jobs being offered, many of which are still rated low in terms of productivity and are badly paid.

In connection with the foregoing, we are implementing a programme of modernization of our systems of job placement and counselling at the municipal level.

We are also making headway in studies of a system of income protection for workers who are unemployed as a result of disputes, an instrument which, together with those already mentioned, will constitute a comprehensive system of policies to meet the challenges of higher productivity, better quality and protection of workers in the processes of economic and technological change associated with an economy open to international competition.

Our labour policy also assigns high priority to legal supervision of compliance with labour laws and regulations. We are convinced that the role of the public institutions responsible for such supervision is of the greatest importance and should be carried out with the necessary rigour. There is no point in modernizing labour institutions if legislation is not complied with or its spirit is wilfully misinterpreted. Violations or circumventions of the law make workers suspicious of change so that they tend to take up defensive positions that may impede the desired modernization. It also creates unfair competition between enterprises and undermines the credibility of the entire system of labour relations.

An element of our present policy is to carry out a programme of equal opportunities for women in the labour world, and this covers not only the legislative aspects of equal opportunity, but also the issues of conditions of work and equal remuneration, among others.

We are also involved in trying to solve the problems of effective access to social security cover for the new categories of workers which are beginning to emerge, such as casual or seasonal workers, especially in the agricultural exports sector, as well as in others. In the area of social security we are taking steps to improve the situation of senior citizens, the majority of whom in Chile are still in a very precarious situation.

I would also like to draw attention to the fact that we intend to design an ambitious programme which will make it possible to have access, both quantitatively and qualitatively, for workers and their families to participatory and creative activities of a cultural and recreational nature. This is a sphere which is very closely linked with the dignity of work and its recognition as an essential element of human development.

Lastly, our policy aims to create the largest possible number of areas and bodies to participate in the development of these plans. We are convinced that dialogue, regular consultation and negotiation are fundamental in order to progress towards all the objectives which we are aiming to achieve.

For the above reasons, I repeat that the subjects which have been proposed by the Director-General demand an effort from us all and from the ILO itself, in order to strengthen and promote the mechanisms for social dialogue. Without this process the changes which are so urgently needed in so many areas would probably result in conflicts which could otherwise be avoided. It is not an easy road to take, but it is certainly the most effective one in the long run.

Mr. DATO'LIM *(Minister of Human Resources, Malaysia)* – I would like, first of all, on behalf of the

Malaysian delegation to congratulate the President on his election. The election of a Worker representative as President of this assembly on the occasion of the 75th anniversary of the ILO is indeed a fitting tribute to the important role played by workers in the ILO's efforts to promote development and social justice. We welcome his election, and I am confident that, under his capable leadership the proceedings of this Conference will be steered to a successful conclusion. Similarly, I would also like to offer my congratulations to the three Vice-Presidents on their election by the Conference.

The 81st Session provides a special occasion for us to warmly welcome back the Republic of South Africa as a member of our Organization. The historic election held recently in South Africa has finally put an end to the evil practice of apartheid, and ushered in a truly democratic and non-racial government which will augur well for the future development of the South African people.

This is an important year for all of us, as the ILO celebrates its 75th anniversary. I wish to take this opportunity to extend Malaysia's warmest congratulations and best wishes for the continued success of the ILO. The 75th anniversary will be an occasion not only to celebrate the past achievements of the ILO but also to chart its future direction. We have come a long way since 1919, but much more remains to be done to correct some of the structural imbalances within the ILO, as well as the social injustices prevailing in many parts of the world today.

In Bosnia and Herzegovina, unchecked genocide is taking place before our very eyes but the international community has not been able to do anything much to stop the Serb aggression. The ministerial meeting of the non-aligned countries held recently in Cairo supported Malaysia's proposal calling for an international conference to resolve this human tragedy. We call upon the ILO, on the occasion of its 75th anniversary, to support more positive international action to restore social justice to the people in Bosnia and Herzegovina and bring about lasting peace in the region.

During the last seven decades or so, ILO's broad mandate has been aimed at homogenizing labour practices across competing economies, blunting the social unrest and promoting social justice. Since the ILO's foundation, the "western voice" has tended to dominate the Organization's policy-making body and to control the top positions which have been reserved for the ten principal "industrial states". Even after the entry of many Asian and African nations in the 1950's and 1960's, ILO's representative structure and its standard-setting activities have remained unchanged, and are largely based on western-European norms and standards. There is now a need for reforms to be undertaken in the ILO's representative structure, and for policies to be developed that are less rigid and more in line with the realities and aspirations of the larger proportion of the world community. The challenges facing the ILO will be many as we usher in the new era that follows conclusion of the Uruguay Round. It will be characterized by keener international competition for capital and markets. This will affect the developing countries – and more especially the least-developed countries which are faced with unemployment and a host of economic, social and political problems. The question, therefore, is how the ILO can help in resolving some of these structural problems, and yet be able to make its standard-setting activities relevant to the changing demands of the time. This is particularly so when standards themselves do not guarantee that jobs will be found for the millions of unemployed or solve the structural adjustment problems. Under the circumstances, will it help if a new conditionality is imposed by linking the social clause with market access and free trade? It would certainly be ill conceived – particularly when the labour standards which some developed countries are attempting to impose are the very cause of their own economic malaise.

Even in some developed countries, there is today a reconsideration of the welfare state; and it is believed that the inflexibility of the labour market in western countries is due partly to these rigid ILO standards. Having created difficulties for themselves, some developed countries are trying to export these very rigid ILO standards to the developing countries to erode their competitiveness.

They now want us to conform to these standards in order to enjoy free trade. We view this new conditionality with much concern. It will only stifle trade and economic development and make it more difficult for the developing countries to increase their resources to overcome their structural adjustment problems and increase the living standards of their people.

It is appreciated that the advocates of the social clause have the interest of workers at heart and, on this, let me state categorically that the Malaysian Government shares the same commitment to raising the living standards of our people and constantly improving the welfare of our workers. I wish to reiterate that Malaysia is not opposed to labour standards, but the rigid manner in which they are likely to be imposed on the developing countries on the basis of equality, i.e. on a level playing field, and on the basis of norms and values of developed countries. This is unfair when developing countries are already handicapped by the lack of technology and capital, and have only their competitive labour and low cost-of-living as their comparative advantages. A large number of these standards were formulated, when many developing countries were still colonies of western powers, to meet the needs of an earlier phase of industrialization and development. Such standards do not reflect social and economic conditions in these countries, and this may explain why many countries are reluctant to ratify the ILO Conventions and why they encounter great difficulty in complying with those Conventions they have ratified.

It is in the light of these developments that the ASEAN countries of Indonesia, the Philippines, Singapore, Thailand and Malaysia have tabled a resolution calling on the ILO to resist the introduction of a social clause into international trade and to review ILO standards. The ILO, on the occasion of its 75th anniversary, must deal with this issue fairly and courageously so that the priorities of our Organization can be set on the right track for promoting the social development that we all desire to achieve without unfair conditionality and rigid labour standards. It is our hope that the resolution will gain the full support of our august assembly.

I wish to take this opportunity to thank the Director-General for his thought-provoking Report entitled *Defending Values, Promoting Change* wherein he has stressed the need to rethink and reorient the ILO's main tasks. In this regard, I would urge the ILO to look at labour market flexibility and human resources development as key elements in its programme of work in the coming decades. As the ILO charts its future work programme on the occasion of its 75th anniversary, it must place greater emphasis on human resources development. Our human resources are valuable assets which must be nurtured by a caring culture and prudent human resource development strategies. The quality of our workforce is a prerequisite to sustainable development and competitiveness. I hope that the ILO will be able to do more in this field to fulfil one of its responsibilities in enriching human development, so that it can be included as one of its recommendations to the World Summit on Social Development in 1995.

Mr. KIDD *(Minister of Labour, New Zealand)* – I would like to offer my congratulations to the President on his election to preside over the 81st Session of the International Labour Conference in this most significant of years, the 75th anniversary of the Organization.

New Zealand has been an active Member of the ILO for all those 75 years. It is noteworthy that the President of the 1944 Session of the Conference, which adopted the Declaration of Philadelphia, was a New Zealander, later to become Sir Walter Nash, and Prime Minister of our country. Our current Prime Minister, the Right Honourable Jim Bolger, was President of the Conference in 1983. As President, he urged a review of the role and functions of the ILO, believing at that time it was in need of reform. The discussion now being initiated is not so much timely as overdue, but welcome nonetheless.

Our recent experiences in the ILO have demonstrated clearly to us the need for review. I refer to the treatment of a complaint made by the New Zealand unions against the Government's Employment Contracts Act, which I will hereafter refer to as "the Act".

The Freedom of Association Committee's Interim Report was critical of a number of issues in our industrial relations legislation. One was a lack of consultation prior to our Act becoming law.

In the 1990 election, my party campaigned strongly on a platform of economic reform, a central part of which consisted of what was to become the Act. Every component of the proposed industrial relations environment was spelt out well before the election. We achieved the biggest political turnaround in New Zealand's modern history, giving us two-thirds of the seats in our Parliament.

It is almost impossible to have a stronger mandate from the people than we received in 1990.

Criticism was also made on the issue of freedom of association. Amongst the great treasures of New Zealand is our inheritance of the common law of England. It gives precedence to the rights of the individual.

New Zealand and the ILO appear to have significant differences regarding the rights of the individual.

For the ILO to appear to support a special legal status for unions, as opposed to the rights of the individual, suggests a different underlying philosophy. Every New Zealander is absolutely free to join, not join or leave a union. Anyone can form a union. The same holds true for employers with respect to their organizations.

The ILO appears to believe that only collective bargaining will work. In New Zealand, collective bargaining is accepted. Union representation is accepted. But these are only two of many options. The ILO has yet to recognize that our Act gives employees wider rights of representation and greater freedom of association and legal protections than New Zealand's previous industrial law.

The ILO has assumed that employers are able to bypass authorized union representatives. That is wrong. The only way it was able to come to such a view was through its procedural inability to receive and consider a November 1993 judgement of the independent New Zealand Court of Appeal. The Court of Appeal expressed the view that our Employment Contracts Act both protects the rights of workers and is consistent with ILO Conventions.

This experience of ILO procedures at work demonstrates clearly that they are in need of urgent reform.

The Committee's comments on collective bargaining are also uninformed. Fifty-nine per cent of employees covered by contracts negotiated under the Act have collective contracts. Of all employees covered by collective contracts, 77 per cent were represented by a union. One could ask what all the fuss was about. It points to the political nature of the complaint. The ILO has regrettably been drawn into a live domestic political issue.

The ILO has asked to send a contact mission to New Zealand to examine our system. They will be welcome. They will be surrounded by vigorous debate as befits an open democratic society.

A few years ago, New Zealand's economy was in a crisis, with the lowest economic growth in the OECD; investment and business confidence at an all-time low; unsustainable and growing debt; soaring unemployment.

In the three years that the Act has been in place, the turnaround has been dramatic.

Last year our growth rate was 4.6 per cent. The outlook is for strong growth.

Investment has reached record levels. Inflation is currently at an annual rate of 1.3 per cent. Our performance compares more than favourably alongside other OECD nations.

The progress achieved under the Act has not been at the expense of employee protections. It has widened and strengthened them. For the first time in New Zealand's labour history, all employees now enjoy access to the specialist labour institutions and to personal grievance and dispute resolutions procedures.

We have strengthened our laws relating to health and safety in the workplace.

We have introduced a minimum youth wage to partner our long-established minimum adult wage.

Some of the best news of this recovery is the improvement in employment figures. For the year to March 1994 New Zealand experienced a 3.9 per cent increase in job growth. This is 57,000 more jobs for New Zealanders. In the two years to March 1994, unemployment fell from 10.7 per cent to 9.1 per cent. We are determined to do even better.

The Act has facilitated higher productivity, more flexibility in the workplace and greater international competitiveness. The Act has not alone been responble for these achievements, but without it they ould not have been possible.

The liberalization of our domestic labour market as put New Zealand in a far stronger position to ompete in the global economy.

I turn now to the current debate about the ques- on of a linkage between trade and labour standards hich features in the Director-General's Report to he Conference. We think it is appropriate for the LO to review and update those Conventions which ontain fundamental standards as well as to streng- hen the process for encouraging widespread adher- nce to them. Such initial work must provide the tarting point for the discussion, before we even be- in to talk about trade.

We must all defend the achievements of the Uru- uay Round against attempts to introduce new pro- ectionist mechanisms. New Zealand worked long nd hard in the negotiations with our Cairns Group artners to bring about fundamental changes in the ules of international trade. One of the basic reasons e worked for freer trade and less protection is be- ause we believe that at the national and inter- ational level an unsuccessful economy cannot se- ure social justice.

It is vital for a body celebrating its 75th anniver- ary that it look forward and not back. The ILO can nd must be a force for good. To remain relevant, it nust continue to adapt, not only in reviewing the ype of standards it promotes, but also in its working nethods.

The New Zealand Government believes that con- tant adaptation to the real world is the path to fol- ow to provide social and economic justice to New ealanders. We commend the same practical ap- roach to the ILO as it plans for its future. Thank ou very much.

Original Arabic: Mr. OULD ABDI *(Minister of abour, the Civil Service, Youth and Sports, Maur- ania)* – In the name of God, the Merciful, the Com- assionate! May I first of all congratulate the Presi- ent on behalf of my country – the Islamic Republic f Mauritania – on his election to the presidency of his session. I would also like to congratulate his ountry, with which we maintain very fraternal and iendly relations.

I am certain that thanks to his experience and skill he work of this session will be successful. I would gain like to thank the Conference for having elected o the post of Vice-President one of my countrymen. This is a great honour for my country and for my eople and we thank you. I would also like to ad- lress my thanks to the Director-General and every- ne in the Office for all the efforts they have made in reparation for this session. Finally, I would like to xpress a warm welcome to all the new Members of his session of the Conference.

This session of the Conference is of particular importance, as we are now celebrating the 75th anniversary of the founding of the Organization as well as the 50th anniversary of the Declaration of Philadelphia which further defined the objectives of this Organization.

The Director-General, in his very exhaustive Report, has made a complete listing of the activities of the Organization and of the prospects for its future activities.

In Mauritania, we have given great importance to the principle of social justice in the broadest sense. This is not only an objective, it is also a means. Indeed, since we joined the Organization following the attainment of independence in 1961 we have been promoting the principles of social justice by passing laws and ratifying all the international conventions that support it.

Permanent consultation of the social partners is, for us, a basic principle which is strengthened by trade union pluralism and has become part of our country's everyday life.

I would like to thank the International Labour Office which has helped us to revise the labour law in our country. We have now achieved several results, including the separation of employment bureaus and the labour law enforcement service, the drafting of child labour standards and health and safety standards. We are also following very closely the implementation of a multidisciplinary vocational training programme in all regions of the country.

The experience of democracy in Mauritania, supported by the President of the Republic, has made it possible to institute a climate of social justice in our country. We have democratic institutions in our country and all citizens are able to exercise their rights; they are able to defend these rights themselves.

My country would like the international community to look into the restructuring of the world's economy in order to strike a better balance between the State, the market and civil society in nation States in the name of social justice, which was mentioned with such sincerity by the Director-General of the Office.

We are following very closely and with much hope the positive consequences of self-determination for the Palestinian people and the consequences it might have for Palestinian workers. We are also pleased to note the positive transformations which have taken place in South Africa and the consequent improvement of the condition of workers in that country.

We would also like the international community to look into the situation of workers in Bosnia and Herzegovina and to work to relieve their suffering.

(The Conference adjourned at 1 p.m.)

Fifth sitting

Wednesday, 8 June 1994, 3 p.m.

President: Mr Mendoza

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT (Mr. MENDOZA) – We shall now continue the discussion of the Reports of the Governing Body and the Director-General.

Mr. MASINDE *(Minister for Labour and Manpower Development, Kenya)* – On behalf of the Kenyan delegation please allow me to take this opportunity to congratulate the President together with the other Officers of the Conference most sincerely on their election to guide the deliberations of this session of the International Labour Conference.

My delegation has noted that the Report of the Director-General for this year's session of the Conference consists of two parts. Part I of the Report covers in great detail the "central theme" for this year's session of the Conference, that is the topic entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda,* while Part II of the Report contains an account of the ILO activities for the previous year.

In my delegation's view, the theme for our discussion during this year's session of the Conference is particularly relevant as the ILO celebrates the 75th anniversary of its existence. This Organization was founded in 1919 in order to advance the cause of social and economic justice everywhere in the world. This must include the promotion and constant defence of such important values and ideals as respect for fundamental human rights, decent living standards, humane working conditions, employment opportunities, economic security to ensure universal and lasting peace. It was also created in order to set international minimum labour standards for workers' protection and provide for a body of knowledge of the world's labour problems. This is clearly stipulated in the 1944 Declaration of Philadelphia which is an annexe to the ILO Constitution and has remained a guiding consideration in all ILO work.

The ILO is set to celebrate its 75th anniversary this year against a background of very fundamental changes that have taken place during recent times throughout the world. These changes have fundamentally affected the environment within which the ILO operates. It has witnessed the disappearance of the former communist bloc and hence the end of the east-west confrontation, the triumph of the market economy following the collapse of communism in Eastern Europe, the globalization of the world's economy and a worldwide trend towards democracy.

As we congratulate the ILO today during its 75th anniversary, it should be a time for the ILO under its Constitution's mandate to help the member States to grow under the rule of law and be guaranteed enjoyment of basic human rights in general, and for workers in particular, preparing them to play an effective role in economic and social development. As the Director-General clearly points out in his Report: "It is a time for our Organization, motivated today as in the past by the ideal of social justice, to show, with the help of its tripartite membership, that this ideal means something only if it leaves its stamp on reality." It is also true, as the Director-General points out, that as we celebrate the 75th anniversary of our noble Organization it is an opportunity for the international community to reaffirm its belief in social justice as one of its fundamental values, its determination to further this cause, its confidence in active tripartism as a moving force, and its determination to adapt the Organization and its secretariat to the tasks that lie ahead.

Kenya became a Member of the ILO in 1964 by accepting the obligations of the Organization's Constitution. We became Members because we were willing to be guided by the values and ideals as enshrined in the Constitution of this Organization – that is, respect for human rights and social justice as attained through democratic processes. In this respect, I wish to state that Kenya is a democratic country where the rule of law, the independence of the judiciary and freedom of association prevail. The Kenyan delegation notes with satisfaction that the ILO is set to mark its 75th anniversary this year in a spirit of genuine renewal and modernization parallel to a reaffirmation of commitment to the principles which remain relevant to the evolving world of work. In this respect, the Organization should continue to do fewer things but do them better especially in those areas where the Organization has a comparative advantage over other United Nations agencies. In the view of the Kenyan delegation such priority areas should include: promoting the advancement of democracy through the rule of law; tripartism and sound industrial relations practices; social justice, freedom of association, economic security and equal opportunity for all; the fight against poverty by developing responsive training systems, employment-creation schemes and social institutions, and ensuring that restructuring policies take full account of social needs.

The protection of the working people and of the working environment in the world of work today is another "core" mandate area for the ILO. The working conditions and the working environment in many parts of the world today can only be described as alarming for it is no secret that the lives, health and welfare of millions of workers are at stake during each moment of the working day. It is therefore necessary for the ILO to renew its efforts in this important area of operation.

Another problem that I wish to highlight is that of child labour. Although it is now 75 years since the ILO adopted the Minimum Age (Industry) Convention (No. 5) in 1919 child labour still remains a pressing problem in much of the world today. Its eventual abolition should, therefore, still remain a key priority area for action by the ILO. Another area where the ILO has made some substantial progress is the promotion of equal opportunities and treatment for men and women. This should continue to be a priority area in the ILO's plan of action. Kenya continues to recognize the fact that training plays a vital role in its development process, and it is in this respect that we would like to urge the ILO to continue to allocate more resources for training activities in such vital regional training institutions as the African Regional Labour Administration Centre in Harare and others.

The Kenya delegation would like to thank the ILO Director-General for having initiated the various major programmes and changes within our Organization since all such changes are aimed at enhancing the capacity of our Organization to improve upon its services to the member States which have grown from 45 in 1919 to 171 countries now.

The Kenya delegation also wishes to mention that as we celebrate the 75th anniversary of the existence of the ILO, it should be reaffirmed that social justice is neither a luxury nor a palliative for the poor, but the essence of civilized community. It must inspire all political choices, as the world – and within it the ILO – renovates the past and builds the future.

The Kenya delegation would like to join other leaders from the entire free world in sincerely congratulating President Nelson Mandela and his African National Congress for their many years of protracted struggle which brought an end to the evil apartheid regime – and also brought about the beginning of a new democratic South Africa.

Finally, and in view of the important role played by the ILO in world affairs in general, and advancement of social and economic justice in particular, the Kenya Government will always be prepared to give it moral and material support within her limited resources. I therefore take this opportunity to call upon all the ILO member States to support this worthy Organization wholeheartedly in its noble tasks for the benefit of all mankind as we enter the twenty-first century.

Mr. KANG *(Vice-Minister, Ministry of Labour, Republic of Korea)* – It is a great honour for me to represent the Government of the Republic of Korea at this 81st Session of the International Labour Conference, which marks the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

I would like to begin by paying tribute to the Director-General, Michel Hansenne, for his admirable Report to this Conference entitled *Defending values, promoting change*. In the Report, the Director-General makes the point that the launching of the World Trade Organization and the accelerating globalization of the world economy has made it important and inevitable that the ILO should once again seriously deliberate improving labour conditions in order to enhance the quality of human life and to promote social justice. I completely agree with him.

I believe that the launching of the World Trade Organization, as well as the globalization of the world economy, may indeed eventually increase employment opportunities and the income of the world's labour force by bringing down barriers to international trade and investment. But I also believe that this process is bound to involve changes in the structure of employment as well as in labour-management relations.

The rapid changes in industrial structure that result from trade liberalization and technological progress pose serious challenges to workers in both developed and developing countries. I believe that the common core of these problems, faced by the workers around the world, is the lack of adequate lifelong education and job training.

Today, economic change is being led by entrepreneurs, while the educational system remains in the hands of governments. As a result, education hopelessly lags behind management and technological innovations. Entrepreneurs actively seek investment in labour-saving innovations but not in the training of workers for adaptation to new technologies.

Multinational corporations, which are at the forefront of the current globalization drive, are also not encouraged to provide workers in developing countries with vocational training in high technology skills. For this reason, I would like to propose that the ILO develop an instrument that would encourage multinational corporations and other global firms to expand technical education and vocational training for their workers.

Furthermore, I would like to propose that the World Summit for Social Development to be held in 1995 address the issues of how to assist national governments in reforming education and how to encourage multinational firms to expand vocational training for their employees.

In addition, I believe that the ILO should pay greater attention to the fact that in developing countries many workers lose their ability to work as a result of industrial accidents. I feel that it is primarily the responsibility of the respective governments and firms to improve industrial safety in the developing countries. However, on the global level, technical assistance by the developed countries should play an important role.

The Republic of Korea joined the ILO in December 1991. However, the Korean Government firmly believes in the moral value of the international labour standards that this Organization has developed over the last 75 years.

Today, like many other governments around the world, the Korean Government is engaged in deregulation in order to encourage entrepreneurs and workers to be more creative and competitive. I would like to give my full support to the Director-General's suggestion that the ILO consolidate similar international labour standards and allow more flexible utilization of instruments and recommendations.

Let me now turn to the issue of linkage between international trade and labour standards, discussion of which has been expanded since the Ministerial Declaration at Marrakesh in April of this year. The Director-General proposed that the implementation of social clauses should not be enforced but should be encouraged through persuasion and cooperation.

To some extent his view recognizes that developing countries have a legitimate complaint when they state they have trouble accepting labour standards that are as high as those in developed countries. I am sympathetic to these complaints.

However, it is also my belief that the developing countries, too, should more actively seek to abolish labour practices which infringe on basic human rights such as child and forced labour. Furthermore, I believe that they should at least institutionally guarantee fundamental labour rights, i.e. the right to organization and the right to collective bargaining.

My thoughts on the issue of a linkage between international trade and national labour practices add up to the point that, if there is going to be harmony, it should be a harmony that reconciles the different interests of countries at various levels of economic and political development.

One important point to remember when discussing the linkage of labour practices and international trade is that the social justice that the ILO pursues is not for the workers of a few countries but for the workers of all countries.

The world has survived the Cold War and the conflict of ideologies, but has entered an era of relentless change and fierce economic competition. In this new era, everyone is adapting and trying to change in order to adjust to the new realities that change brings. Governments, companies, trade unions and even workers themselves must all be ready to change and grow together for a brighter future.

As far as governments are concerned, they all have to change in the same direction, towards deregulation by allowing free competition in the marketplace and by encouraging workers to be more creative. Deregulation is undoubtedly appropriate in the case of many complex labour-related regulations which were developed in the past in order to settle disputes by legal force rather than by private contact and self-rule. I recommend that the ILO continue to play an active role in helping to facilitate these changes in the best interests of all participating member nations.

In closing, I would like to assure you that the Republic of Korea will be playing an active role in the upholding of social justice through the ILO and that we want to play a unique and constructive role in the ILO as an intermediary between the developed and the developing countries.

I wish the best of luck to all in the challenges that lie ahead.

Mr. SPETH *(Administrator, United Nations Development Programme)* – It is truly an honour and a pleasure for me to address this 81st Session of the International Labour Conference, in which we are commemorating the 75th anniversary of the ILO. We at the UNDP would like to extend our warmest congratulations and our best wishes for success in years to come. We commend the ILO for its exemplary work in the field of international standard setting and in assisting countries in their efforts to meet those standards in employment and development and in training.

Today, the UNDP visualizes the role of the ILO in the international community as more vitally important than ever. With its tripartite composition, the ILO is uniquely placed to lead the massive effort needed to deal with the growing global problems associated with massive underemployment and unemployment, the world famine of jobs. The phenomenon is endemic, not only in developing countries but in the developed world as well, with "open" unemployment averaging about 8 per cent in many industrialized countries, and higher in many others. Economies in transition face special problems, with growing unemployment often linked to privatization and market reforms, hopefully temporary. Poverty, social disintegration and environmental deterioration are inexplicably linked to underemployment and unemployment. The statements that preceded my own at this Conference attest to that.

The new global challenges will widen the ILO's scope of activity. I would like to emphasize, in particular, the pervasive effect on international migration and on the related issue of social integration. This is an area where the UNDP and the ILO will collaborate in joint activities in programme countries, and as part of our collaboration in the preparations for the World Summit for Social Development.

Another relatively new factor is the high rate of population growth in many countries, including those in which more than half the population is currently below the age of 15 and has yet to enter the workforce. Nowhere is this a more critical problem than on the continent of Africa, a region where the ILO has predicted that the youth age group – i.e. 15 to 24 years of age – will continue to expand for at least 30 years.

The ILO's biennial Report on African Employment that stated in 1992 almost 6 million young Africans entered the labour force each year. This is in addition to an already unacceptably high structural unemployment and backlogs of unemployed, particularly those in urban regions.

This week, the UNDP Executive Board is meeting in another part of this famous building, looking to our future, planning the role of the UNDP in the years ahead. One of the most important elements attached to the UNDP's future role is the need to re-emphasize the substantive partnerships the UNDP has within the United Nations family, and including the partnership with the ILO.

Employment generation, and the components needed to create and maintain it, is one of the four pillars of what we at the UNDP see as a new paradigm – the paradigm of sustainable human development; development that not only generates growth but distributes its benefits equitably; that regenerates the environment instead of destroying it; that empowers people rather than marginalizing them. It is development that gives priority to the poor, enlarging their choices and opportunities, including their job opportunities, and provides for their participation in the decisions that affect their lives.

Sustainable human development, in a nutshell, can be said to be pro-poor, pro-nature, pro-jobs and pro-women. It is a unifying concept for all the development work of the United Nations.

The ILO has a key role to play with the UNDP in providing substantive guidance, in interpreting sustainable human development into practical initiatives at the country level. We can and we must work together on the creation of jobs and sustainable livelihoods for the world's poor. We can promote, and we must promote, job-led growth, not job-less growth.

Among the priorities the UNDP foresees for its partnership with the ILO in technical cooperation are: equitable employment generation and the continued productive integration of women into the workforce. To this end, the UNDP and the ILO have set up a task force and entrusted it with the task of rebuilding a substantive partnership and identifying new initiatives for future cooperation. Moreover the UNDP and the ILO will cooperate in implementing the United Nations Secretary-General's recently published *Agenda for Development* and, very importantly, in pursuing the processes related to the World Summit for Social Development and its follow-up.

I would, at this juncture like to underline that the UNDP, while developing some expertise in the field of job-creation strategies, cannot and does not intend to duplicate the work of the ILO, or its expertise. What we want is enough UNDP capacity to be good partners with you, and good supporters of you.

What the UNDP can do is: provide resources; work with governments and our development partners to identify needs and develop strategies; and assist in capacity-building towards those ends.

The UNDP 1994 *Human Development Report*, which was released just last week, elaborates the central elements for an effective national employment strategy as likely to include: education and skills, an enabling environment, access to assets, labour-intensive technologies, public works programmes, attention to disadvantaged groups, and the development of more innovative and flexible working arrangements wherever possible.

These elements will be high on the agenda of the World Summit for Social Development, an event we are all anticipating with great hope and expectation. The Social Summit will focus the attention of national leaders on the critical links among poverty and employment and social integration and call for new and more workable strategies. We look forward to forging new North-South partnerships and to providing inputs to this Social Summit.

In connection with the Summit, the UNDP is currently supporting the ILO's research on relationships between economic policy and employment, and on patterns and causes of social exclusion. Our two organizations are also exploring further collaboration in examining international policy options for creating more jobs. These are critical questions for the Summit – critical questions for our common future. We must find ways to reduce joblessness. We must reopen the door to innovative and creative thinking on the fundamental concepts underlying what has been called "labour market behaviour". This means re-examining time-honoured precepts such as "employment", "occupation" and "livelihood", as well as the statistical estimates of these key parameters of human endeavour. We share with the ILO its total commitment to the strengthening of the social dimension and to improving the service of the United Nations system. We look forward to firm friendship and cooperation in the future and to sharing in a continuing quest, as Mr. Hansenne has summarized the preamble to the Constitution of the ILO in his own words, to "contribute to universal and lasting peace through the promotion and development of social justice".

Mr. ABOOSALLY *(Minister of Labour and Vocational Training, Sri Lanka)* – Let me at the outset convey to the President my felicitations on his election to such a great office. I bring cordial greetings from the President of Sri Lanka, the Prime Minister and our people. For my part it gives me great pleasure as the leader of the Sri Lanka delegation to participate in this the 81st Session of the International Labour Conference. This is a special occasion for me personally as this is the first such Conference I am attending in the capacity of Minister of Labour and Vocational Training of my country. At the same time I am aware that this Conference is taking place on an auspicious and unique occasion – the celebration of the ILO's 75th anniversary. Therefore my delegation joins hands with all the others in extending our heartiest congratulations and wishing the ILO many more years of service to the international community.

This achievement, which has made it the oldest existing international organization in the world, is a shining testament to its illustrious career and its enduring contribution to the world which has earned it respect and approbation from age to age. At this time of worldwide fluctuation when hallowed values and institutions are being challenged, the ILO is a reassuring example of durability and resilience.

Before turning to the Report of the Director-General of the ILO which is the key item on our agenda, I wish to refer to the item entitled *Review of the Declaration concerning Action against Apartheid in South Africa*. You will agree that this item has now been made redundant by the epoch-making events in South Africa where we have witnessed not only the dismantling of the abhorrent system of apartheid but also the forging of a partnership between bitter adversaries in the interests of a unified South Africa.

This is a triumph of light over darkness, or enlightened statesmanship over narrow nationalism, ethnicity and prejudice. It should be a beacon of hope to other peoples and societies struggling against these evils.

The keynote of the Director-General's Report is the recent changes on the international economic stage and the need for the ILO to adjust its perspectives and strategies accordingly. These changes are primarily the globalization of the world economy which has caused recession and problems of unemployment in both the developed and developing countries, and the resultant burdens of structural adjustments incurred by countries, which have caused social distress and economic dislocation. It has brought the issue of the social dimension to the forefront of the international community and calls for a reorientation in the policies and strategies for development of international organizations.

As far as the ILO is concerned, it means a return to its roots in the Declaration of Philadelphia where its mandate is defined, inter alia, as a responsibility to examine and consider all international economic and financial policies and measures in the light of the fundamental objective of social justice. This means that the ILO can no longer confine itself to its traditional role of standard-setter and promoter of labour welfare and relations. Instead it has to emerge boldly onto the battlefield and live up to the original role envisaged for it as a fighter for the cause of social justice. This does not mean the exhaustion of its statutory mandate but that the wider imperatives of social justice in the world have caught up with it and demand that it play a global role.

It is significant that this is also the conclusion of the working group appointed by the Governing Body of the ILO to report on the structure of the ILO. Section 56 of the *Memorandum* highlights the wide ranging mandate of the ILO, embracing as it does social justice, human rights, the pursuit of material and spiritual wellbeing, economic security and equal opportunity. The purposes of the ILO encapsulate some of the socio-economic and humanistic provisions of the United Nations Charter itself. This role has become even more urgent in the context of the diminishing ability of the State to control globalism, the internal erosion of the State itself as the instrument of the international community, and the decline of economic aid on which the post-war world had pinned its hopes as the medium through which the economic chasms in the world may be bridged in the spirit of the United Nations Charter. This will not be an easy dimensional leap for the ILO constituted as it is at present. The Director-General has admitted this but he has already taken significant preparatory steps such as contacts with international credit institutions.

The decisions as regards the future role of the ILO will be taken at the forthcoming World Summit for Social Development scheduled for 1995. It is our hope that these will be ones which, recognizing the invaluable services and potential of the ILO, will open the way for it to reach out for new horizons and take its due place in the world at large.

At the same time I must submit that the attainment of social justice alone is no longer sufficient, because today mankind itself is in peril when we see the sickening carnage occurring throughout the world with human beings reduced to piles of corpses, causing one to exclaim like Mark Anthony "O judgement! Thou art fled to brutish beasts, and men have lost their reason". Social justice should therefore be regarded not only as a means of harmonizing class divisions but of restoring the spark of humanity in men in a way which would bring them together within their respective societies, shaking off legacies of hatred or fanatical addictions to narrow nationalism.

It is here that the noble example set by South Africa should be a guiding light. This is an area where up to now the United Nations has been unable to make a decisive contribution, but it is felt that the ILO with its experience of promoting harmony through tripartism should be able to render a useful service in this regard. Of what use social development when the fabric of society itself is rent asunder and the need of the hour is to save society itself?

While indulging in these lofty visions of the future role of the ILO it is not inappropriate to look closer to home to its role in the region and in my country. I will of course raise these matters at our ministerial sessions in the company of my distinguished colleagues but here suffice it to say that our relationship with the ILO has been exemplary. Since our membership in 1948 Sri Lanka has been the centre of several ILO activities and today the Colombo office covers the Republic of the Maldives as well and is one of a network of nine offices in the Asia Pacific region.

Apart from its role in pursuance of its mandate, and Sri Lanka's own compliance with many of its key Conventions, the ILO has currently undertaken a number of ongoing projects in fields deemed important to us at this juncture such as the rehabilitation of returning workers from the Gulf and the Integrated Entrepreneurship Development Programme. There are several other fields which will require projects particularly in the context of our open economy and the prospects of reaching NIC status in the foreseeable future. Turning to the region as a whole, I feel there is much to be done for which the funds available are grossly inadequate considering the immense problems of the countries concerned such as the high populations, impoverishment, and appalling disparities in living standards with which we are all too familiar. The need for an expanded aid programme merits the urgent attention of this Conference and I intend to refer to this in the course of our deliberations.

In concluding this brief statement may I say again how much I value this opportunity for fellowship with my dear and distinguished colleagues from the world over and for collectively addressing our minds to the problems facing us, under the benign patronage of the ILO so that through our combined wisdom and experience we can find solutions. I wish the ILO all success in these endeavours but even if we are unable to resolve all of them, the opportunity of coming to grips with them is a valuable and almost priceless one which will enable us at the end of our deliberations to return to our respective battle stations, the richer for the experience.

Mr. De VRIES *(Minister of Social Affairs and Employment, Netherlands)* – May I begin by congratulating Mr. Gray on his election as President of this Conference. Not only are we satisfied that the choice was a wise one, but we are also very pleased with the continuation of this fine tradition of having a representative of one of the social partners as chairperson when the Organization is celebrating a special occasion.

When I look back over the past 75 years, I see a parallel between developments in the labour movement and developments in the International Labour Organization.

Many of the demands made by the trade union movement have been incorporated in international labour Conventions. Aspects, which have been a focus for trade unionists, have also been a source of inspiration for the ILO agenda.

That does not mean that on this 75th anniversary of the ILO we can conclude that there is no work left to be done. There is still a long way to go before the level of social justice we would like to see will be the norm everywhere. So, the question is – where do we go from here? What role must the ILO play today, in a global environment where international communism is no longer on the agenda as an alternative and globalization of the economy is becoming more of a reality all the time?

In my opinion, there are two crucial aspects to consider when attempting to answer this question. Firstly, the role of international labour standards and, secondly, the role which a tripartite world organization has to play as a centre of expertise in the face of current economic developments. These are the aspects I should now like to discuss in more detail.

Let us first look at the way forward for international labour Conventions. What should our future approach be to Conventions? For my part, I believe we should exercise a policy of restraint with regard to the development of new standards. The total package of existing Conventions in any case covers the most fundamental social rights. We also know that fewer nations have chosen to ratify standards introduced recently. New standards often relate to very specific issues and therefore tend to go into greater detail. The consequence is a lesser degree of universal relevance and applicability, with fewer ratifications as a result.

For this reason, it would seem advisable to limit new Conventions strictly to questions which are of genuine worldwide relevance and not to select topics as a matter of routine on the principle that every year has to see a new Convention.

Having said that, I believe that the primary task of the ILO is to continue to monitor compliance with labour Conventions. In a world economy of an increasingly global nature, with a growing risk of unfair competition, international labour standards will play an important role in guaranteeing social justice. Otherwise, as the Director-General, Michel Hansenne puts in his Report for this Conference, there is a threat that the law of the jungle will prevail, not only in international but also in national labour relations. That is why it is so good that the ILO monitoring mechanism is without equal within the United Nations system. The combination of the high quality of work of the Committee of Experts and the tripartite monitoring mechanism ensures effective control. Countries which have to justify their actions do not like being put on the spot. Monitoring remains therefore important.

However, I think several Conventions are becoming a little outdated and revision of a number of them would be called for in the eyes of my Government. One that comes to mind is the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) – and it is with great interest that we will follow the general discussion on private employment agencies in relation to this Convention. We believe that private employment agencies will contribute significantly to a more flexible labour market and we would like to see Convention No. 96 adapted in such a way that the revised version gives room for our ideas.

In the case of Conventions having outlived their natural lives, we should not be too hesitant to revoke them. To summarize, as far as Conventions are concerned, the emphasis should no longer be on making new ones but rather on "maintenance work" on the existing ones and on monitoring.

But, if there is to be less emphasis on the development of new standards, where should the Organization be focusing its attention? That brings me to the second aspect I would like to discuss. In my opinion, the ILO should develop into a tripartite bureau of expertise. Activities would have to focus on roughly three categories of countries which can be distinguished in the world today – and the ILO must have a real significance for the countries in each of these categories.

Firstly, I am thinking about the developing nations, where the social dimension is liable to come under threat as structural changes are made. The International Labour Organization should develop into a body which can enter into negotiations with the IMF and the World Bank on equal terms when it comes to the implementation of projects in these countries.

Secondly, I am thinking about the Central and Eastern European countries currently engaged in making up for lost time. In these countries the primary role of the ILO must be to promote tripartism and modern forms of labour relations.

Finally, the ILO could also have a significant role to play as far as the industrialized countries are concerned. Here, I am thinking in particular of the input which the ILO can have when we are addressing matters such as how we can maintain the welfare state in an economy which is taking on an increasingly global character.

Right from the start, close collaboration between employers, employees and governments has been characteristic for the ILO. This is a formula which has worked well, and it is my firm conviction that this tripartite approach has a future for the world as a whole. The International Labour Organization will remain the instrument through which this cooperation is achieved.

There is certainly a future for the ILO, as a worldwide tripartite organization, but this will not happen by itself. A shift in activities is needed. What I am trying to say by this is that, in the current stage of its life, the Organization must concentrate on maintenance of the system of standards which is already in place and on monitoring. In addition, as a tripartite bureau of expertise, the Organization must focus on the needs of the three categories of member nations to which I have already referred: the developing countries, the countries in transition and the industrialized countries.

If the ILO goes forward in this way, it is my conviction that the Organization can play a crucial role in the socio-economic changes taking place in the world. In saying this I am expressing my desire that the 75-year history of the Organization will be a source of inspiration for the ILO to remain the social conscience of the world.

Original Chinese: Mr. LI *(Minister of Labour, China)* – First of all, I would like to extend, on behalf of the Government of the People's Republic of China, sincere congratulations to the President on his election. I believe that this session of the Conference will achieve positive results under his guidance.

Over the past few years, the world has been undergoing profound and complex changes. The half-a-century-old bipolar pattern formed after the Second World War has come to an end and the world is moving towards multipolarity. However, the world is far from tranquil. Some contradictions, such as ethnic and religious strife and territorial disputes, hidden during the Cold War, are surfacing and armed conflicts have become more frequent. Meanwhile, worldwide economic recession has resulted in more social problems and aggravated impoverishment for many developing countries. All these have become destabilizing factors in the international situation. Peace and development, therefore, remain the two main aims the world is yet to attain. In my view, the ILO, on the occasion of its 75th anniversary, can achieve the target of seizing opportunities to meet challenges set out by the Director-General in his Report only by squarely facing reality and defining the development orientation and work priority in the new era and only in this way can this Conference, like the International Labour Conference in Philadelphia in 1944, add a glorious chapter to the history of the ILO.

I would like to stress three aspects regarding the future orientation of the ILO.

First of all, the transition from a bipolar to a multipolar world economic globalization has brought about new problems for all countries while the special social and economic development processes of different regions or countries have made their respective labour issues distinctive. For example, the past few years have witnessed economic stagnation in some regions and sustained growth in others. In the economic transition, some countries suffered economic recession with the unemployment rate lingering around 20 per cent, while some other countries managed to achieve a considerable growth rate and keep the unemployment rate low. The ILO should, in the light of the trend towards multipolarity, put an end to the ideological debate left over from the long-standing bipolar confrontation, cast aside the practice of applying the development model of one of the past two poles to all countries, respect the rights of all countries to choose independently their social system, values and development path in their real interests and take into full account the characteristics of all Members in economic, social and political development so as to promote global economic prosperity, safeguard social justice and protect the rights and interests of workers through strengthened cooperation with all Members.

Secondly, at a time of drastic historical changes employment promotion is the mandate of the ILO as well as its most distinctive work with regard to the division of responsibility among international organizations. The Director-General pointed out in his Report that the number of people registered as unemployed throughout the world amounted to 120 million, while 700 million people were underemployed. So in the world today it is a matter of urgency for developing and developed countries to tackle the problem of unemployment. If in the face of such a situation the ILO can take employment promotion as its top priority, strengthen cooperation with the relevant international organizations and render effective support to the member States in the promotion of employment, then it will be able to play its unique role amongst the various international organizations and win respect from the international community and other international organizations and support from labourers worldwide. Only with positive progress in employment promotion will it be possible to prevent the discussions on the protection of rights, interests and human rights of workers and from becoming empty talk.

Thirdly, the application of international labour standards and technical cooperation are two major means with which the ILO obtains the basic end of promoting social justice. International labour standards set over the past 75 years cover almost all areas of the world of work and have contributed to the labour legislation of the member States. In this new period of history, the important task the ILO is faced with is to revise the standards in the light of ongoing economic development, and make them more flexible so as to apply them more extensively. To this end, efforts should be made to strengthen technical cooperation and technical advice. However, the application of certain standards should not be regarded as prerequisites for technical cooperation for that will be detrimental to the ILO's standards application activities in developing countries. At present the ILO lacks adequate funds for technical cooperation. We understand this difficulty and hope that the ILO will carry out cooperation with the member States to explore new channels of financing and provide through various means more technical cooperation and technical advice to developing countries better suited to their needs, with a view to enhancing its status and influence in the world of work.

The Director-General said in his Report that the sustained economic development of China in the 1990s will bring about material progress to a considerable proportion of the world's population. The important reason behind such sustained economic development amid drastic changes in the world is that we have adhered to a policy of reform and liberalization in the light of our national conditions and set the goal of establishing a socialist market economic structure after years of exploration. In the transition from the past planned economy to the new market-oriented economy, the Government of China has intensified cooperation with entrepreneurs and trade union organizations and has all along accorded priority to promoting employment, alleviating poverty and protecting the rights and interests of workers, with a view to providing a stable social environment for accelerated economic growth. Since the beginning of the 1990s, the urban unemployment rate has been kept below 3 per cent and in real terms, workers' average income has risen by 4.5 per cent. At the same time, we have speeded up the reform of the social security system by expanding the coverage of unemployment insurance and introducing a socialized pension system in order to guarantee the livelihood of unemployed and retired persons. We have strengthened labour legislation and established a mechanism for labour inspection to protect the rights and interests of workers. We have taken strict measures to deal with the serious violations of the rights and interests of employees in some private enterprises and Sino-foreign joint ventures. China's practice has shown that in the transition towards the market economy, if we proceed from our own conditions and at the same time draw upon the successful experience of the advanced market economies, we will be able to avoid social unrest, economic recession and protect the rights and interests of the labourers in the course of reform and improve their livelihood.

In order to meet the need of building a socialist market economy, the Government of China has made the decision this year to take a comprehensive approach to the all-round reform in the world of work centring on fostering and developing the labour market. This constitutes an important measure in building the socialist market economy. As a country opening wide to the outside world, we hope to intensify our cooperation with the ILO and its member States in this field and learn from their experience with a view to ensuring a smooth transition towards the market economic structure. We also hope that in this new period of history, China will make its own contribution to ILO activities and work with it to promote the cause of international labour.

Mr. KAEOTHONG *(Minister of Labour and Social Welfare, Thailand)* – On behalf of the delegation of the Royal Thai Government, I extend our greetings to you all. I would like to congratulate the President on his election to this high office.

We welcome the Report of the Director-General which is innovative in many ways. The theme of social justice in a global economy is highly appropriate. In the Report of the Director-General, the collection and dissemination of information have rightly been given high priority. I hope this work will be organized in a way that can help developing countries like Thailand. For example, we have achieved significant progress in reducing child labour and in promoting collective bargaining and the right of workers to organize.

Some developed countries seem to be under the impression that our competitiveness in the world economy depends on cheap labour and inferior working conditions. In practice, both these aspects have improved significantly. We do not think that working conditions can be improved overnight. We would therefore like to stress the need for delinking these issues from international trade. In this connection, we urge the Conference to accord the highest priority to the consideration of our draft resolution on this issue, which is vital for the expansion of the labour force in both developed and developing countries.

Meanwhile, 1993 has seen important developments in the field of labour and social welfare in Thailand. In September 1993 a fully-fledged Ministry of Labour and Social Welfare became operational. Immediately after its establishment the Ministry prepared an action plan to assist the drought-affected rural population with income-generating activities by providing access to skill development, working capital, marketing and other inputs.

In the labour field, several reforms have been launched such as: provision of 90 days for maternity leave with pay; provision for a maximum of 24 hours' overtime per week; and a proposal to grant the right to organize and collective bargaining to state enterprise workers.

Moreover, in view of the high rate of general and work accidents, our Government is in the process of launching a "National Safety Year" which will call upon employers and workers, non-governmental organizations and the public to participate collectively and jointly in the campaign.

Thailand has the privilege of being a founder member and has actively participated in the work of the ILO. Since 1950 Thailand has received assistance from the ILO in various fields. The most historic joint efforts were the passage of the First Labour Act of 1950 and the Social Insurance Act of 1990. I convey our Government's appreciation to the ILO for its steady and continued support.

I wish to conclude by congratulating all Members of the ILO on the occasion of its 75th anniversary and by expressing our renewed support for the Declaration of Philadelphia and the objective of social justice for all.

Original Vietnamese: Mr. TRAN DINH HOAN *(Minister for Labour, the Disabled and Social Affairs, Viet Nam)* – First of all allow me on behalf of the Government delegation of the Socialist Republic of Viet Nam to express our warm congratulations to the President and other Officers of the 81st Session of the International Labour Conference on their unanimous elections. I would also like to welcome Mr. Michel Hansenne, the Director-General of the ILO, and all the distinguished participants to this session of the Conference. The 81st Session of the International Labour Conference is a very important event because it coincides with the ILO's 75th anniversary and the 50th anniversary of the Declaration of Philadelphia.

Viet Nam highly appreciates ILO activities during the 75 years of its existence, especially in the field of labour protection and the promotion of social justice.

We consider that the ILO's 75th anniversary and the 50th anniversary of the Declaration of Philadelphia are a good occasion for us to reconfirm the ILO's principles and objectives. The ILO's governing principles, such as equal pay, the right to pursue freely material well-being and spiritual development are still valid today. These are exactly what Viet Nam has been trying to achieve.

On this occasion I have the honour to inform this session of the Conference that on 30 May 1994 the Government of Viet Nam ratified 12 ILO Conventions. These are Conventions Nos. 5, 6, 14, 27, 45, 80, 81, 116, 120, 123, 124 and 155. This clearly indicates the commitment of the people and the Government of Viet Nam to the ILO's principles and objectives. This is also the most remarkable activity with which to celebrate the 75th anniversary of the ILO.

Since the end of 1986, Viet Nam has embarked upon a policy of restructuring which aims to shift to a market economy and to develop the rule of law, with government of the people, by the people and for the people.

The restructuring, with its interlinked economic and political features, promotes human rights and citizen rights in every economic, political, cultural and social aspect of life. In spite of all difficulties, up to now, Viet Nam has contained inflation, recovered from economic recession and achieved an annual GDP growth of 7.2 per cent during the last three years. Average export turn-over increased by 20 per cent, and it is the first time we have achieved a balance of trade. From a country which suffered food shortages, Viet Nam has now become an exporter of 1.5 to 2 million tons of rice per year. Foreign direct investment in Viet Nam amounts to US$6.5 billion, with more than 700 projects, of which one-quarter has been successful.

New progress has also been achieved in the field of health care, disease prevention and education, especially in primary education and the eradication of illiteracy. Domestic economic accumulation has been recorded. The life of the people has been gradually improved.

In general, we can say that Viet Nam has come through the crisis and entered into a new phase of development. These results have strengthened the people's confidence, enhanced political and social stability and created conditions for further development of the country.

The Socialist Republic of Viet Nam rejoined ILO activities in May 1992. We have so far been trying our best to adequately fulfil our obligations as a member State. We greatly appreciate the ILO's technical assistance in the field of labour administration, employment, social security, vocational training and the rehabilitation of disabled persons.

With ILO technical assistance, the first Labour Code of Viet Nam has been drafted, finalized and made public for comments. It is now being considered by the National Assembly, and hopefully will be promulgated at its sitting on 15 June, 1994. In our opinion, the Code not only protects the rights and interests of the working people and the legitimate rights and interests of employers in Viet Nam, but also, to some extent embodies many provisions of international labour standards.

We have also achieved remarkable results in employment programmes. During the last three years from 1991 to 1993 jobs have been created for 2.28 million people, of whom 960,000 found employment in 1993 alone. Great efforts have been made to promote the development of small and medium-sized enterprises, to increase the effectiveness of labour utilization, to reform the system of wages and salaries and of social security with special care for socially vulnerable groups, such as women and children.

All activities in the field of labour and social affairs have contributed actively to the socio-economic development of the country.

Viet Nam will support ILO programmes and activities in the years to come, especially those in the field of social development, employment, social security and those dealing with women and adolescents.

However, we consider that the implementation of ILO Conventions should not be linked to international trade. In the field of labour and social affairs we focus on the formation of a strategy for human resource development with a view to effectively using the presently available labour force and promoting employment through developing a new and qualified labour force structure to meet the requirements of industrialization, modernization, free economic zones and joint ventures. We are strengthening the capacity of labour institutions and developing a body of instruments to bring the Labour Code into practice. We are also establishing a uniform and independent social security system. We attach special importance to protecting the rights and interests of the most vulnerable groups, such as children, women, the disabled and old people, promoting the ratification of other ILO Conventions and taking part in the formulation of new instruments.

In the light of the restructuring and reforms, I would like to request that the Director-General of the International Labour Office consider opening an ILO field office in Hanoi as required by its past and future activities in Viet Nam.

I believe that in the future, technical cooperation between the ILO and Viet Nam will become broader, deeper and more effective. We are also working towards the development of bilateral cooperation with all the other ILO member States.

I also believe that with the active contribution of member States, the ILO will be able to adapt to the new situations in order to achieve its noble objectives.

To conclude my statement, I would like to reconfirm my confidence that this session of the International Labour Conference will be a success.

Mr. KEARNEY *(representative of the International Textile, Garment & Leather Workers' Federation)* – Despite their public protestations, some governments and many employers' organizations are not committed to, nor do they have faith in, the fundamental principles and values upon which the ILO was founded: witness the recent declaration by the New Zealand Employers' Federation chief that "the ILO was a blot to the country's economic horizon" and that "unions are not a necessary or required group in the employment relationship".

Regrettably, such an outrageous and irresponsible approach is not uncommon. The neo-liberalism of the past decade and a half has shattered much of the consensus built over the previous 50 years, resulting in a return to the machomanagement style of the eighteenth century. The deep recession which has engulfed the world helped to strengthen the arm of the musclemen managers, as did the globalization of ownership and production, whereby 37,000 non-financial multinationals with sales nearly 40 per cent greater than the world's total exports of goods and services now control over one-third of the private sector's productive assets worldwide.

The textile, clothing and leather sectors typify the effects of globalization. Wages have fallen, working conditions have deteriorated, child labour is on the upsurge and health and safety standards have plummeted.

Without trade unions and without a strong and effective ILO, who will protect the men, women and children – more than 30 million of them worldwide – who daily produce textiles, clothing, shoe and leather items for sale in world markets?

In Indonesia there was no one to speak up for Titi Sugiarti. Titi was only 23 years old, but she understood the meaning of exploitation very well. She and her fellow workers went on strike earlier this year at the shoe company where they worked. Little changed, so another strike was planned. But Titi won't be there. Her body was found one morning about a month ago, floating in the company's waste disposal pit after screams had been heard in the night. She had been bound and tortured before she died.

Titi died because of government and employer suppression of free and independent trade unions.

In China, suppression of the right to organize contributed to the death of 81 young women six months ago in Shenzhen. Stitching stuffed toys for export, they were little more than slaves. After the fire, more than 50 charred bodies were found piled behind one of the locked exits ...

The PRESIDENT (Mr. MENDOZA) – Will the speaker please keep to the agenda item.

Mr. KEARNEY – Three weeks later, another fire in a textile complex in Fuzhou left a further 63 women dead after they suffocated in their beds in the ceiling area over the factory. These women died because they had no one to speak up for them to help secure their rights ...

The PRESIDENT (Mr. MENDOZA) – A point of order has been raised by China and Indonesia.

Original Chinese: Mr. ZHANG WEI *(Government adviser, China)*[1] – I wish to raise a point of order under paragraph 14.5 of the Standing Orders since the speaker has departed from the matter under discussion and launched an attack against a sovereign State. I ask the President to intervene to prevent this violation of the Standing Orders.

Original English: Mr. LATIEF *(Minister of Manpower, Indonesia)* – I would like to take the opportunity to explain about the case referred to by the textiles representative. None of the information is true. If you need more information, we can give it.

Mr. KEARNEY – Without trade unions and without an effective ILO, who will defend and release the small hands which make big profits for the carpet industry? In Karah, Pakistan, five-year-old Shakeel works alongside 300 other children from 6 a.m. to 7 p.m. for less than 20 cents a day. A sign on the wall says any child caught sleeping will be fined the equivalent of US$60 ...

The PRESIDENT (Mr. MENDOZA) – Again I would like to remind the speaker to please confine himself to the agenda.

Mr. KEARNEY – These are not images drawn from a fevered imagination. They are day-to-day occurrences involving workers in the textile industry. In every case mentioned, the employers involved were either multinational companies or were producing for multinational companies. The goods they produce, in conditions of virtual serfdom, for the high-street stores of Europe, North America, Japan and the rest of the industrialized world do not come cheap for the consumer. For example, the wage costs in a $60 shirt are often less than 10 cents.

Yet the apologists for this exploitation tell us that labour legislation and trade unions are an unnecessary hindrance to the free operation and profitability of enterprises and an anachronism in the 1990s. Would those ministers who rail so consistently against international labour standards, would those industrialists who decry the existence of trade unionism submit their own children to a lifetime of working conditions such as these?

On the agenda of this year's session of the International Labour Conference, there is a depressing resolution from the ASEAN countries suggesting that many ILO standards are not appropriate to the different economic, cultural and social conditions of developing countries and should be applied flexibly. This is not the voice of the people of the countries concerned. It is instead an echo of the demands of multinational enterprises which are temporarily using these countries as an operating base.

Remember, the standards referred to are the right to organize and bargain collectively, the non-use of prison labour, the prohibition of child labour and non-discrimination. They are basic and cannot be dependent on economic or social conditions or on cultural background. Is it not ironic that countries which fought for so long to free themselves from the bonds of traditional colonialism should now be delivered into the arms of the new-breed colonialists – the multinational companies? How can these governments put the interests of multinational capital before those of their own people?

The ILO was established to contribute to universal and lasting peace through the promotion and development of social justice by setting standards and securing their application worldwide, using persuasion, pressure, advice and technical assistance. These aims and methods are as valid today as they were in 1919.

Standard-setting is the core of the ILO's role. Conventions are attainable standards and the fall-off in ratification and the non-implementation of ratified Conventions are more a result of the recent indecisiveness of the ILO itself than of the impracticality of the Conventions concerned. Proposals for the introduction of "soft laws" permitting the non-implementation of certain provisions will not assist workers. Rather, it is an excuse for doing nothing. Nor can flexibility be permitted in the application of the core Conventions. Every worker, regardless of his or her workplace, has the right to organize and bargain collectively. Forced labour can never be acceptable nor can child labour or discrimination. On these points, there can be no compromise. Soft law is a soft option and will lead nowhere.

The International Textile, Garment and Leather Workers' Federation, alongside the rest of the international labour movement, believes that the days when the ILO could rely on persuasion to enforce standards are long past. Today, the mechanism for enforcement should be a link between trade and workers' rights, a concept which has become known as the social clause.

Some governments, egged on by multinational employers, have been suggesting that trade unions want to impose an international minimum wage. Others suggest that the social clause is purely a protectionist measure aimed at destroying the competitive advantage of lower labour costs enjoyed by developing countries.

Both are lies! Linking trade and workers' rights has nothing to do with establishing a standard minimum wage. It has everything to do with the application of the core Conventions of the ILO ensuring that workers, whether in Geneva or Guatemala City, Gabarone or Guangzhou, should be able at the end of a working period to feed and clothe themselves and their families and provide a roof over their heads, a basic education for their children and medical care when ill.

The cost of these basic needs varies between countries, and the wages needed to meet them should be determined by the time-honoured means of collective bargaining between representatives of workers and employers. But that requires workers to have the right to organize into trade unions and to use that organization to bargain collectively with employers.

The purpose of seeking a social clause in trade agreements is to achieve a fair return for workers' labour, thus securing social justice. Nothing more, nothing less. That is why the ILO must climb into the driving-seat and re-establish its role as the lead player in international labour issues. It must endorse the link between trade and workers' rights as the means of enforcing its own core standards. And it must insist on a mechanism that is clear and transparent and that includes a complaints procedure followed by investigation with the offer of technical advice and assistance. Only persistent disregard by the country concerned would incur punishment. Thus can respect be regained by the ILO for the global application of internationally recognized labour standards.

But this will require change on the part of the ILO itself. Over-cautious and timid, it has appeared weak in recent years. However, given the dramatic changes in the world economy, accompanied by the process of structural adjustment, the ILO has an opportunity to establish for itself a new and enhanced role. But it will have to earn that new role. It will have to look forward rather than to the past. It will have to be innovative. It will have to be decisive and avoid the quest for consensus being used to stifle real and effective activity. And it will have to insist that other international agencies which have hijacked labour issues in recent years now accept that the ILO is the competent body in this field.

If the ILO can renew itself and develop a new aggressiveness, if it can harness its energies to help governments outlaw exploitation and thus establish more rounded economies, then the blot on the economic horizon seen by New Zealand's employers will emerge as a sunrise for the world's workers, helping to bring to life that universal and lasting peace and social justice which the ILO was created to secure.

The PRESIDENT (Mr. MENDOZA) – Before proceeding further, I would like to appeal to the speakers who will be called to the podium to please confine themselves to the items on the agenda. Thank you very much.

Mr. VUNIBOBO *(Minister for Home Affairs, Immigration, Labour and Industrial Relations, Youth, Employment Opportunities and Sport, Fiji)* – I would like to join previous speakers in offering congratulations to the President on his election to this very important office of the Conference.

This, is the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, and I would like to take this opportunity, on behalf of the Government and the people of Fiji, to offer our congratulations and best wishes to the ILO. The Report of the Director-General to the Conference this year addresses the important tasks that face this Organization on its 75th anniversary: the tasks of defending values and promoting change; defending the values that were mooted by the founding fathers of the Organization and promoting change that responds to the demands of the circumstances.

The collapse of the Berlin Wall and the disintegration of the Communist bloc have hopefully put an end to the long-standing ideological confrontation between East and West. Now, the ILO, facing the consequences of the new state of world affairs should, we believe, seize the initiative and expand its activities to areas which have been left by the wayside.

Here, I would like to refer to the Director-General's Report which cited a provision in the Declaration of Philadelphia, namely that "it is a responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective [social justice]" and, in that light, to "include in its decisions and recommendations any provisions which it considers appropriate". We believe that if there were a time for that provision to be implemented, that time is now.

The time may be opportune for a review of the ILO's overall approach so as to respond more positively to the needs of small developing countries. As it is, small countries with limited resources, small populations and small domestic markets are pitted against competitors who are big in every sense of the word. They are also likely to be singled out for violations of rules in contrast to more economically and politically powerful transgressors who not infrequently are allowed to go unchallenged.

Although Fiji, like most of her neighbours, is in geographical terms a series of islands, we are no longer isolated from what is happening around us. We sell our sugar to the European Union, and our tuna. Our garments find their way to the United States and New Zealand, and some come to Europe.

As countries in the Pacific Region grapple with issues related to poverty alleviation, job creation, economic viability and competitiveness, quality of life at work, higher productivity and social justice, it is seen that the form of industrial relations and tripartism based on freedom of association and social dialogue becomes even more significant. The development of industrial relations systems and the promotion of social and constructive labour relations remain a major challenge to most countries in the region.

We support the observations made by the Director-General in his Report that the world of work itself has undergone a complete upheaval and that conditions existing now bear little resemblance to those which existed when the ILO was first established. With the introduction of new technologies, the production process and the product market now place different demands on management and workers. Aside from the changing requirements on the quality and quantity of work and production, some new types of relations have been introduced in the workplace as a result mainly of management initiatives. Workers may also need to adjust themselves to fit in with the changing environment. They can now be more concerned with the quality of their working life. In line with these changes, the strategic process to promote better industrial relations through consultation and cooperation requires adjustment and continuous review.

The Director-General's discussion on "the globalization of the economy" puts into perspective the plight of Third World and developing countries. Technological change, while so vital to development, is in many cases disruptive. It displaces and, too often, eliminates jobs. It devalues traditional know-how and creates a need for new skills.

The concurrent integration of financial markets and the massive flow of capital between countries will, in certain circumstances, not benefit some developing countries. Their creditworthiness is often called into question and, not infrequently, they will not reap the benefits of international financial integration.

It is in that connection that I would invite the International Labour Organization to look into the possibility of setting up regulatory machinery at the international level.

For the foreseeable future, our major preoccupation will be the generation of employment, the creation of an environment geared to improved productivity, enhanced competitiveness, improved working conditions and remuneration packages that respond to the needs of employees and reflect greater productivity. That will require a lot of work, dialogue and exchanges among all of us, Workers' representatives, Employers and Governments. We will need a lot of help and we look to the ILO to provide assistance and guidance in some of the areas which we will be addressing.

In the same context, we endorse the Director-General's Report which says that "tripartism is indeed a precious institution, but it is only as valuable as it is effective".

We share the view of the ILO that tripartite consultation is essential to good industrial relations. It must, however, generate new ideas and arrangements that are to the benefit of the nation as a whole. The government leg of the tripartite stool must ensure that the interests of those not represented, including the unemployed, are taken into account.

The Fiji Government has been greatly concerned with the issue of job creation. Our economy did not perform well in the 1980s, at least in comparison to some of the achievements of our Asian friends. We did not generate employment opportunities, nor did we generate growth in incomes.

In the late 1980s, we took some sharp policy decisions to arrest this downward trend. We will have even more school-leavers looking for jobs in the 1990s.

We turned from an import substitution stance to an emphasis on exporting, and embarked on a number of measures to make the economy more competitive. We reformed our tax system; we lifted most of the licensing requirements for imports; we introduced a phased programme of tariff reductions; and we introduced reforms in the labour market.

Our wage-setting system in the 1980s was strongly centralized, with statutory maximum settlements established through tripartite discussions. The reforms were designed to introduce more commercial sensitivity into the system – in the expectation that firms would become more competitive.

The early indications are that the strategy is working, settlements have become more valid and the incidence of strikes has fallen. Employment has continued to rise throughout the period of global recession.

Original Spanish: Mr. CASSIA *(Workers' delegate, Argentina)* – In my country, a deep and truly scientific debate on labour law and labour relations is being conducted on changes taking place in the productive sphere, their impact on individual or collective labour relations and the standards that govern them.

For the time being this debate has been hampered – not by us – but because people have preferred to force reality, to put it into pre-conceived categories, without making a preliminary analysis enabling them to glean valid and useful considerations from it.

We understand that certain standards and basic tenets of labour law and social security cannot remain removed from the profound changes that have occurred and will occur in the economy – not only in Argentina but throughout the world.

Because of this, the Argentinean workers' movement is aware that to accompany a process of economic growth, it is necessary to adapt some regulatory mechanisms of labour law. However, it maintains that to achieve this adjustment the only means is collective bargaining – collective bargaining carried out within a framework of total freedom, since its regulation exclusively would be totally detrimental to the most unprotected sector, i.e. that of the workers.

We are ready to seek consultation and not confrontation but this does not mean that we will concede what is not due – nor that we will be accomplices of interests opposed to ours.

We accept the changes which improve the Argentinean economy in the light of prevailing social and labour conditions, through everyone's efforts and a fairly distributed sacrifice; but we reject those which claim to reduce the trade union presence as a balancing factor or attempt to produce an arbitrary and unjust deterioration of working conditions.

Production, work and a fair distribution of the wealth are fundamental factors which must be oriented and put at the disposal of the human community and to the use of the common weal. (The *Laborem Exercens* encyclical.)

The serious and dire nature of the social problems confronting us require us to seek immediate solutions and to implement programmes for these sectors of the community most affected by the adjustment, so that they do not feel abandoned by the community.

We know that without economic stability it is impossible to function as an organized community; but we also know that it alone cannot guarantee the existence of a modern and just society.

In Argentina, peace and equity amongst the social actors can only be founded on social justice.

The inhuman working conditions which entail poverty and deprivation create discontent and crying injustices which generate threats to political harmony and coexistence in a democracy.

The State, assuming a new role, must look out for the people's well-being and strive to do away with social and economic inequalities.

Labour reforms which violate universal legal conscience – clearly expressed and definitely expressed in the international principles and standards of the ILO – can only create a weakening of the social actors and give rise to social insensitivity.

Setting out to reduce the serious problems of health, education and social security to a mere economic tenet – forgetting the leading role which the Argentinean workers' movement has had in these areas – seems to us to be more an attempt to undermine trade unions rather than a a genuine concern for the present and the future of the workers.

The world is changing substantially – but unfortunately not all changes are positive. On the contrary, some embody serious dangers for humanity by dividing societies and worsening social differences.

The weakening of the State encourages conservative sectors to promote regressive changes in labour legislation which tend to make employment precarious and weaken trade unions. There are political and ideological currents which appear to be trying to take the labour relations systems back to the times of the first industrial revolution, with the consequent manifestations of over-exploitation and marginalization of the workers – gloomy scenarios which His Holiness Pope John Paul II has repeatedly defined as the danger inherent in the establishing of an inhumane capitalism.

The ILO, by virtue of the fact that it is part of the United Nations system and its mandate, is at the crux of this world change. The major challenge, as stated by the Director-General, is that the ILO should become the leading institution which promotes social justice and equity for a new international scenario – as it did in 1919 and in 1945. Thus in the World Summit for Social Development, to be held in Denmark in 1995, the ILO must play an essential role in the defence of its initial objectives.

The development of tripartism and the adherence by countries of international Conventions will pave the way for a new relationship between workers, employers and the State, which will harmonize changes in the economies and the enterprises, while preserving employment and the extension of collective bargaining.

The policy of "active association" and the role of the technical multidisciplinary teams will, without a doubt, enable the ILO to cooperate more closely with its members – in particular with the workers' organizations.

The Argentinean workers' movement considers that to ensure a greater political, economic and social democracy in today's world, it is necessary to: launch, on this the 75th anniversary of the ILO, an international campaign in favour of a world charter of workers' rights which fully takes into account basic human rights; negotiate within the World Trade Organization the introduction of a social clause which will make comparative trade privileges and advantages contingent upon the compliance of basic workers' rights, through the application of fundamental ILO Conventions; see to it that the World Bank and the IMF accept that investment-promoting policies and structural adjustment must include a social dimension and the right of trade unions to take part in the design and implementation of the abovementioned policies – strengthened so that they can fulfil the fundamental mandate in a world in crisis. The ILO's potential in this area is obvious; but it will depend on the political will of its constituent members to agree with the objectives and programmes so that its mandate is strengthened.

The Argentinean workers' movement has accepted the challenge created by the new world situation, assuming what it considers a historic responsibility on account of the changes taking place in our country; we accept this, but only on condition that we remain active participants in the construction of a new society and that this will be achieved through social dialogue.

We believe that today the main discussion is development and its ethical, political and economic relationship with equity. In the same way stability is also an achievement of the workers and must be upheld.

We also believe in the need for a just society, based on solidarity, which offers truly equal opportunities for all its members – where unemployment and divisions are no longer accepted with resignation and are actively opposed.

Our way ahead is quite clear. In the face of unbridled capitalism which creates marginality and misery, let us establish a more humane capitalism based on the Christian concept of solidarity which strengthens people's integration.

The transformations that have occurred in Argentina have made us understand the need to adjust labour relations to new management and organizational technologies and must adjust to other characteristics of the national labour market.

However, the changes made must be carried out on the basis of investment policies, accompanied by real workers' participation in the process of change, in employment policies and in environmental protection.

Finally, I would like to stress that this threat to labour rights and trade union rights is not only a challenge to individual societies, but also to each and every region of the world. And I should like to assert that we are prepared to accept the responsibility of today's social charters and clauses.

I do not want to leave this rostrum without extending the greetings of the Argentinean workers to the South African delegation and by congratulating them on their long but victorious struggle.

Mr. TAMRAKAR *(Minister of State for Labour and Industry, Nepal)* – First of all, the Nepalese delegation would like to extend its warmest congratulations to the President on his unanimous election to the high office of President of the 81st Session of the International Labour Conference, observing the historic event of the 75th anniversary of the ILO. On this historic occasion, I would like to express my sincere congratulations to the representatives of governments, employers and workers who have assembled here from various parts of the world. We are fully confident that the deliberations of this Conference will arrive at meaningful conclusions under the President's able guidance and stewardship.

It is our great pleasure to announce to this august gathering that His Majesty's Government of Nepal has minted silver coins of various denominations depicting the logo of the ILO's 75th anniversary. We are also printing postage stamps to commemorate this occasion, and publishing posters that depict the ILO logo together with the slogan for the promotion of tripartite understanding.

We would like to express our sincere thanks to the ILO authorities for accepting our request to open the ILO Office in Kathmandu. Now, we hope that the areas for cooperation between Nepal and the ILO will be extended further and special programmes for strengthening industrial relations will be outlined by the ILO in the future.

I would like to express my sincere thanks to the Chairman of the Governing Body and the Director-General of the ILO and their staff for their efforts in preparing the comprehensive Report. We attach great importance to the Report of the Director-General which gives a comprehensive and lucid view of the new challenges that are emerging in the world. The issues analysed in the Report such as the values and structures of the ILO, its standard-setting procedures, tripartism and the role of the ILO in the international policy-making are very relevant, timely and immensely useful.

The topics on part-time work and safety and health in mines, which have been included in the agenda for discussion, call for careful deliberations. I am of the view that the application of ILO standards and rules should take into account the particular conditions and stages of economic development of developing countries. Otherwise, there will always be uncertainty regarding the ratifying of Conventions by member States. It has been amply explained in the Director-General's Report that the rate of ratification of Conventions has been declining for a good number of years. In addition, it should be noted that the 1993 Session of the Conference also decided that the ILO should immediately review and update existing labour Conventions and standards for their more meaningful and pragmatic application.

The present Government is firmly committed to the welfare and prosperity of labour. The Government has sufficiently understood the essence of tripartism in nation building. It has recently promulgated labour regulations and trade union rules. Organizing the general elections of trade unions in the near future is under way.

The participation of women in industrialization is equally important to overall development strategy.

We are fully aware of this and a number of operational activities are being undertaken with the objective of greater participation of women in the economic and social sectors. In order to make women self-reliant, comprehensive skill development programmes for them should be developed under technical cooperation programmes of the ILO.

After a long and popular struggle, parliamentary democracy has been restored in Nepal and this has initiated the process of industrialization in the country. As a result of the adoption of various policy instruments, carpet industries are especially gaining ground as a major source of export earnings; moreover, these industries have provided employment to thousands of people as these carpet products have found markets in European and other countries. In view of these benefits, we are very much concerned with the misunderstandings that are being created by vested interest groups concerning our carpet industries. His Majesty's Government is fully committed to the welfare of children and to the enforcement of laws and regulations against the use of child labour in any industrial establishments. The Labour Act prohibits the use of child labour under the age of 14 in any industry. The Government has no limitations on the steps and actions it may take against the breach and violation of these laws and regulations. We therefore urge all of you to extend your generous support and cooperation for the benefit of workers and for the better future of their children.

We have been talking a great deal about the environment. To the best of my knowledge, unplanned industrialization has been one of the major factors responsible for environmental degradation. The installation of effluent treatment plants, the relocation of industries in various parts of the country, the development of environmental education and public awareness about the environment are very important when efforts must be directed towards improving the ecological balance. These programme activities require huge financial resources for which the involvement of international organizations is crucial.

This is the time to undertake vigorous result-oriented activities to achieve the noble objectives and goals of our Organization. The organizational restructuring of the ILO and the pursuance of its active partnership policy would go a long way in this respect. We feel there is room for improvement in the existing budgetary system. Once the programmes and projects are finalized by the ILO and the country concerned, further approval from other agencies delays timely implementation of projects. I would, therefore, like to draw your kind attention to the simplification of financial procedures for technical cooperation projects.

Being one of the least developed countries, Nepal faces daunting challenges with respect to its socio-economic development. At the same time, we consider that procedures for the utilization of resources made available by international organizations and donor communities should be simplified as much as possible in order to overcome coordination problems when various channels are involved. There is an urgent need for a more liberal approach by developed countries in resolving the unemployment problems of developing nations in the face of rapid industrialization and economic globalization.

My delegation would like to emphasize once again that as a land-locked least developed country, Nepal needs special treatment in terms of technical and financial assistance both from industrialized countries as well as from international organizations. This would definitely help accelerate the phases of the Kingdom's special economic development.

Last, but not least, I appeal to all the developed countries for their open-hearted help to strengthen the ILO's capacity to assist in the development and promotion of mankind on the eve of the twenty-first century.

Having said all this, I wish this Conference every success in its deliberations.

Original Spanish: Mr. ANTONIOLI-VASQUEZ *(Minister of Labour and Social Development, Peru)* – The session of the International Labour Conference that brings us together today is being held on this happy occasion of the celebration of the 75th anniversary of the creation of the International Labour Organization and of 50 years since the adoption of the Declaration of Philadelphia. On this special occasion the Government of Peru would like to salute the ILO's fruitful work in the interests of its member States. We also commend its commitment to the convictions that gave rise to the Organization and to its mandate to see to it by democratic and tripartite means that its unshakeable principles of humanity and justice are respected in practice.

We are delighted that a Worker delegate has been chosen to preside over the Conference. And what better sign of the times can we find as the ILO faces a new stage in its history than the return to our Organization of the tripartite delegation of the Republic of South Africa.

In his Report the Director-General once again highlights the fact that the globalization of economic relations which has accelerated considerably in the last few years is leading to inequality between nations and within those nations. This is because of the different capabilities of countries to adjust to new economic trends. Many countries are thus completely marginalized from the world economic system that is taking shape.

Therefore, the international community should establish on the world level regulating machinery capable of adapting to the social problems of the working world. One way to face up to this situation is to revitalize the mandate of the ILO without delay.

Another interesting aspect of the Report of the Director-General is that it identifies as a management priority for the authorities of the entire world the creation of productive and freely chosen employment. This is a field in which the work of the ILO is fundamental.

We believe the Director-General's concrete proposal that the ILO should prepare a report that contains an up-to-date analysis of the situation of employment and income in the world, and also on the repercussions of economic and financial policies in this field is of the greatest interest. This Report should "propose alternative policies that need to be adopted nationally and internationally to reconcile the need for economic growth and stability with the no less pressing need for more jobs and higher incomes for the poor."

The proposal that the Conference should permanently have on its agenda the examination of problems of employment and living standards in the world could lead to the adoption of a declaration which could express the points of view of the tripartite constituents of the ILO as regards the goals which have to be achieved and the policies which have to be applied. It would allow our countries to work to bring about some practical implementation of these objectives.

It has been said that one of the reasons that new jobs are not created is excessive legislation protecting workers and state interventionism, and that it is important to reduce this protection in order to increase employment, investment and competitivity. These measures have been called flexibility measures or deregulation of labour legislation. Nevertheless, according to many studies in this field, the usefulness of flexibility has only been proven in reducing labour costs. On the other hand, it has not shown the same effectiveness in practice when it comes to creating new jobs. Unemployment is increasing in spite of the fact that the economy is progressively growing.

Flexibility does not solve the problem of shortage of capital, which appears to be one of the main causes of unemployment. The employment which can be generated via atypical methods of labour recruitment is difficult to sustain because of its intrinsically precarious nature in the absence of equitable and sustained economic growth.

The reduction of costs cannot be considered as decisive in transforming production to increase the competitiveness of enterprises. The easy solution which flexibility is normally considered to be reduces costs rather than facilitating new employment. It instead facilitates the replacement of labour by technology.

This substitution is not taking place uniformly in Peru. Generally, we have observed that permanent staff have been replaced by casual labour, and obsolete equipment has not been replaced.

The annual bulletin of the National Society of Industries has emphasized that in January of this year the GDP increased by 9.75 per cent as compared with January of last year.

However, this growth in the industrial sector has not been accompanied by growth of employment in that sector. Employment dropped by 8 per cent, whereas labour productivity went up by 18 per cent. According to the National Society of Industries, employment is not increasing for various reasons, including streamlining of personnel due to enterprise restructuring which makes it necessary to buy new equipment.

Preliminary reports from the Ministry of Labour and Social Development in March of this year showed that the income of workers employed in private enterprises with ten or more workers significantly improved. Average monthly pay was approximately 1,440 new soles (or 650 dollars), whereas daily wages went up to 20.45 new soles ($9.30). In real terms, this is an increase of 64.5 and 40.8 per cent respectively. These are the best figures that have been achieved in the last four years.

In terms of employment, in the first three months of the year, we have observed increases compared with those of 1993. Whereas in 1993 unemployment was 9.9 per cent, in March 1994 it had gone down to 8.4 per cent. Underemployment in 1993 was 77.4 per cent, and 1994 it was 74.7 per cent. Full employment has gone up from 12.7 per cent to 16.9 per cent.

As regards minimum subsistence wages, in Peru these are now recovering. In April of this year, the minimum subsistence wage of unskilled workers went up from 72 to 132 soles a month (i.e. from about $32 to $60).

The high level of unemployment in our country is of concern to us. We wonder whether it is it true that we have so much underemployment or whether the statistics are based on false premises.

In some countries in Latin America the variables used for determining the number of underemployed people is the minimum legal wage. Workers earning less than the minimum subsistence wage are considered underemployed. Nevertheless, these workers spend more time at work than the standard work day.

In our country, we use a system based on the minimum subsistence wage for January 1967. This figure is indexed on the variation of the consumer price index that has been noted to date. Workers earning less are considered underemployed.

In 1967 the minimum subsistence wage was $40. The index variation of the consumer price index was 719.84 new soles, or $331.72, in December 1993. Workers who earn less than that amount are considered as underemployed, whereas in the countries mentioned above, the criteria for determining whether a worker is underemployed is a minimum wage of between $70 and $121.41.

There is obviously a problem here in the statistical procedures used. It is time they were updated.

Together with the National Statistical and Computer Institute, and with the technical help we have requested from the ILO, we are going to study a new system of measurement capable of analyzing our social and labour situation with more reliable and practical data so that we can really know whether there is an improvement in income and employment.

On the other hand, thousands of workers in our country who are trying to combat poverty and unemployment, have found the solution in family employment, self-employment and small and very small enterprises. They work either on their own account or in small groups that form family economic units or small partnerships.

In this informal and unstructured sector the Conventions and Recommendations of the ILO count for nothing. This is another of the challenges facing the ILO. We therefore consider that the Director-General is quite right in calling for a revision of the system of international Conventions, when these are too complicated, as he is right in appealing to strengthen the core of fundamental Conventions, the general adoption of which would strengthen the positive attitude of the international community.

The appeal by the Director-General to strengthen social justice is of special importance for our countries, especially as we are making serious efforts to ensure that social justice is fully brought into practice. In reply to the question the Director-General asked as to whether we are the defenders of a world falling to pieces or the promoters of new solutions, I would venture to say that we, like this Organization for more than 75 years, have been promoting new and better solutions to ensure the welfare and progress of our peoples.

Original Arabic: Mr. AL-KULAIB (*Minister of Social Affairs and Labour, Kuwait*) – In the name of God, the Merciful, the Compassionate! I heartily congratulate the President on his election to the chair of the Conference and wish him success in this important task for which I trust he is well fitted. I also congratulate the Vice-Presidents, who I am sure will discharge their responsibilities to the best possible effect. I wish to take this opportunity to thank the Presidents of the previous sessions for their stewardship of the proceedings, in particular Mr. Abdel-Hak, President of the 80th Session.

I further wish to congratulate the Sultanate of Oman, South Africa, Tajikistan and Turkmenistan on their membership of the Organization. It gives me great pleasure to participate in this Conference which marks a great occasion, the 75th anniversary of the founding of the International Labour Organization which, prior to that date, was a distant dream and a mighty hope in the minds and hearts of social pioneers and thinkers. It then became a tangible fact with the establishment of an international organization after the First World War and the construction of the defences of peace. The establishment of the ILO heralded a new era of endeavour aimed at creating a world in which social justice prevails, a world of prosperity that believes in freedom of work, of expression and of association and that abhors poverty, oppression and exploitation. After this long period of tireless effort and unremitting struggle, we have before us the great achievements of our Organization in the field of labour and in the service of peoples throughout the world.

I wish to extend my warm congratulations to the ILO on this anniversary, hoping that it will achieve further progress, successfully addressing all the challenges that await it in the future.

The Director-General made a highly felicitous choice of subject for his Report this year, focusing on standards under the title *Defending values, promoting change*. It is a seminal document succinctly reviewing the Organization's activities over a period of 75 years on behalf of the working class and specifying its ambitions for change. It shows a deep understanding of the process of modernization under way throughout the world and of its problems and demands, so that the Organization stands on solid ground and has a clear vision of its historic responsibilities in the future with respect to the achievement of prosperity and social justice.

The importance of the subject of the Report and its emphasis on the standards laid down in 174 international labour conventions are demonstrated by the favourable impact and the practical benefits that have accrued therefrom for millions of workers and their families, for instance through the improvement of working conditions and the raising of their standards of living. As proof of my country's respect for these standards, we wish to announce to the Conference that we have promulgated the Organization's resolutions regarding overtime and forced labour.

We also support the Organization's position stated in the Director-General's Report regarding the role of democratic societies in basing legislation on justice, freedom and equality in order to ensure that human dignity is respected and to promote creativity. It is a position that our country has adopted since its foundation. In 1962 it made provision in its Constitution for the principle of consultation and participation by the people in controlling public affairs. This provision became a practical reality in the election of a Representative Council whose members served in an atmosphere of freedom and active participation guaranteed through press freedom and freedom of expression and association. We have also ratified a number of international labour conventions relating to basic human rights and freedoms, and protection of the rights of the working class. We have furthermore supported the principles of the Organization, implemented its decisions, participated in its work since we became a member in 1961 and continually supported its technical decisions.

The Director-General is to be highly commended for his study of the issues raised in the five chapters of his Report, including the changes that have occurred in the world in recent years and the values defended by the Organization, which is the social conscience of the world.

I wish to take this opportunity to express my country's view on the matters raised in the Director-General's Report in the form of the following ideas and proposals.

Firstly, we must seek to eliminate poverty and deprivation in the developing countries, in which large sectors of the population are the victims of unemployment and falling standards of living, by working for social equity and justice, the abolition of slavery and the settlement of conflicts by peaceful means.

Secondly, we must support the principle of tripartism in decision- making and consultation in addressing social and labour problems with a view to continued advancement of the aims of the Organization in order to achieve stability in labour relations and attain the ultimate goal of social justice, while at the same time seeking to avoid exploiting the Organization by forcing it to adopt political decisions such as those that encroach on the fields of competence of other bodies.

Thirdly, we must strengthen the role of standards in the future and show unwavering commitment to the Organization's achievements over the past 75 years, during which it helped to improve workers' circumstances and working conditions. We believe at the same time that those standards are consistent with the needs of the Member States and play an outstanding and effective role in international trade and the modern economy. We do not approve of the imposition of penalties to force countries to ratify standards but we are in favour of dialogue and persuasion as more effective methods.

Fourthly, the Organization should play a more prominent role in technical cooperation as a means of achieving its aims, bearing in mind the needs and priorities of the developing countries, enhancing national capabilities and consolidating local infrastructure so that full benefit can be drawn from the various programmes.

Fifthly, the Organization should attach special importance to the creation of employment opportunities and the expansion of full and productive employment, while guaranteeing workers' rights and eliminating all forms of discrimination or prejudice against them.

Sixthly, we agree with the proposals in the Director-General's Report regarding the preparation of an annual report on economic developments and their social impact on the world of work and its problems, and the inclusion of a permanent item on the Conference agenda dealing with problems of wages and standards of living so as to keep abreast of developments in working conditions and related problems and to adopt appropriate and effective action to raise the standard of living of millions of people.

Lastly, we reaffirm the importance of cooperation between the social partners in combating employment agencies and private employment offices that persist in exploiting and deceiving workers, usurping their means through false promises.

The Charter of the United Nations provided for the taking of joint action to curb aggression and promote the peaceful settlement of international disputes and conflicts. In addition, the Organization's Constitution and the Declaration of Philadelphia call for the protection of human rights and freedoms. But in spite of that, a regime that enjoys membership of this Organization has made aggression a means for achieving its ambitions, destroying and polluting the working environment. Moreover, for the past four years it has detained a number of missing persons and hostages of Kuwaiti and other nationalities in its prisons, including a number of trade unionists. No international body is allowed to investigate the distressing circumstances in which they are held, in violation of international resolutions and the resolutions of the Security Council.

In conclusion, I pray that God may help us to provide for the welfare and progress of our peoples and I hope that the Organization will continue in the future to stand forth as a banner of freedom, a symbol of prosperity, a defender of social justice and a promotor of world peace and prosperity.

May the peace, the mercy and the blessing of God be upon you.

Mr. DOUGLAS *(Worker's delegate, New Zealand)* – On behalf of the Workers' delegation from New Zealand, I would like to congratulate the President and the Vice-Presidents on their election and wish them success in their terms of office.

This is an important session of the Conference in the life of the ILO. It is an anniversary year, and there are always opportunities not only to celebrate the achievements of the past, but also to affirm the very values that motivated those visionaries of the earlier age to set up the Organization in the first place.

The central organization of workers in New Zealand is a strong supporter of the three fundamental beliefs that have shaped the contribution that the ILO has made to improving the lives of working people around the world.

These beliefs are: that the laws and practices that determine how labour is employed must reflect the fact that labour is not a commodity; that there is virtue in having conditions of employment determined through a process of collective bargaining; and that tripartite processes of consultation produce a fairer and more stable social, economic and industrial order.

It is with sadness and regret that I must report that those beliefs are not shared by the Government of New Zealand and by the central organization of employers in our country.

They have engaged in a comprehensive and sustained attack, not only on the concepts, but on the ILO itself. The language they have used has been extreme and derogatory. Phrases such as the ILO being a geriatric organization, a bloated bureaucracy, a blot on the economic landscape, using Stalinist methods and of being a Kangaroo Court have been bandied about in the news media in New Zealand.

The two bodies have attacked the messenger in order to discredit the message. In the course of doing so, they have brought discredit on themselves, but the attacks continue.

This would be an internal family squabble of no major relevance to the business of this session of the Conference and not deserving of the time and attention of delegates at it, if it were simply a matter that was confined to New Zealand politics and politicking.

The reason that I raise the matter today, though, is that I detect in New Zealand the embryo of an employer movement, supported perhaps by reactionary governments in some parts of the world, that does seek to destroy the messages of the dignity and the humanity of labour, that does seek to end tripartism and that does seek to undermine the collective expressions of workers' interests, not by tackling the arguments directly, but by attacking this Organization as the champion of those values.

My plea is that, in celebrating the achievements of the last three-quarters of a century, the delegates to this session of the Conference affirm the basic tenets that motivate and justify a tripartite and international forum on employment rights, and seek to find ways of giving expression to those tenets in the context of the conditions that governments, employers and workers face as they move into the next century.

There is, in New Zealand, and in an increasing number of countries around the world, a view that it is possible to reconstruct economic performance through a denial of the collective rights of workers and, by that, through an extension of the authority of management.

Authoritarian management, like authoritarian government, is no basis for long-term progress. It can and does generate short-term cost savings, specifically at the expense of the workers. It does not and cannot sustain the sort of productivity and quality gains that are needed to maintain international competitiveness in a world of rapid change.

That is certainly the experience of workers from the New Zealand experiment. I would like to suggest that, as it faces the challenges of the next 75 years, the ILO will need to marry the imperatives of good labour practice with those of sound economic development.

Increasingly, it is not good enough to see workers' rights as something that is tacked on to, or funded out of, economic development. In that environment, workers' rights will always be the loser, always something that has to be afforded in the future. They are now under attack in my country because there is not the perception within the Government that sustainable development depends on and reinforces fairness in both the creation and the distribution of wealth.

The mission of the ILO in the decades ahead is to cement in that perception as the main expression of its values.

The second challenge for the years ahead is to recognize that the world trade order will be changing as a result of the recent GATT settlement. This will create new challenges to the ILO to resist new trade wars being fought, using workers' conditions as the ammunition.

There is an opportunity within GATT to actually extend respect for labour standards and the influence of the ILO. If it is possible to mobilize support for the so-called social clause to be inserted into GATT rules and mechanisms, then respect for basic labour Conventions, standards and processes can actually become the new standard by which countries engage in world trade. That is the agenda for the next phase of the ILO's operation.

There is an offensive being waged to limit the influence of international opinion on the labour practices of individual countries. We feel the effects of that offensive acutely in New Zealand.

There is an offensive being waged to abandon tripartism as an instrument of governance. We have felt the effects of that in New Zealand.

There is an offensive to sideline collective organizations in bargaining over the terms on which labour is engaged in production. We are resisting the effects of that in New Zealand.

Now, I fear that those who started those offensives wish to extend them, and this session of the Conference will become the next theatre of that conflict. The best resistance to those offensives is not to combat them on the basis of the record of the past – as honourable and impressive as that record may be – it is to forge the agenda for the future by fusing respect for labour and the constructive contribution of collectivism and tripartism as the most effective and equitable ways to build a better world in the new conditions of technology, trade and democracy.

The Declaration of Philadelphia heralded a significant advance for workers' rights and for the prestige of the ILO itself.

In conclusion, I wish, on behalf of the New Zealand labour movement, to salute those participants of 50 years ago, and to note with pride the contribution made by the President of the International Labour Conference in Philadelphia, Mr. Nash, humanitarian statesman and politician, Government member from New Zealand at that session of the Conference.

With that vision, we look forward to the celebration of the achievements of the next 75 years of the ILO and, in doing so, pledge the support of the central organization of workers in New Zealand to the Governing Body, to the Director-General and his staff in working to realize it.

Original French: Mr. LAICHOUBI *(Minister of Labour and Social Protection, Algeria)* – First, on behalf of the Algerian delegation, may I sincerely congratulate the President on his election to the presidency of the 81st Session of the International Labour Conference. I am sure his wisdom and experience will permit our debates to achieve the success expected of them.

I would also like to offer warm and friendly greetings to all delegates at this session at which we can celebrate together the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia.

How can we contribute to the celebration of this solemn moment other than by personally reaffirming our faith and our commitment to the principles and fundamental values on which the ILO was founded – principles and values which are just as relevant now at the end of this century.

How else can we celebrate than by looking at how our Organization can and must act with greater vigour and exert greater pressure to implement its noble ideals in a world which is undergoing profound upheaval in the rapid and vast changes brought about, in particular, by globalization of the economy: a world still faced with the immense challenges of combating poverty, unemployment and social exclusion.

Faced with all this, the ILO needs once again to repeat history and carefully re-examine its activities so that it can adopt new and certainly more appropriate approaches to promoting its role in the service of economic progress and social justice.

This year, once again, Mr. Hansenne, the ILO Director-General has not failed in his choice; he has foreseen our concerns and, in the outstanding Report he has presented to us, has called upon us to discuss and rethink the direction of future ILO activities. May I thank him warmly for the calibre of his analysis and the relevance of his proposals which will certainly greatly help the Conference in adopting effective lines of action for the future.

The ILO has every right to be proud of the positive record of past achievements it has placed before us today. Confirmation of this is to be found, in particular, in its standards-setting and other extensive attainments.

Who can deny that the universality of its standards, its special tripartite structure and the originality of its supervisory machinery have been decisive in its successes which have endowed it with an image which is both reassuring and full of humanism.

Rich in experience and blessed with such strengths, the ILO's excellent contribution to public discussion of the economic and social aspects of structural adjustment should, in our view, be pursued with even more tenacity, in cooperation with the other international and regional institutions, particularly those with economic, monetary and financial responsibilities, to ensure broader awareness of the interdependence between economic efficiency, the success of economic reform programmes, and social protection. In this respect, the World Summit for Social Development will provide further opportunity for consolidating this activity.

The specific ILO action proposals put forward by the Director-General in this respect are, we feel, fully appropriate and likely to give an even more vigorous impulse to international solidarity and thus mobilize more resources for economic and social development.

We would like, on this point, to emphasize how important it is for the ILO, given its specific mission, to promote a sound assessment of the problems and constraints implicit in the periods through which are living countries that, like Algeria, have entered into a process of profound economic change.

In the truly difficult situation with which it is faced, my country has committed itself to a programme of large-scale structural reform. Not only aiming to restimulate economic growth, it is also striving to reduce social antagonism through appropriate policies. For this reason and because it is crucial for Algeria, "concertation" and "dialogue" have been raised to the stature of principles in the legislation enabling economic and social restructuring.

The same approach of dialogue and concertation has been put into effect in the political arena. There can be no denying that overcoming these difficulties will be an even more painful process. However, faced with this difficulty, we still believe that wisdom and dialogue are the ways to set aside violence. Our response to this pain is the hope that we can come back from managing illusions to managing realities.

Taking the example set by other countries, Algeria has convened a conference of national dialogue.

Progressing along the hard path taken by various southern European countries in passing from a rigid and monolithic system to a multiple and democratic environment is a complex process. It is necessary to mobilize public opinion and then form it for this purpose, and it requires a collective intelligence guided by a common reference to the culture of concertation.

Here, and in contrast to the political arena which may sometimes go off course – the world of work can offer this example of dialogue and concertation.

Tripartism has constantly strengthened and consolidated itself by the various reforms that have been undertaken. Persistent social concertation with all the social partners has led to important agreements and opened the way to the recent adoption of new, and new dimensions of, social protection provisions in our country which establish unemployment insurance and early retirement systems to help workers who have lost their jobs for economic reasons.

Similarly, and here we share the views of the Director-General, society has to look after all its members and special measures providing State solidarity, assistance and support must be taken for the poorest and most vulnerable populations, including programmes to combat marginalization and social exclusion.

Furthermore, along the lines of new labour legislation which makes freely organized collective bargaining between the social partners a central instrument for regulating industrial regulations, the efforts are being made to guarantee that social dialogue can take place efficiently and on a long-term basis, thanks to suitable and lasting structures.

The establishment of a national, Economic and Social Council and the ratification by my country of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) are the first visible evidence of this.

The continuous amendment of the national system of industrial and labour relations, focusing on an essential concern for improving the performance of the means of production and helping to create jobs, remains a priority task.

Although we sincerely welcome the range of ILO action, we would like it to be more daring and dynamic in giving form to this new approach in the field of cooperation and technical assistance. In particular, the ILO will have to improve its support for our programme of reform and economic restructuring.

Finally, as duty dictates, we must stress the exemplary contribution continually made by the ILO to the elimination of apartheid in South Africa and which, furthermore, has helped this great African country to return to our fold.

On behalf of Algeria, I would like solemnly to welcome the results of the three multiracial elections that have just taken place there and which have brought the great proponent of peace, Mr. Nelson Mandela, to the post of head of State.

We must also recognize the unceasing efforts that the ILO has made to help the workers in Palestine and the other occupied Arab territories.

Original French: Mr. MATINCHEV *(Deputy Prime Minister, Minister of Labour and Social Affairs, Bulgaria)* – I would like to congratulate the President on his election to this high post of the session of the Conference which is taking place on the occasion of the 75th anniversary of the establishment of the International Labour Organization and the 50th anniversary of the adoption of the Declaration of Philadelphia.

We are going to discuss serious problems which have been causing concern for quite some time for all the countries of the world represented at this session of the Conference by national tripartite delegations. The Report of the Director-General, Mr. Hansenne, is a successful attempt to retrace the new conditions in which the ILO has to work to ensure respect for the values and the ideals formulated in its Constitution. The Report underlines the need to be aware of our responsibility for the future of the world of labour in the years to come. By shouldering this responsibility we must pinpoint past omissions and make the necessary changes to consolidate the Organization at the threshold of the twenty-first century. For quite some years, the Governing Body of the ILO, as well as the sessions of the Conference, have been examining the need for structural changes within the Organization itself, for reorganization on a new basis of interaction between the standard-setting activities and technical cooperation, and for implementation of the policy of active partnership. Efforts in this field are part and parcel of the general process of reform in the United Nations system and should be supported.

Several countries, including Bulgaria, are in the throes of a complicated transition to a market economy and democracy. The challenges facing these countries are very difficult and vary from case to case, although when comparing them, common trends can also be seen. As with most of these countries, Bulgaria is experiencing an economic and social crisis. The restrictive measures we have undertaken since the very beginning of our reforms for the purpose of macroeconomic and monetary stabilization so far have not produced the results we had hoped for.

In 1993 inflation was brought down to 63.9 per cent, which is 16 points below the year before. Inflation has affected wages, pensions, benefits and all types of social assistance. In 1993 the unemployment rate reached 16.8 per cent and has remained at that level in 1994.

The Government is making great efforts to stabilize the economy and to establish the necessary preconditions for economic growth. These actions centre on: speeding up privatization and structural reform; controlling inflation and protecting the real income of the population; and fighting unemployment and poverty.

In order to correct negative economic trends, in 1994 the Government will continue its restrictive economic policy, while respecting the agreements signed with international financial institutions. This inevitably calls for an incomes policy able to protect the population's real income and keep them around the levels we reached in the second half of 1992.

In brief, the situation in our country over the last 16 months clearly highlights that the problems of restructuring in Bulgaria still exist and that the debate on labour standards and their relationship with development is not merely theoretical.

We are fully aware of the need to strengthen the potential of the Organization with regard to technical cooperation and research which could help the ILO to assume a leading role in preparing an international social policy.

We are ready to support such initiatives in this field, either by the ILO or any other member States.

With regard to the active partnership policy carried out in recent years, I would like to point with satisfaction to the particularly successful work of the multidisciplinary team in Budapest studying conditions for social reform in Bulgaria. We are most grateful also to several departments of the ILO which have helped the Bulgarian Government to establish priorities among the country's social objectives. I should like especially to stress the activities of the Social Security Department and its Director, Mr. Gillion, which has made a great contribution to the preparation of a white paper on pension schemes and to thank all those who worked on it. This white paper was welcomed at the summit of the Group of Twenty-Four held in Sofia on 16 and 17 May 1994. In the last year, Bulgaria has cooperated closely with the ILO and the Organization's influence in our country has increased. In spite of all the difficulties in the field of social dialogue at this particular moment due to the inflexible and politicized position of certain social partners I would very much like to express my personal conviction that, thanks to assistance from the ILO, the quality of social dialogue will attain a new and higher level. We could thus guarantee all social partners the chance to take on responsibility for establishing a consensus which will improve the situation throughout Bulgaria.

To conclude, I would like to reply quite openly to the appeal launched by the Director-General and confirm the will of the Government of Bulgaria to make social justice one of its and the ILO's policy priorities and declare our commitment to active tripartism as a vehicle for democratization and reform and our desire to help the Organization as far as we can to enable it to change and adapt to future challenges.

In point of fact we are living in very interesting times, perhaps even the most interesting since the establishment of the ILO.

Original Spanish: Mr. CARO FIGUEROA *(Minister of Labour and Social Security, Argentina)* – Before looking at the issues I consider to be of interest, allow me to begin by congratulating the President of this 81st Session of the International Labour Conference on his appointment and to say that it is an honour for me to represent the Government of the Republic of Argentina and to be able to communicate with those who are shouldering the greatest responsibilities as far as employment and labour relations are concerned, in practically the whole planet.

The 81st Session of the International Labour Conference is taking place in a certainly unique context. First of all, the growing unemployment affects the great majority of the countries represented here, and threatens to destroy delicate and vital social balances. Our citizens are witnessing the advance of the looming spectre of unemployment, even independently of the economic cycle, which is a disturbing and distinctive sign of the current situation. The fact that unemployment is increasing whilst the economy is growing is a challenge for which, at least to date, neither those responsible for national policies nor the social partners have found a satisfactory answer. Secondly, the globalization of the economy brings to unknown extremes the strategies of nations and their enterprises to reach new and greater competitive advantages. The permanent search for ways to strengthen the competitiveness of economies puts into question the nature of labour relations and the welfare provisions in each of our countries. Thirdly, the recurrent threats to freedom of association which, in new forms, attempt to restrict a fundamental social right. Indeed, in various countries freedom of association appears threatened by management techniques which try to eradicate trade unions, or at least to remove them from the sphere of the enterprise, and also by trade union practices which aspire to consolidate monopolies and refuse to recognize the workers' right to organize.

In short, the explosive combination of growing unemployment, competitive challenge and constraints on freedom of association threatens the foundations of the democratic model of labour relations which based on age-old values has been upheld by the International Labour Organization since its inception.

As opposed to what simplified reasoning may advise the maintaining of age-old dogmas and routines which advocate the fossilizing of standards, institutions and behaviour characteristic of labour relations systems can only serve to multiply the effects of that explosive combination. This is why the Argentinian Government is firmly convinced that only an extensive process of labour and social reform can preserve the prevailing values of freedom, justice, dignity at work and of workers, solidarity and cooperative dialogue between the social partners. It is equally convinced that this process of reform must also be carried out at the same intensity within the scope of the International Labour Organization, which has undoubtedly played an important role in the post-war world, characterized by protectionism and autarchy, defending freedom of association and basic ethics in labour relations.

Faced with those who question the future of this Organization in the name of extreme liberalism, the Argentinian Government believes that the ILO has a new and important role to play in this world which is moving towards more extensive forms of integration. But it is of the opinion also that the Organization can only fulfil this role if it is able to renew itself, revise instruments, transform its internal culture, decentralize, overcome bureaucratic temptations and reject ideological dogmatism. That is to say, only if it is able to confront a process which some specialists have started to call "re-engineering".

It is necessary that in this very forum we discuss the rigidity and flexibility of labour systems without complexes or prejudices. Not only as regards each national system, but also as regards the instruments produced by the ILO to govern its individual relationships and specific working conditions.

The ILO, as part of this process of reform which has no doubt already begun and which is promoted by the Director-General himself in the important Report which he has submitted to this Conference, must face the arduous problem of social dumping which so damages the values we wish to preserve. The ILO must do this, not with generic, well-intended statements, at least not only with those, but also by reflecting the reasonable concerns of workers, employers and governments, and the experience of regional undertakings.

The Republic of Argentina does not base its competitive strategy on the practice of social dumping. In this respect it sympathizes with, and deems positive all efforts made to find an effective, multilateral, global solution to the problem of social dumping. The participation of the ILO in this task is essential for us.

I would like to dedicate the last minutes of my speech to a very rapid summary of the socio-labour situation in the Republic of Argentina. The economy of my country, which has been growing at rates over 6 per cent for the past three years and which has created net employment at rates close to 1.5 per cent per annum is, however, suffering from a sudden increase in unemployment.

A very marked deficit with respect to vocational training, a result of many years of lack of attention and lack of public and private investment, is another factor peculiar to Argentina. It is a very disturbing deficit which has much to do with some of the problems that we are currently experiencing in the fields of employment and productivity.

Consistent indications which flag important changes in the structure of collective bargaining are the third of the Argentinian characteristics to highlight. Although some stagnant areas remain, in the past months progress has been made towards decentralization and the updating of negotiated agreements. The enterprise as a unit of negotiation and private activities is at the forefront of this process of modernization.

In view of all this, the Government has adopted economic and labour measures in an attempt to halt unemployment, promote public and private investment in training activities and to support decentralization which is the driving force behind collective independence per se.

However, there is a comprehensive labour reform pending which while maintaining values and essential equilibria in a democratic model of labour relations, places the Argentinian system in a position to face up to the challenges of these new times.

To reach this objective, protect employment, equality and solidarity, the Government of Argentina has placed its trust in social dialogue which although it has not yet produced specific agreements, in recent weeks appears to have re-established this dialogue fruitfully and positively.

The PRESIDENT (Mr. MENDOZA) – Before we adjourn, I give the floor to the Government delegation of Iraq for a right of reply to the statement made by the Government delegate of Kuwait.

Original Arabic: Mr. JASSIM *(Minister of Labour and Social Affairs, Iraq)* – The head of the delegation of Kuwait has criticized my country. He referred to prisoners and hostages, while it is obvious that there are no prisoners or hostages. On the contrary, an embargo has been placed on my country and has resulted in thousands of victims; an unjust embargo that some persons are trying to justify by saying that there are prisoners. In fact, our country has always been willing to open dialogue to lift the embargo; and that is why I denounce everything that has been said as pure and simple lies.

(The Conference adjourned at 6 p.m.)

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Sixth (special) sitting

Thursday, 9 June 1994, 10 a.m.

President: Mr. Gray

ADDRESS BY MR. BOUTROS BOUTROS-GHALI, SECRETARY-GENERAL OF THE UNITED NATIONS ORGANIZATION

The PRESIDENT – It is a great honour for me to open this special sitting of the 81st Session of the International Labour Conference. I would like to invite the Secretary-General of the Conference, Mr. Michel Hansenne, to introduce our distinguished speaker, Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations.

Original French: The SECRETARY-GENERAL OF THE CONFERENCE – Mr. Secretary-General, as you know, we are celebrating our 75th anniversary this year. The assembly gathered here is aware that next year the United Nations Organization will be celebrating its 50th anniversary. So we have lived side by side for 50 years. In spite of that, this is the very first time that our Conference has had the honour and the pleasure of welcoming the Secretary-General of the United Nations. It goes without saying how honoured we are and how much we would like to thank you for attending this special sitting. Your presence here first of all shows your commitment to the work of the International Labour Organization, in the course of which you have in the past lent your expertise through substantial contributions to the work of the Committee of Experts on the Application of Conventions and Recommendations.

Your presence, however, is particularly important now at this 75th anniversary, especially in terms of our future role and activities in the United Nations system and within the international community.

In your important document, *An agenda for peace*, and the supplementary report, *An agenda for development*, you underlined your ever-present concern that only close cooperation between the different United Nations agencies, encompassing economic, social, cultural and humanitarian problems, could ensure lasting peace. You may rest assured that our Organization above all shares your concern. I am convinced that our goal of social justice can only be reached through a more integrated approach with other United Nations agencies.

Social progress cannot be achieved as separate from economic and financial policies, and as you have often stressed, must be a key element in respect for human rights.

Against the backdrop of the major geopolitical upheavals we are witnessing today, our Organization, like the rest of the United Nations system, is being approached more and more by the international community. Public opinion is questioning our ability to meet the great challenges before us and is calling for increased action and commitment on the part of international institutions.

In this context, your personal commitment and your encouragement for greater integration in terms of the work and responsabilities of United Nations agencies will, I am sure, help us adequately to rise to these challenges.

On behalf of the delegates here, I would like to thank you once again for joining us and tell you how impatiently we look forward to hearing your message to us.

Original French: Mr. BOUTROS-GHALI, *(Secretary-General of the United Nations Organisation)* – Allow me, first of all, to express my deep gratitude to you for this invitation to address your assembly and to celebrate with you the 75th anniversary of the International Labour Organization.

I regard this invitation as a great honour, not only for myself but for the United Nations as a whole. The United Nations system knows how much it owes to your distinguished Organization and pays tribute to your seniority and to the model you have thus provided for many other specialized agencies.

Every anniversary, as we know, is an invitation to take stock and to outline future prospects. For me, it is also a unique opportunity to bear witness to the close ties between the International Labour Organization and the United Nations.

There is nothing surprising in this. Indeed, in its preamble, the Charter of the United Nations expresses the wish of "the peoples of the United Nations" to "promote social progress and better standards of life in larger freedom".

This social concern, expressed in the opening sentences of the founding document of the United Nations, constitutes one of the guiding principles of the United Nations and explains our common concerns.

But I am also aware that, in its own area, the seniority of the International Labour Organization to the United Nations itself is beyond dispute. Twenty-five years before the San Francisco Charter, the International Labour Organization had already brought social justice to the forefront of the concerns of the international community.

During the difficult period of the League of Nations, the ILO accomplished a body of work whose foresightedness deserves our profound admiration even today. Both in its structure and in its objectives, the International Labour Organization quickly showed that the foundation of international society should be, first and last, the well-being and the security of the human person.

The Second World War, far from discouraging that enterprise, set in train an unprecedented process of rethinking in the social sphere; and the Declaration of Philadelphia – which in 1944 reformulated and renewed the principles of the ILO – is remarkable both for the broad sweep of its views and for its surprising modernity. In every line of that text, the objective of social justice is affirmed.

For the first time, an international organization had the boldness to declare, in a formal text, the primacy of the social sphere.

For the first time, an international organization made clear the link between peace and development. And for the first time, an international organization explicitly declared that poverty, where it exists, constitutes a danger to the prosperity of all.

Let this anniversary, therefore, also provide us with an opportunity to re-read the Declaration of Philadelphia. There we shall find, at all levels, the principles and the ethics to guide our actions.

Today, however, we must carry out those actions in a world radically different from the one that existed in the aftermath of the Second World War. In 50 years, mankind has experienced upheavals unprecedented both in their intensity and in their rapidity. From the emergence of the countries of the Third World to the end of communism; from the antagonism between East and West to the worldwide market economy; from the euphoria of growth to the anguish of crisis, this second half of the twentieth century has been a time of convulsions and shocks.

Today the world, still stunned by this sudden and brutal acceleration of history, has seen the collapse of most of its traditional landmarks and of its most firmly anchored certainties. We have entered an era of uncertainty – uncertainty about the values that serve as the basis for our common destiny, uncertainty about the institutions which structure our social life and uncertainty about technological developments.

Accordingly in every society, regardless of its level of development, whatever its traditions, there is now a vague feeling of fear of what is to come, fear of making a commitment to an inscrutable future.

This situation, as we well know, is not without danger. Wars, exclusions, hatreds, antagonisms (ethnical or religious ones) always feed on such a climate. And irrational and fanatical thoughts always lie in wait to offer false solutions to worried and distressed people.

It is therefore the inescapable obligation of all of us in the United Nations system not only to re-think the basis of international life, the new social contract, but also to offer to States and nations, to men and women real reasons – real reasons for hope.

This task assigned to us by history compels us first of all to make a hard-headed analysis of what we are as international institutions. And we cannot, in this latter part of the twentieth century, avoid asking ourselves some crucial questions: Can our international organizations solve the fundamental problems confronting our societies? Is the United Nations system well adapted to the new world opening up before us? Are we still worthy of the trust of the international community?

Albert Thomas, one of the founding fathers of the International Labour Office, had, from the very beginning established a principle that may serve as an initial reply to these questions. "An international organization", he prophesied, "should always be an institutional solution to a problem of solidarity." And that is exactly what we are concerned with today: How can we envisage, and ensure the effectiveness of, new forms of solidarity that the world needs?

If I have chosen to begin my statement with these basic questions, it is because I am convinced, as you are, that the world is experiencing an unprecedented social and structural crisis. While there has been indisputable progress, social problems remain critical throughout the world. Poverty is increasing, in particular in the developing countries. The overall growth of unemployment and the spread of social malaise have given rise to new forms of tension that in many ways threaten international peace and security.

This new and disturbing situation requires us to make radical changes in our ways of thinking and acting. This is true both for the International Labour Organization and the United Nations.

We are all aware that, for 75 years the International Labour Organization has endeavoured to promote the rights of workers throughout the world. The conventions and recommendations that originated in its bodies have made it possible to establish international labour standards in such areas as freedom of association, remuneration, working hours and working conditions, compensation for job-related accidents, social security, paid leave, industrial safety, employment services, and many others.

Today, however, we face new constraints since we must not only protect those who have jobs but also help to alleviate the fate of those who do not. Those without work deserve as much attention as workers themselves, since the right to work is an essential component of human dignity, and we must guarantee that right. This demonstrates the extent to which the critical employment situation throughout the world is a permanent reproach to all our societies.

Of course, there are no miracle solutions in this area. However, if we fail to see that work is the primary element of social integration, then, inevitably, we are accepting the unacceptable. We are accepting that the societies in which we live are unjust and unfair, and create mechanisms of exclusion.

A general thinking of the question of employment is therefore essential. Yet this contradicts most of our traditional ways of thinking: How are we to envisage access to jobs in an uncertain and unbalanced market? How are we to envisage the relocation of jobs in a global economy? How are we globalized to envisage the time and even the form work takes in societies caught up in radical changes?

That is, without a doubt, one of the most pressing tasks facing the International Labour Organization three-quarters of a century after its founding.

For its part, the United Nations must do some serious soul-searching if it wishes to meet the social challenge that history has given it.

I have already said on many occasions that, to my mind, the development imperative is as much a priority for the United Nations as the imperative of peace. Very often, international public opinion and the media emphasize only the Organization's role in the maintenance of international peace and security. I therefore wish once again to reaffirm the very important place that economic and social concerns occupy in United Nations structures, activities and services.

Since my election to the post of Secretary-General of the United Nations, I have always considered the development imperative to be one of my main objectives, and it is with this in mind that I began, as soon as I took office, an in-depth reform of the Organization in the economic and social fields. Like you, I am convinced that the structure of an international organization should reflect, as much as possible, the activities for which it is responsible. An institution should be made in the image of the goals that it pursues, and I intend to broaden this process of continuous adaptation.

It was in this same spirit that I have just issued *An agenda for development* for consideration by the General Assembly. With this text, I wish to encourage member States of the United Nations to begin an in-depth re-thinking of the Organzation's role in assisting developing countries.

This is an opportunity for me to point out that, far from being separate or conflicting objectives, peace and development are inseparable from each other for, just as there can be no sustainable development without peace, there can also be no real peace without development.

But now we must go much further than this peace development dialectic, for the issue of development extends beyond the narrow framework of North-South relations, and affects the entire world, regardless of the economic circumstances of States and of the peoples on this planet.

Today, we must together lay down a new social pact for the whole world. We must devise and promote social development for the world. I believe that this is the goal that the World Summit, to be held in Copenhagen in March 1995, must set for itself.

I see the Copenhagen Summit as a cornerstone in the building of a new social edifice by the United Nations system. Since the Rio de Janeiro Summit on Environment and Development, held in June 1992, the United Nations has been engaged in an unprecedented process of forward-looking thinking. At Rio, political leaders from all over the world and international public opinion were able, not only to assess the importance of environmental factors for the future of the planet, but also to outline a new sustainable development programme to ensure the well-being of humanity as a whole.

What took place then, was what I regard as one of the first major processes of international deliberations on our collective future.

I expect the Cairo Conference on Population and Development, which is to be held next September, and the Beijing Conference on Women, to continue and expand this major social project.

However, there is no question that it will be at Copenhagen, on the very occasion when we shall be celebrating the 50th anniversary of the United Nations, that we shall be called upon to develop, together, the new social project on which I set such store.

I say "together" because the World Summit for Social Development calls for close collaboration between the International Labour Organization and the United Nations.

Already, the International Labour Organization has played a fundamental role in the preparatory process for the Summit. The Preparatory Committee for the Summit has thus benefited from your Organization's unparalleled experience, particularly with regard to the scale and the social implications of the changes taking place in the world.

I also have high expectations of the International Labour Organization, as far as the follow-up to the Summit is concerned. In particular, the Summit should provide an opportunity to set up international machinery to monitor, evaluate and analyze new social trends and the situations worldwide. The Summit should also be a forum for strengthening international cooperation and proposing integrated economic and social policy.

In all these fields, I hope that the International Labour Organization will deploy its full strength. Since its general mandate is to promote social justice, it is right and proper that it should be given a leading role in implementing the recommendations and programme of action which will be drawn up at the Copenhagen Summit.

As you know, the purpose of the World Summit for Social Development is to formulate policies and measures to alleviate and reduce poverty, to expand productive employment and to enhance social integration.

Above and beyond these specific objectives, the goal will be to state loud and clear the need to redirect social policy worldwide. This is a new and far-reaching undertaking: it amounts to saying that without social development there can be no genuine economic development.

Yes, social development is one of the most crucial issues we face as we approach the end of the century. If we are to develop, if not a principle, then at least a general approach to the subject, we must understand that social development has both national and international dimensions. In considering this topic, we must therefore take as a basis the principle of subsidiarity and reaffirm that it is not for the United Nations system to dictate to members of the international community, or in their stead, the kinds of social benefits to be provided to individuals or to their communities. But we must also say forcefully, that there are in the social field issues that have an unquestionable international dimension. Indeed, in the last analysis, certain principles of solidarity can be invoked only in an international context.

This promotion of people-oriented development should now be our objective.

In a world where competition will play an increasingly restricting role, the imperative of greater solidarity must guide the development process and counterbalance the self-interest of nations.

At Copenhagen we should say that, while the promise of continual growth and of a fairer distribution of resources holds out hope for most people, it may however be fraught with exclusion if those who are unable to participate because they have been born poor, are destitute or are marginalized, are overlooked.

We should also restate our belief that the individual can develop only when there is an explicit recognition of his or her multiple affiliations, which ranges from identification with the family, the neighbourhood, the village, the urban community and the nation, to an awareness, as yet confined to a few, of world citizenship. Contemporary society, however, creates social and economic situations which disrupt these traditional reference systems. As a result, conditions have emerged and are developing which make for the increased vulnerability of individuals, who are caught up in a spiral of marginalization and exclusion.

There can therefore be no genuinely people-oriented development unless all the factors which make for vulnerability are taken into account, in other words unless a participatory pattern of development is introduced and unless development is placed in the context of a social project that aims to promote the development of all people.

Together we must work to ensure that each individual is genuinely empowered to shape his or her own destiny.

This is, as I see it, the meaning of participatory development, which will empower populations, local communities, towns and nations to become genuine actors in the economic and social spheres.

Social development of this kind, based on the principle of solidarity, must be driven by two constant concerns: redistribution and integration.

The promotion of the idea of redistribution is a matter of equity. Our thinking about this issue must not be naive. We all know that redistribution does not simply mean transferring a share of existing international benefits, whether large or small, to the most disadvantaged members of society. We are all aware that there can be non-productive transfers that may actually reduce the amount of the wealth to be reapportioned.

Transfers must therefore be accompanied by an increase in production, because the bigger the pie to be shared, the bigger the pieces to be distributed.

Of course, direct action – I would go so far as to say urgent action – needs to be taken on behalf of the most disadvantaged. But at the same time, we must promote action that is more general in scope whose primary purpose is to increase the available wealth, whose ultimate result will be to bring indirect benefits to the disadvantaged. That is an important idea which must inform our thinking about social development and the methods to be employed for the purpose of redistribution.

Many States, in the domestic sphere, have made the intellectual journey which I have just outlined. I believe it is important that this idea of redistribution should now be thought through on a worldwide scale.

Our concern at Copenhagen will also be to promote integration. As I have already said, intolerable situations of exclusion in the social sphere are increasing in an alarming way. In this area, employment is an essential factor of integration. Conversely, unemployment is a form of exclusion which often brings with it the whole array of social handicaps.

Here we have a vast field for research, research that is especially urgent given the great expectations of the women and men who are affected by the situation. We must, however, recognize that the information we have on trends in employment and long-term unemployment is very sketchy and that our thinking on the various forms of underemployment must be further developed. Is it possible to promote patterns of growth that generate greater numbers of jobs? Can rural employment be developed on a larger scale? What can be done to replace obsolete industrial activities? These are a few of the areas for research that we ought to explore.

In thinking about these issues, we must keep in mind that the factor most conducive to integration is still, as far as the individual is concerned, the sense of belonging. I am convinced that the fundamental weakness of hard-line liberal thought is its refusal to take this idea into account. The liberal model is concerned only with the juxtaposition of individuals, without specifying the various affiliations which those individuals have. The advantage of an examination of these issues in an international forum would be to affirm the existence of multiple affiliations at various levels.

Indeed, social development must be anchored in the notion of belonging or affiliation, provided, of course, that belonging is viewed in terms of the dimension of welcoming and openness, and provided that we come to see belonging as the opposite of anathema and exclusion!

It is quite natural that responsibility for putting forward final proposals rests with the heads of State and Government when they meet in Copenhagen.

But I should like to state here and now that the United Nations system, and first and foremost the International Labour Organization and the United Nations itself, already consider that they are fully mobilized for this new social project. The international organizations were indeed established to serve as a channel for the views of States, but they were also established to listen to the appeals of the world's peoples.

In joining with you in observing the 75th anniversary of the International Labour Organization, I should therefore like to express my hope that the words and the deeds to which our deliberations give rise will reflect the idea of social innovation.

Today we have the task of reinventing a new mode of life in our societies. Men and women the world over expect it of us. We have a duty to show ourselves to be worthy of their expectations.

I know that the United Nations system as a whole can count on the International Labour Organization in this exciting endeavour.

The PRESIDENT – Mr. Secretary-General, I believe I can speak in the name of all the delegates to this historic Conference in extending our heartfelt thanks to you for your thought-provoking speech and for taking the time from your busy schedule to honour us with your presence to mark the ILO's 75th anniversary.

Many of the points you have raised once again underscore the continued relevance of the ILO's Constitution and of the Declaration of Philadelphia, even though these documents were drafted 75 and 50 years ago respectively. The ILO is proud to be a member of the United Nations family and we are prepared to play an active role in fighting poverty, creating employment, protecting the rights of workers, promoting democracy and popular participation – in short, in building the foundations for sustainable human development. But this is also a unique opportunity to emphasize, as you have just done so eloquently, that the ILO is a unique organization within the United Nations family. We are the oldest organization in the system and with age comes experience and expertise. We are also unique because our constituent assembly – this Conference, our Governing Body – represents not only member States but also workers and employers.

This special network of constituents, coming from the public and private sectors and a broad cross-section of civil society, provides at the very least some guarantee that we speak not only in the name of the world's decision-makers, but also, and perhaps more importantly, in the name of those who feel the effects of those decisions. And it is the Workers' group's view that this vast reservoir of ILO talent remains relatively untapped by the United Nations and its other constituent bodies.

As we prepare the ILO's role in next year's World Summit for Social Development, we should bear in mind that human labour forms the basis for sustainable development. The active participation of the ILO's tripartite constituents in this decisive meeting would be one way to better utilize the ILO's creative energies. Such participation would also help demonstrate that the world's employers and workers are fully engaged in the fight against poverty, unemployment and social exclusion with a vision broader than their immediate sectoral interests.

However, I also feel that I can speak in the name of all of the ILO's tripartite constituents, and not solely the workers, in wholeheartedly supporting the view expressed in your *Agenda for development* that economic growth for its own sake is not enough. As you yourself say in this important document, economic growth should promote full employment and poverty reduction, and as the Declaration of Philadelphia points out, if we fail to alleviate poverty the future of the whole globe is in peril.

As we reflect on the role of the ILO within the United Nations family, let us recall that the danger posed by persistent and often growing poverty both to world peace and to domestic social peace is more acute than ever. The costs of not confronting poverty are much higher than the savings realized, both nationally and internationally, by decreasing social programmes targeted towards the poor.

Let us take a hard look at what the ILO could contribute to the fight against poverty. Our policy advice in this area will be based on practical experience. The old adage "seeing is believing" should be a guiding principle for the ILO's newly created multidisciplinary teams as they attempt to bring to our constituents not just good thoughts and policies but also practical hands-on solutions to improve the living and working conditions of the world's marginalized population. In other words, we must continually ask ourselves the simple question, Does our policy advice work in practice in the real world? And a second adage, this one perhaps a bit more American, should guide us all as we make the hard decisions that lie ahead on how to allocate or reallocate the scarce resources of the national and international institutions that we represent, and that put quite simply is: "Put your money where your mouth is."

Mr. Secretary-General of the United Nations, thank you once again for your inspiring address. In my capacity both as President of this Conference and as a member of the ILO Governing Body, I will spare no effort in ensuring that the ILO maintains and strengthens its operational capacity to contribute to sustainable development and the fight against poverty. This is in the interest of us all.

It is now my privilege to invite you, Sir, to sign the *Livre d'or* of this 75th anniversary Session of the International Labour Conference.

(The Secretary-General of the United Nations Organization signs the Livre d'or.*)*

(The Conference adjourned at 10.45 a.m.)

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No. 7 – Saturday, 11 June 1994

PRINTED IN SWITZERLAND

International Labour Conference

Provisional Record **8**

Eighty-first Session, Geneva, 1994

First report of the Credentials Committee

1. The Credentials Committee of the 81st Session of the Conference is composed of Mr. Trevor Spencer, Government delegate, Trinidad and Tobago, Chairman; Mr. Daniel Funes de Rioja, Employers' substitute delegate, Argentina; and Mr. Leroy Trotman, Workers' delegate, Barbados.

Composition of the Conference

2. Since the signing of the brief report made by the Chairman of the Governing Body of the International Labour Office (Provisional Record No. 4, p. 42-44), a number of modifications have occurred in the composition of the Conference.

3. The number of member States of the International Labour Organisation represented at the Conference is at present 157. To date 14 member States (Armenia, Chad, Djibouti, Dominica, Equatorial Guinea, Georgia, Guinea-Bissau, Kyrgyzstan, Rwanda, Saint-Lucia, Solomon Islands, Somalia, Turkmenistan, Yugoslavia) have not sent a delegation.

Accredited delegates and advisers

4. The total number of accredited delegates is 611, comprising 309 Government delegates, 151 Employers' delegates and 151 Workers' delegates.

5. There are 1583 accredited advisers, comprising 733 Government advisers, 381 Employers' advisers and 469 Workers' advisers.

6. The total number of accredited delegates and advisers is therefore 2194.

7. With regard to the resolution concerning the participation of women in ILO meetings, adopted by the Conference at its 67th Session in June 1981, the Credentials Committee wishes to inform the Conference that there are 66 women among the 611 delegates accredited to the Conference and 254 women among the 1583 accredited advisers. The total number of women accredited to the Conference is therefore 320 as against 282 last year.

Registered delegates and advisers

8. The following is the present situation concerning the registration of delegates, which (in accordance with practice, approved by this session of the Conference) is the basis for determining the quorum for voting.

9. At this time the number of registered delegates is 541, comprising 278 Government delegates, 131 Employers' delegates and 132 Workers' delegates.

10. In addition, the number of registered advisers is 1295, comprising 639 Government advisers, 281 Employers' advisers and 375 Workers' advisers.

Quorum

11. Thirty-five advisers, who are substitutes to delegates who have not registered, are taken into account in calculating the voting strength of the Conference.

12. Since 14 States[1] represented at the Conference are in arrears in the payment of their financial contributions to the Organisation so as to come within the terms of paragraph 4 of Article 13 of the Constitution, these States may not at present participate in the voting in the Conference or in its committees. The 39 registered delegates designated by these States are hence not taken into consideration in fixing the quorum.

13. At the present time the quorum required to give a vote validity is 269.

14. The Committee notes that the quorum calculated on the basis of the number of accredited delegates would be 284. The difference between the quorum calculated on the basis of the number of delegates registered and that which could have been calculated on the basis of the number of accredited delegates is due to the fact that some accredited delegates have not yet registered. The Committee urgently appeals to delegates present at the Conference to register so that the quorum will be as nearly exact as possible and that their presence can be taken into account in its calculation.

Incomplete delegations

15. The Committee notes that, at the present time, the delegations of six countries (Republic of Bosnia and Herzegovina, Cambodia, Comores, Haïti, Honduras and Liberia) are exclusively governmental. The Committee wishes to affirm once again the necessity for governments to comply with the requirement of Article 3 of the Constitution that a complete tripartite delegation be sent to the Conference. The Committee recalls that pursuant to a decision of the Governing Body, the Director-General each year requests the governments of all member States which did not send complete tripartite delegations to the Conference to indicate the reasons for their failure to do so, and that the information received in reply to that request is duly communicated to the Governing Body.

16. The Committee also notes that there is some imbalance between the number of advisers to the delegates of each group and also between the number of Employers' and Workers' advisers. It once again urges governments to take greater account, when nominating delegations, of the proportions in the composition of the Conference envisaged by paragraphs 1 and 2 of Article 3 of the Constitution. The Committee further recalls the request contained in the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organisation, adopted by the Conference in 1971, and expresses the hope that Governments will accord equal treatment to each of the groups when appointing advisers to their country's delegation to the International Labour Conference. The Committee recalls in this connection the obligation of Members under Article 13, paragraph 2(a), of the Constitution, to pay the travelling and subsistence expenses of their delegates and advisers and trusts that this obligation will be respected for the whole duration of the Conference.

Observers

17. In addition to the observer delegations, mentioned in the Brief Report of the Chairman of the Governing Body of the International Labour Office, an observer delegation from the Democratic People's Republic of Korea is attending the Conference.

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[1] Angola, Antigua and Barbuda, Cambodia, Cape Verde, Central African Republic, Comores, Dominican Republic, Guinea, Haïti, Iraq, Liberia, Niger, Sierra Leone, Yemen.

Organizations and liberation movement invited

18. The Conference is also being attended by:

- representatives of the United Nations and some of its organs invited by virtue of Article II, paragraph (1) - relating to reciprocal representation of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;
- representatives of specialized agencies and other official international organizations, invited in conformity with Article 2, paragraph 3(b), of the Standing Orders of the Conference.
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of a liberation movement invited in conformity with Article 2, paragraph 3(k), of the Standing Orders of the Conference.

19. A list of these representatives is appended to the List of Delegations published as a Supplement to the Provisional Record of the Conference.

Objections[2]

20. To date, the Committee has before it a number of objections or communications concerning the credentials of certain delegates and advisers. It has forthwith commenced its examination. The Committee considers that its work has been facilitated by the presentation of a substantial number of credentials within the time limit provided for under Article 26, paragraph 1, of the Standing Orders. It is also important that governments utilise the suggested form for credentials of delegates, enclosed with the letter of convocation and the Memorandum communicated to governments every year prior to the session of the Conference. In order to comply with article 3, paragraph 5 of the Constitution, it would be necessary that Governments provide exact information on the employers' and workers' organisations consulted in nominating Employers' and Workers' delegates and advisers as well as on the organisations which have agreed to such nominations.

21. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 10 June 1994

(Signed)

T. SPENCER

CHAIRMAN | D. FUNES DE RIOJA | L. TROTMAN.

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[2] In accordance with the usual practice, the texts of the objections which the Credentials Committee has before it, together with the replies of the delegates concerned (in cases where the Credentials Committee has requested such replies), can be consulted in the office of the secretariat of the Credentials Committee.

1) Government delegates
2) Government advisers
3) Employers' delegates
4) Employers' Advisers
5) Workers' delegates
6) Workers' Advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	2	4	1	·	1	·
Albania	2	2	·	·	·	1
Algeria	2	4	1	4	1	3
Angola	·	·	·	·	·	·
Antigua and Barbuda	1	·	1	·	1	1
Argentina	2	8	1	6	1	10
Armenia	·	·	·	·	·	·
Australia	2	5	1	3	1	3
Austria	2	6	1	2	·	4
Azerbaijan	1	2	1	·	1	·
Bahamas	2	·	1	·	1	·
Bahrain	2	5	1	1	1	2
Bangladesh	1	2	·	1	1	·
Barbados	1	·	1	·	1	·
Belarus	2	1	1	2	1	4
Belgium	2	10	1	5	1	8
Belize	2	·	1	·	1	·
Benin	2	1	1	·	1	·
Bolivia	2	·	1	1	·	·
The Rep. of Bosnia and Herzegovina	1	·	·	·	·	·
Botswana	2	1	1	·	1	·
Brazil	2	6	1	8	1	9
Bulgaria	2	5	1	2	1	6
Burkina Faso	2	4	1	·	1	·
Burundi	2	2	1	·	1	1
Cambodia	2	·	·	·	·	·
Cameroon	2	4	1	·	1	2
Canada	2	4	1	5	1	5
Cape Verde	2	·	1	·	1	·
Central African Republic	2	1	1	·	1	·
Chad	·	·	·	·	·	·
Chile	2	7	1	5	1	8
China	2	13	1	3	1	5
Colombia	2	7	1	3	1	5
Comoros	2	·	·	·	·	·
Congo	2	1	1	·	1	·
Costa Rica	1	1	1	·	1	·
Côte d'Ivoire	1	2	1	·	1	2
Croatia	2	·	1	·	1	1
Cuba	1	3	1	·	·	·
Cyprus	2	3	1	2	1	3
Czech Republic	2	8	1	3	1	4
Denmark	2	6	1	4	1	4
Djibouti	·	·	·	·	·	·
Dominica	·	·	·	·	·	·
Dominican Republic	2	2	1	3	1	2
Ecuador	1	2	1	·	1	3
Egypt	2	9	1	1	1	4
El Salvador	2	·	1	·	1	2
Equatorial Guinea	·	·	·	·	·	·
Eritrea	1	·	·	·	1	1
Estonia	2	1	1	·	1	1
Ethiopia	1	·	1	1	·	·
Fiji	2	1	1	·	1	·
Finland	2	8	1	3	1	4
France	2	11	1	7	1	10
Gabon	2	5	1	2	1	1
Georgia	·	·	·	·	·	·
Germany	1	12	1	6	1	8
Ghana	2	3	1	6	1	1
Greece	2	15	·	2	·	8
Grenada	2	·	1	·	1	·
Guatemala	1	3	·	1	1	·
Guinea	1	2	1	·	1	·
Guinea-Bissau	·	·	·	·	·	·
Guyana	2	·	1	·	1	·
Haiti	2	2	·	·	·	·
Honduras	2	·	·	·	·	·
Hungary	2	8	1	3	1	6
Iceland	2	2	1	1	1	·
India	2	10	1	5	1	5
Indonesia	2	18	1	8	1	10
Islamic Republic of Iran	2	5	1	·	1	5
Iraq	2	3	1	·	1	·
Ireland	1	5	1	·	·	·
Israel	2	1	·	1	1	4
Italy	2	18	1	6	·	6
Jamaica	2	2	1	·	1	1
Japan	2	19	1	6	1	10
Jordan	2	3	1	3	1	1
Kazakhstan	2	·	·	·	1	·
Kenya	2	2	1	1	1	1
Republic of Korea	2	11	1	4	1	4
Kuwait	2	9	1	2	1	3
Kyrgyzstan	·	·	·	·	·	·
Lao People's Dem. Rep.	·	1	·	·	·	·
Latvia	1	·	1	·	1	·
Lebanon	2	1	1	2	1	2
Lesotho	2	2	1	·	1	·
Liberia	1	·	·	·	·	·
Libyan Arab Jamahiriya	2	3	·	·	1	·
Lithuania	2	1	1	·	1	·
Luxembourg	2	4	1	2	1	4
Madagascar	2	3	·	·	1	1
Malawi	2	2	1	·	1	·
Malaysia	2	7	1	2	1	1
Mali	2	2	·	1	·	1
Malta	2	2	1	3	1	2
Mauritania	2	1	1	·	1	·
Mauritius	2	·	1	·	1	2
Mexico	2	3	1	7	1	2
Republic of Moldova	2	1	1	·	1	·
Mongolia	2	4	1	·	1	1
Morocco	2	6	·	2	1	5
Mozambique	2	1	1	·	1	·
Myanmar	2	7	1	·	1	·
Namibia	2	3	1	1	1	1
Nepal	2	1	1	·	1	·
Netherlands	2	9	1	4	1	7
New Zealand	2	5	1	1	1	1
Nicaragua	2	3	1	2	1	·
Niger	2	1	1	·	·	1
Nigeria	2	11	·	3	·	1
Norway	2	4	1	9	1	4
Oman	2	5	1	·	1	·
Pakistan	·	2	1	1	1	·
Panama	2	3	1	·	1	·
Papua New Guinea	1	2	1	·	1	·
Paraguay	2	1	1	·	1	1
Peru	1	3	1	2	1	1
Philippines	2	18	1	5	1	5
Poland	1	6	1	4	1	6
Portugal	1	9	1	4	1	6
Qatar	2	2	1	·	1	·
Romania	2	6	1	3	·	6
Russian Federation	2	6	1	2	1	4
Rwanda	·	·	·	·	·	·
Saint Lucia	·	·	·	·	·	·
San Marino	2	1	·	1	·	2
Sao Tome and Principe	1	·	1	·	·	·
Saudi Arabia	2	5	1	·	1	1
Senegal	2	6	·	1	1	7
Seychelles	1	·	1	·	1	1
Sierra Leone	1	·	1	·	1	·
Singapore	2	3	1	·	1	6
Slovakia	2	4	1	4	1	3
Slovenia	2	2	·	2	·	1
Solomon Islands	·	·	·	·	·	·
Somalia	·	·	·	·	·	·
Republic of South Africa	2	5	1	10	·	9
Spain	1	8	1	6	·	8
Sri Lanka	2	6	1	·	1	5
Sudan	2	5	1	1	1	3
Suriname	2	·	1	·	1	·
Swaziland	2	1	·	·	1	·
Sweden	2	4	1	4	1	6
Switzerland	2	8	1	6	1	6
Syrian Arab Republic	2	9	1	2	1	1
Tajikistan	2	·	1	·	1	·
United Republic of Tanzania	1	2	1	2	1	1
Thailand	2	13	1	8	1	7
The Former Yugos.Rep. of Macedonia	2	2	1	·	1	·
Togo	2	·	1	·	1	2
Trinidad and Tobago	2	2	1	1	1	·
Tunisia	2	4	1	4	1	4
Turkey	2	9	1	10	1	10
Turkmenistan	·	·	·	·	·	·
Uganda	2	3	1	·	1	·
Ukraine	1	6	1	1	1	1
United Arab Emirates	2	7	1	·	1	1
United Kingdom	1	15	1	7	1	8
United States	2	17	1	5	1	10
Uruguay	2	3	1	2	1	1
Uzbekistan	2	·	·	·	1	1
Venezuela	2	5	1	5	1	9
Viet Nam	2	4	1	·	1	1
Yemen	2	4	1	1	1	1
Yugoslavia	·	·	·	·	·	·
Zaire	1	·	·	·	1	1
Zambia	2	3	1	4	1	1
Zimbabwe	1	4	1	2	1	·

	1)	2)	3)	4)	5)	6)
Total	278	639	131	281	132	375

International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

9

Seventh sitting

Thursday, 9 June 1994, 11.15 a.m.

President: Mr. Gray

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We will now resume our discussion of the Reports of the Governing Body and of the Director-General.

Mr. KANERVA *(Minister of Labour, Finland)* – Allow me to present my congratulations to the President on his election to the presidency of this Conference on the occasion of the 75th anniversary of the ILO. I am convinced that this Conference will be a success under his guidance.

I also wish to welcome the delegation of the Republic of South Africa. The transition of South Africa into a democratic multi-racial society through a peaceful election process is one of the major political achievements of recent years. It is important that the world community give its full support to the transition process in South Africa. The ILO has a role to play in many crucial areas.

The Director-General has provided us with an excellent report which deals with the present and future challenges facing the International Labour Organization. It is a good basis for our deliberations at this Conference.

The ongoing drastic changes in the world are described very much to the point in the Report. The indisputable success of the market economy and the globalization of the action of an increasing number of economic operators are, together with progress towards more representative forms of government, indicators of a development which offers possibilities as well as challenges.

Positive developments are, however, often overshadowed by persistent poverty. Such poverty is often related to unemployment or inferior working conditions and constitutes a root cause of extensive disturbances and violence that many regions are experiencing. Intensified efforts to remove such root causes are required in the common interest of all nations. There is every reason to recall the message of the Declaration of Philadelphia: "... lasting peace can be established only if it is based upon social justice ..."

My Government is convinced of the need to base the ILO's activities on the principle of social justice also in the future. At the same time, the changing circumstances provide an opportunity to build a better ILO, a more effective instrument for helping to improve working and social conditions in the world.

Tripartite cooperation contributes – and this is borne out by our national experience – to achieving a mature and viable labour policy while ensuring the commitment of the parties to feasible reforms. This mood of cooperation naturally requires flexible relations between the various social parties, and the relevant procedures need to be adjusted to meet changing circumstances.

The Director-General has taken up the problem of international labour standards in the context of the need to develop ILO activities.

When drafting new labour standards and revising old ones, the objectives and most important aspects of the relevant subject areas should be brought into clear focus. Such an approach would contribute to rebuilding a base of consensus and international commitment in the spirit of the ILO's early years. The significance of international labour standards depends fundamentally on the global acceptance of the main principles embodied in them.

Fears exist in many countries that implementing international labour standards might affect competitiveness. The globalization of economic operations reinforces such apprehensions. Thus the time has come to explore new avenues. The Director-General has presented the idea of an international Convention, which would, in extreme cases, allow for the utilization of trade sanctions.

The proposal of the Director-General deserves to be carefully studied. Cross-sectoral sanctions would certainly be a novelty in the ILO. Such a Convention might also lead to unwanted consequences in terms of increased protectionism if the modalities were not carefully drafted.

I cannot close my statement at this Conference without again underlining the crucial issue of unemployment. It is obvious that far more effective measures are required at the global level in order to promote employment. Although the possibilities of the ILO are limited, it must intensify its efforts in this sector. This is why my delegation welcomes the active participation of the Organization in the preparatory work for the United Nations World Summit for Social Development. Considering the essential significance of employment and labour issues at that important summit meeting, my wish is that the ILO will keep up its excellent work and that its tripartite merits will be fully appreciated also in this context.

I also feel that the proposal made by the Director-General that employment should, in future, be included as a permanent theme on the agenda of the International Labour Conference deserves all support.

Original Spanish: Mrs. GONZALEZ MARTINEZ *(Government delegate, Mexico)* – Allow me, first of all, to congratulate Mr. Gray on his election as

President of this historic session of the Conference. We are sure that under his leadership we will be able to make a sound analysis of tasks carried out and examine the future of the International Labour Organization, as it celebrates its 75th anniversary and the 50th Anniversary of the Declaration of Philadelphia.

It is an honour for me to head the Mexican delegation to this Conference, in which I am participating for the first time for almost 20 years. As a close friend of this establishment, I have followed its work with unvarying interest.

As the Director-General points out in his Report, the two anniversaries are being celebrated in the midst of a social crisis characterized by increasing poverty in many countries of the world, the spread of unemployment and the aggravation of social tensions. Therefore, the promotion of social justice postulated in our constitutional documents remains valid and is an essential objective of the ILO.

My Government thanks the Director-General, Mr. Michel Hansenne, for the broad review of the objectives and means available to our Organization which he has presented in his Report. As policy-making bodies, in this tripartite ILO, this Conference and later the Governing Body, will have to define the policies and lines of actions to guide future work.

In making a number of comments on the Director-General's Report, my delegation hopes to help towards defining a profile of the international organization that all its constituents wish to see.

First of all, my delegation agrees with the Report that the world is experiencing a process of dizzying change. However, the Report infers that ideological conflicts are disappearing and that social problems should be viewed only from the perspective of the consolidation of the world market economy and the promotion of formal democracy; but conflicts continue and have different causes and dynamics. In the economic field, people are still struggling to apply economic models which, under the same denominator, conceal different forms of production and marketing, as is shown by the divergencies arising between the industrialized countries in their attempts to open up trading space.

As to democracy, we always understand this from the standpoint of its basis of social justice. In other words, unless we pay attention to the demands of the majorities, unless we respect the forms of organization that people decide on, we will only be creating a fiction which can endanger peace and social stability.

Secondly, the Organization has two fundamental instruments to attain its objectives: international labour standards and technical cooperation. The Director-General emphasizes to this in his Report.

Twenty-five years ago at the same forum, Mr. Fernando Yllanes Ramos, a distinguished Mexican from whose experience we have all so benefited, drew attention to the principles which should guide the standard-setting work of the ILO. These principles remain valid.

It cannot be denied that the standard-setting function of the Organization should reflect the different economic, social and cultural realities of its constituents.

In Chapter 3 of his Report, the Director-General comments on various important aspects of international labour standards. He expresses the concern of the ILO constituents and of the Office itself that a number of Conventions are "outdated" and calls for a revision of them. However, his proposal to reorient the general surveys of the Committee of Experts or to elaborate different kinds of standards gives rise to several questions which should be given further thought and a broader debate.

We share the Director-General's idea that new and more flexible methods should be established for the follow-up and monitoring of the application of standards, which would alleviate the work burden of the Office – as well as that of the member States which have ratified the Conventions.

Given the importance of these proposals, they must be discussed in depth by the Governing Body, with the opinions of the Committee of Experts taken into account.

Another subject raised in Chapter 3 of the Report to which we feel bound to refer is the so-called "social clause", an idea which has arisen as a result of the globalization of the economy and the increase in international competition.

As the Director-General recognizes, some countries may see this clause as a new form of protectionism; and others may view it as a kind of extreme penalty which industrialized countries could use against the developing countries. We agree with the Report that the role of the ILO is not to advocate restrictions on trade or a compulsory equalization of social costs. We are very worried by the adoption of measures in some industrialized nations which restrict trade, although they are backed up by arguments of environmental protection or labour rights. The implications of this important topic require a thorough examination, which cannot be carried out at a single session of this Conference. This examination will have to take into account in particular the fundamental rights of trade unions and of collective bargaining, the right to strike and so on; and it should analyse the way in which not only States but also transnational enterprises monitor standards – as the latter are then guilty of exploiting labour and violating workers' rights.

As to technical cooperation, we noted with particular interest the concept of "active partnership" outlined in Chapter 4 which is intended to bring the Organization closer to its constituents. We would like to have more information about when this work is due to start and on the formation of the multidisciplinary teams.

In this matter, my Government believes it is essential to reiterate the need to give priority to activities which will create jobs, to training and the search for solutions to the problem of poverty. We have maintained that technical cooperation cannot be made subject to conditions – not even to compliance with ILO standards – because it is precisely where problems of application of Conventions exist that the cooperation and the support of the Organization is needed. The cooperation resources should be distributed fairly, without favouring particular regions or groups of countries.

The role of the ILO at the international stage is taken up in Chapter 5 of the Report. The action began in 1987, when it was underlined that structural adjustment policies, which should have a greater social component, should be continued. We agree with the Director-General when he says that the Organization must participate in any preparatory activity for the World Summit for Social Development and also its follow-up – as mentioned by the Secretary-General of the United Nations a few minutes ago.

In 1969, the initiative of a World Employment Programme was launched. Twenty-five years later the problem of unemployment remains one of the most worrying ones. In our view, solutions should be sought in each of the countries, in accordance with their prevailing conditions and by means of tripartite consultation, and the achievements should be circulated. The ILO should be a permanent forum of exchange of experience which would help to resolve this scourge.

Mexico – with the United States and Canada – has contributed to establishing a precedent at the world level in negotiating the North American Agreement on Labour Cooperation – under the North American Free Trade Agreement (NAFTA) – with the broad support of the International Standards Department of the ILO for which we are very grateful. This agreement is the first international instrument in the economic or trade field which states clearly the role of the ILO in its application. It provides a formula for social protection of citizens of the three States, as it grants the right which requires that the national authority must comply with their national labour laws including, of course, the Conventions they have ratified.

The ILO must retain its values, consolidate its objectives and establish the means for attaining them. We urge this Assembly to define the lines of action based on the principles and objectives set in our Constitution which should guide the future work of the ILO.

Finally, last April, in the Office of the President of the Republic, there was a ceremony to acknowledge the work of the ILO over the past 75 years. On this occasion, President Carlos Salinas de Gortari said on that occasion that: "In Mexico you can be sure – and you may give this message to the rest of the Members of the ILO – that we will continue to support with determination the ILO's work because this means more welfare for our workers and better prospects for the workers of the whole world."

Mr. REICH *(Secretary of Labor, United States)* – It is a privilege to be with you today at this 81st Session of the International Labour Conference. My personal congratulations to Mr. Charles Gray on his election as President of the Conference. Mr. Gray is Director of International Affairs of the AFL-CIO and we are very proud of him.

To Mr. Michel Hansenne, the ILO Director-General, I offer my congratulations on his thought-provoking Report to this Conference. It is a forward-looking document which provides a valuable framework for the debate on integration of labour standards and trade agendas.

I would like to begin by reaffirming the United States long-standing commitment to the ILO's cause and by applauding this Organization's pragmatic efforts to improve working conditions around the world.

I am proud to report that the Clinton Administration is firmly pledged to pursuing the ratification of major ILO Conventions. Before I came to Geneva, for example, I recommended to the President that he seek Senate ratification of Convention No. 150, and we are engaged in tripartite discussions on Convention No. 111 at this moment.

We stand at an especially appropriate point in history for celebrating the work of the ILO. This year marks not just the ILO's 75th year of service, but also the 50th anniversary of the Declaration of Philadelphia, perhaps the most ambitious attempt so far to articulate an international position on labour standards. But today the issue of international labour standards has gained an extra degree of salience, symbolized by the recognition at Marrakesh that labour standards must be taken into account in formulating the work for the new World Trade Organization.

We have advanced beyond the conceptual gridlock that plagued the international community for so long. Few are willing to argue openly that labour standards, however egregious, are strictly internal affairs. Nor today are there many advocates, candid advocates, for the opposite extreme that argues that standards must be identical in every nation to those attained in the most advanced economies. We have achieved that essential prerequisite for consensus – a consensus to look to the middle ground.

Now, as we map the middle ground, let me begin by asserting the legitimacy of defining some absolute standards to which every country is expected to conform. Some labour practices simply place countries outside the community of civilized nations. How can these core labour standards be defined? Here, we must begin by looking to the International Labour Organization, whose work provides a solid foundation for any efforts to develop lists of proscribed practices. Any such list will certainly include goods produced by prison or slave labour. Some forms of child labour – such as work by very young children – will also be found to violate universal norms, even in the poorest countries. Nor is poverty a valid pretext for restricting freedom of association and organization or the rights of employers and workers to bargain collectively.

Beyond a short list of core labour standards, judgements must become more conditional. The international community clearly cannot attempt to dictate levels of working hours, minimum wages, benefits or health and safety standards uniformly matching those of the United States and other industrialized nations. The belief that developing countries must grow richer in order to improve living and working conditions, and that they must trade if they are to grow richer, has merits. Yet this observation contains within it an implicit acknowledgement that standards should not be and are not static, that a country's ability to offer it citizens better working lives rises with development, and that international expectations may properly rise as well.

So while it is neither fair nor realistic to insist that labour standards in this middle ground within developing countries must be identical to those in richer countries, it is appropriate to expect labour standards to improve as economies develop. This expectation reflects both moral and material interests. Countries with rising mass living standards offer growing markets for other countries' exports and thus all countries have an economic stake in broadly shared prosperity abroad. Free trade is a means, not an end. The end is rising living standards worldwide, more jobs and better jobs. But if a country pursues policies that hold down living standards and limit to a narrow elite the benefits of trade and development, the promise of open commerce is perverted and drained of its rationale.

If the world can legitimately expect rising labour standards and rising labour conditions to accompany third-world growth, then what criteria beyond the violation of those core absolute norms concerning prison labour, slavery, child labour and blatant restrictions on freedom of association and organization might provide guidance for where the international community should focus its attention?

Let me suggest to you a two-part test. The first concerns democratic institutions. The second concerns trends.

Labour conditions are determined by both economic and political factors, and it is, of course, difficult to disentangle the effects of each. But the existence of democratic institutions – that is, multiple parties, freedom of speech and the press, clean elections – does give cause for confidence that low wages and poor working conditions are related to economic constraints. The less democratic the country, the greater the grounds for suspicion or concern that labour standards are being suppressed in order to serve narrow commercial interests or a misguided mercantilist impulse on the part of elites.

Where there are reasonably robust democratic institutions, we can presume that labour conditions reflect what the country can afford, given its level of development. Again we refer to areas beyond and above the core area of basic human rights and labour standards. But what of countries where democratic institutions are weak or absent? For these countries, trends in labour standards and economic inequality offer a second sort of yardstick. Low-wage workers should become better off, not worse off, as trade and investment boost national income. The gap between rich and poor within a nation should tend to narrow with development, not widen. If a country lacks democratic institutions and fails to disseminate the benefits of growth, other countries might justifiably conclude that low labour standards are due not so much to poverty itself but to political choices that distort developments and warp the economy's structure.

The tentative framework I have laid out so far deals only with diagnosis, not with prescription. It deals only with goals, not with the means of encouraging their attainment. So the next question is: What response should the international community make to policies that affront the set of standards it comes to articulate? And here, let me limit myself to three general principles with regard to means.

First, it is clearly preferable for any intervention to be authorized and implemented multilaterally, in order to increase the odds that intervention will be effective.

Second, there should be a menu of potential responses to labour-standard abuses, varying in both the nature and the severity of their effects. This range could include technical assistance to clear the path to improvement, so-called "sunshine" provisions in order to highlight abuses, perhaps ineligibility for international grant and loan programmes, and targeted trade measures.

The third principle, which gives force to the other two, is pragmatism. The purpose of any intervention must be to bring about change in the offending nations. Scrupulous assessment and analysis, at each stage, must inform the international community's efforts to improve labour standards. And we must not lose sight of the fact that trade itself – by opening an economy to external influences and empowering a wider range of internal interests – can, on occasion, be a catalyst for progressive change.

Developing a detailed programme for advancing international labour conditions will occupy us until the century's end and probably beyond. Let us waste no time in continuing, and extending and giving practical force to the core mission of the International Labour Organization. We hope and expect that the ILO's formidable knowledge and expertise will be fully utilized by the World Trade Organization as it considers the role of appropriate labour standards in an increasingly integrated world economy.

Original French: Mr. GIRAUD *(Minister of Labour, Employment and Vocational Training, France)* To represent France at this 75th anniversary Session is for me both an honour and a great responsibility. At this moment, speaking from this rostrum, I feel I am modestly but faithfully continuing the work of many of my compatriots who in one capacity or another have played a role in the establishment or the work of the International Labour Organization.

I should like to reiterate today on behalf of my Government its confidence in the ILO and the respect it has for the Organization.

To attend this year's session of the Conference is not just to participate in an anniversary. For each of us, it is also an opportunity to express our views about the future of the ILO.

The Report of the Director-General, which is typical of the excellent work done by Mr. Michel Hansenne and his team in the Office, contains a wealth of material. It is brimming with ideas and roads to be explored. It gives us food for thought and it will continue to do so.

For a long time, the essential role of the ILO was to defend democratic values every inch of the way in the face of totalitarian regimes.

The collapse of those regimes, instead of making things easier for the Organization whose principles have been largely recognized, has paradoxically left it confused and disoriented, without clear points of reference. It is now for us, its constituents, to demonstrate during these few days here in Geneva our determination to strengthen its authority, its influence and its confidence in the future.

I will limit myself to three brief sets of comments.

First of all, in general terms, I endorse the choice of the Director-General for the title of his Report. It is true that there are both values to be defended and changes to be promoted.

The values to be defended have represented for 75 years the originality, and more than that, the very reason for this Organization's existence. They are tripartism and the system of standards which distinguish it from all other international agencies.

I am convinced that neither is being called into question. This does not mean, however, that there is nothing to change in these values.

It would seem to be quite understandable that, in the absence of a common struggle against totalitarianism, the two non-governmental groups in this Organization should once again express their differences and points of disagreement in their respective fields. It is a difficult debate perhaps, but a salutary one.

I am not challenging the fact that the ILO involves other social participants in its work, listens to them and benefits from what they have to say. On the other hand, negotiating and decision-making mechanisms must remain what they already are: fully tripartite.

As for the so-called "crisis of the standards system", I do not believe in it. Why have the most recent Conventions not been ratified? Simply because they are hardly ratifiable. The combined perfectionism of each of the three groups has produced texts which are far too detailed. Although this is a relatively recent phenomenon, it is nonetheless regrettable. For example, after examination by my country's authorities of the last eight Conventions adopted by the Conference, we found that only one could be approved as it stands.

I would like to appeal for simplicity and clarity of text to be the objectives in all stages of production of standards. We should not neglect any formulas for gradual application, including, for example, Conventions ratified in parts. This does not mean, of course, that we should be satisfied with vague or ambiguous texts.

It is commonly said that the ILO has a wealth of 174 Conventions. That is both true and false. In concrete terms, many of these are obsolete or closed to ratification. Why not slow down the production rate, concentrate on current, valid Convention, and give priority to revising the outdated ones?

As for the idea of complementing the standard-setting work with tripartite texts prepared more quickly so they are better adapted to current situations, I agree with this proposal, provided that the Conventions remain the legal reference point for us all.

I believe the search for clarity and effectiveness in the ILO's work is a priority.

This leads me to a second comment. The Organization's image in the world is a good one. It is good, but too obscure. We must think not only about the place that the ILO should occupy but also of its capacity to project itself on the international scene.

Though the ILO is perceived as a respectable institution, it is nevertheless viewed as out of touch with the world and confined to little-known and complicated work. More dynamism and presence in the daily life of people would give the Organization a more modern and more attractive image, enabling it to accept the challenge of history, as it has been requested to do by the Secretary-General of the United Nations. I believe the establishment of multidisciplinary teams in some parts of the world is a good initiative in this sense, and one which should be followed up.

I also encourage the Director-General to act on what he says in his Report, by envisaging the possibility for the Office to offer a voluntary mediation and arbitration procedure on a permanent basis. This is an interesting idea and one which should be developed.

There can be no doubt that the ILO's dynamism should be felt in the other international organizations. First of all, we must affirm the place of social questions in the United Nations system. The role that the ILO is playing in preparing for the World Summit for Social Development is a particularly valuable one and one which should continue after the Summit. It is also necessary to continue the close cooperation with the Bretton Woods institutions, in particular with regard to the essential social dimension in the structural adjustment process.

My third and last comment is a kind of synthesis of the two earlier ones. We are now living in an open world, and fortunately in one which has rid itself of ideological conflicts, in a world of trade. This new world, however, must not be governed by economic power struggles alone. There can be no goal of profit without an assertion of responsibility, and specifically of social and human responsibility. No group, no country can benefit from a lack of rules concerning people at work.

Nations cannot liberalize world trade on the one hand while separately and unrelatedly agreeing on social precepts on the other. The two approaches must be coordinated, and for certain questions they must go hand in hand.

The ILO has become a truly universal institution. The great majority of its member States are free and responsible States. Is this not the right time to agree on a number of simple rules to serve as universal reference points? Do we not need a few rules to act as a common thread, a common belief binding together all States belonging to the ILO in a common commitment?

Is the term "social clause" the best one? It is sometimes perceived as a vague threat of protectionism. Perhaps we should speak at the very least of minimum regulations preserving the dignity of working people.

Permit me to recall what I said last year from this rostrum. Four themes, each dealt with in one or more Conventions, could represent a "basic core", the heart of the common commitment: the abolition of forced labour, non-discrimination in employment, minimum age for employment and freedom of association.

The standards which give effect to these four absolute imperatives must be given priority in their application and serve as a reference point in the future work of the World Trade Organization. They are certainly not ad hoc provisions. These texts are public and are well-known. They have already been ratified by many States in all regions of the world. These standards have been prepared with care after painstaking work. Above all, they have an indisputable tripartite legitimacy.

Need I add that the approach must provide social, human and even moral incentives. This is contrary to a protectionist approach, which has been evoked in certain texts that I have recently seen and which I believe is inappropriate. Matching its actions to its convictions, and specifically to what I am now saying on its behalf, France will join the group of countries contributing to the International Programme on the Elimination of Child Labour. Is this Programme not a good example of what the ILO can do to support its standard-setting action?

In his Report, the Director-General describes several complex ways to link the liberalization of trade and respect for certain labour standards. I will not give an opinion on these proposals today. For me and for France, the main thing is that there should be permanent, firm and unswerving pressure brought to bear, as the ILO is capable of doing, for example in the form of an annual report passed on by the Governing Body to the Conference.

In short, it is my sincere wish that the Organization should promote its own renewal and become what it was 75 years ago – young, tough, enterprising and creative – and that it should once again find the dynamism of its founding fathers. Today, as in 1919, it can count on France's strong support.

Mr. BLUM *(Federal Minister of Labour and Social Affairs, Germany)* – Just like 25 years ago, it is not a Government delegate but a Workers' delegate who is presiding over this Conference on the 75th anniversary of the International Labour Organization. The equal rights and responsibilities of the social partners in the decision-making process of this Organization are thus impressively reaffirmed. I am pleased to join the previous speakers in wishing the President, and his deputies every success in the discharge of their tasks.

Freedom, justice and peace – these are the aspirations of the entire human race, irrespective of geographical location, sex, religion or political conviction. There can be no peace without freedom. Where freedom is lacking, there is always a danger of war or unstable peace. And there can be no peace without justice. When the bombs of hunger explode throughout the world, the impact will be just as damaging as that of an atomic bomb. For as long as decent people live in hunger throughout the world, freedom will continue to be in danger. The ILO is an Organization that works on behalf of peace.

There are major conflicts in this world: people are being tortured and killed – no one can remain ignorant of this fact. But there are also areas of progress. One such area is evidenced by the fact that, after I speak, South Africa will be taking the floor. This shows that peace, human rights and democracy can be made to prevail. The existence of progress and not just setbacks is a source of hope for this Organization.

We have come together to work for the social future and the future of labour in the world. It is a task that no country can address alone and that is why the work of this Organization is an important form of cooperation – of peoples, nations and States.

Standard-setting is an important instrument to that end. But neither standard-setting nor opposition to new standards is an end in itself. That is why I have always asked which standards serve the purpose of freedom, justice and peace, and which standards are an obstacle to those aims. Obsolete standards and standards for which there is no strict need damage the reputation of the ILO. It is therefore important to give some thought to the updating of standards and the selection of themes for the setting of new standards. Freedom of assembly and collective bargaining must also be guaranteed in member States that have not ratified the relevant ILO Conventions. There can be no freedom without those rights. The States concerned must allow their observance to be monitored. This does not, however, apply to other Conventions.

The subject of social clauses is a controversial one. Opponents of such clauses fear that they will be misused for protectionist purposes. But this concern cannot be invoked as a reason for the ILO to ignore the subject. The ILO cannot be indifferent to the fact that certain goods are sold cheaply on world markets solely because they are produced, for example, through the exploitation of children who are forced to work under unhealthy conditions. World trade cannot be based on exploitation. The benefits and profits of world trade should not be the result of the exploitation of child labour. It is not sufficient for the World Trade Organization to place this item on its agenda. Are trade experts supposed to decide whether and how seriously workers' rights have been violated? There is a question that I would like to ask employers in particular: do you really believe that your interests are better served by the government-run World Trade Organization than by the tripartite ILO?

Perhaps there should be less talk about "sanctions" in connection with the social clauses. I find the words "persuasion" and "assistance" more appropriate – the idea of helping countries to find a way out of impossible situations and to overcome problems in implementing basic standards. I think this is very important for the elimination of child labour, an ILO programme that is financed largely by Germany. I should like to take this opportunity to call on all countries to participate in this programme.

Mr. Director-General, on Tuesday you came up with some very interesting ideas on how to solve the problems of employment. I am convinced that the victims of unemployment cannot be helped by adopting a strictly national approach. There are no longer any national economies: there is only a world economy. That is why we need a coordinated programme to fight against unemployment. A basic prerequisite for success in this struggle, and here I refer to your interesting and important proposals, is to diagnose the causes of the epidemic of worldwide unemployment so that we can devise an appropriate treatment for the disease.

Of course, there is no panacea and circumstances vary widely but we need to agree on the goals: employment for all, both young and old, women and men, the disabled and the fit. I think that the right to work is a human right – to each according to his or her ability – also for the disabled. I do not think that this right is enjoyed automatically. It is an area in which political support is necessary for the integration into the world of work of those with special difficulties in finding employment: young people, unskilled, older workers, women and the disabled.

In this context, I would like to say that, from the experience in my own country, vocational training is of prime importance. We must provide those who are unemployed – or threatened with unemployment – with the opportunity of being trained or re-trained in occupational skills. And I am not just referring to high-level skills but also broad-based skills.

Furthermore, we should also base our concept of working time on the needs of individuals rather than on purely economic needs. There should be no contradiction between these requirements. We must also take into account the needs of the disabled and other categories of workers when considering the issue of working time.

As concerns wage policy, collective bargaining is better able to solve problems in this area because it is more flexible than statutory provisions – and because it is the fruit of dialogue.

We need also new areas of employment; for instance in the personal services sector, there are areas in which workers cannot, in spite of technical progress, be replaced by machines.

We need to work together and raise awareness: after all, we are living in the same world.

The hole in the ozone layer is not just a national phenomenon. It affects all of us and we are all responsible. We must therefore take joint decisions. This is also true in the social area: there is no satisfactory solution that can be beneficial to one part of the world while being detrimental to another. And this is why, when we join together in a combined front to combat unemployment, we are also striving to uphold solidarity amongst all human beings – irrespective of their origins, faith or race.

Solidarity is the rallying cry of our age.

Mr. MBOWENI *(Minister of Labour, South Africa)* – May I on behalf of my delegation congratulate Mr. Gray on his election as President of the 81st Session of the International Labour Conference.

On behalf of our President, Nelson Mandela, and the Government of national unity and the people of South Africa, I express our collective gratitude to the ILO for the selfless commitment which has been shown over the years by the focusing of the energies and resources of this Organization on overcoming the evil system of apartheid.

We stand here before you to proclaim loudly and clearly, as did Martin Luther King: Free at last! Free at last! Thank God Almighty, we are free at last!

We are proud, indeed elated, to join the international community of nations as a sovereign, democratic and universally recognized State. There could be no more fitting an occasion for our accession to the Constitution of the ILO than on its 75th anniversary, an anniversary that represents 75 years of pursuit of social justice. The Director-General's Report *Defending values, promoting change* is therefore an appropriate theme for this anniversary Conference. As this Conference charts its course, we in South Africa are mapping our own. The ILO principles of tripartism, social partnership and social justice are our compass.

Our reconstruction and development programme is premised on respect for human and worker rights. We are committed to growth, but not at the expense of the rights of our people. We, the victims of apartheid, should know that the human costs of our societies should not lead us to disregard fundamental human rights.

Moreover, our reconstruction and development programme derives its legitimacy from the support it commands amongst the major stakeholders of our society. Amidst all the violence which has racked our country, and during the protracted constitutional negotiations, our trade unions and employers have established tripartite institutions to jointly formulate macroeconomic and labour market policies.

As we stand here today, proud and excited as a new Member of the ILO, we do so fully aware of the overall context of global economic change and its implications for our own economy and those of southern Africa. We are nonetheless fully cognisant of our responsibilities as a citizen of the world and a Member of this Organization. Our President, Nelson Mandela, has expressed our standpoint in the 75th anniversary volume of essays, *Visions of the future of social justice*. "We cannot rebuild our society", he says, "at the expense of the standard of living of ordinary men and women. We cannot develop at the expense of social justice. We cannot compete without a floor of basic human standards. If this is true inside our own society, it is true for the world as a whole."

Our stated commitment, and that of the ILO, to uphold and promote basic standards is all the more relevant within the context of a rapidly changing global economy. As the Secretary of Labor of the United States has pointed out in one of his writings, in terms of global restructuring, he says, "There will no longer be national products or technologies, no national corporations, no national industries". In a real sense, the control by the nation State over its national economic policy is increasingly disappearing and regional and international organizations are assuming an ever greater role in domestic economic policy.

The challenge facing the ILO in this context is to continue with the setting of standards and the upholding of social justice. More importantly, it must seek more effective ways of setting and securing compliance with these standards. The present process of individual States ratifying standards may prove ineffective in the context of a new global economic order which transcends national economic boundaries. What increasingly needs to be addressed is the elaboration of a core of standards, like those embodied in Conventions Nos. 87 and 98, which are so fundamental and universal that they should apply to all States regardless of their levels of development. To prevent this requirement from degenerating into a new form of protectionism the responsibility for supervising these core standards must rest with an independent expert body of the ILO.

The pressures individual nations are facing in this new world order are profound and their impact on working people may result in the whittling away of international standards. Undermining universally accepted standards should never provide the competitive edge. Who then, amongst the existing international organizations, can play the role of guardian of social justice? There is only one answer to give to this question. The ILO is best placed to defend and promote social and economic justice in a global context. The poor and vulnerable must not be sacrificed at the altar of globalization. The defence of social justice within this changing global economy is therefore as relevant, or perhaps more so, today than it was in 1919, or when the Declaration of Philadelphia was formulated.

The need to devise new forms of standard-setting appropriate to the rapidly changing global economy presents an opportunity to review the relevance of our normative system. Our commitment to upholding standards must never lead us into the trap of inflexibility and rigidity. The world is ever changing and we must always adapt to the changing world. However, that adaptation must never result in the gutting of international standards.

As a newly emerging nation in the global milieu, we appeal to the tripartite institutions of the ILO to take as solid and pivotal a stand as they took in promoting the elimination of apartheid, to ensure that the ILO's fundamental principles constitute the floor upon which the nations of the world engage in international trade and investment.

Turning to our own situation in South Africa and southern Africa, we are painfully aware of the devastating consequences of the apartheid system. Our aim is to overcome these consequences through the implementation of our reconstruction and development programme.

In 1988 our trade union movement lodged a complaint against the previous Government for violations of freedom of association. The Fact-Finding and Conciliation Commission of the ILO came to South Africa to investigate the complaint. It found our law wanting in crucial aspects in this respect. The previous Government was reluctant to give full effect to its recommendations. We are, however, prepared to say here now that we will comply with the recommendations. Furthermore, I undertake to put before our Government of national unity and our social partners the recommendation that we ratify immediately the Conventions on freedom of association, collective bargaining, discrimination and forced labour.

Our tripartite institutions have already embarked on a major programme of labour law reform encompassing the harmonization, modernization and rationalization of the fragmented labour laws of the various homelands in South Africa.

Once again we salute all the Members of the ILO for your efforts in supporting the transition to democracy in South Africa, and we congratulate you on the 75th anniversary of the ILO and we wish to say once again that without you our struggle may have been a lot longer.

Original French: (Mgr. TAURAN *Secretary for Relations with States, The Holy See)* – I would like to join the speakers who preceded me and address to the President my very warm congratulations on his election to the presidency of this Conference and offer him my best wishes for the successful completion of his task. It is a particularly pleasant duty for me to convey to you the wishes of His Holiness Pope John Paul II as you celebrate the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. The Holy Father calls down divine blessing upon you all and on your labours.

Since 1919, the collaboration between your Organization and the Holy See has been constant: the numerous messages from the Holy Father, as well as the visits made by Pope Paul VI and John Paul II to the Organization's Geneva headquarters show the high esteem in which the Catholic Church holds the fundamental inspiration that lies behind the work done by the ILO: improving workers' conditions of life through genuine social dialogue, freedom of association, abolition of child labour and reconciling work with family life.

With the severe social problems facing men and women today, sight should not be lost of the mission this Organization has set itself. The title of the Director-General's Report, which will guide our debates, *Defending values, promoting change*, is an apt reminder of this. Now, as ever before, the world of work, as we all know, needs men and women with deep political, humanistic and religious convictions if we are to create societies with more brotherly love, where all have a chance to develop their talents in doing a job and where no-one suffers from want and poverty. To achieve this is truly to render one's brethren the greatest of services.

For the past 75 years, the ILO's endeavour has been just that: being of service to mankind and, through the international standards it draws up and its many technical cooperation activities, helping each nation formulate its social policies. It may be, perhaps, that the public at large is sufficiently aware of this vast wealth of texts and initiatives. Wider dissemination of this wealth might help those who throughout the world – and there are more of them than one might think – who are anxious to place the good of mankind before their own immediate interests and to promote real and equitable solidarity. We must avoid ready-made, over-simplistic solutions which will never solve any fundamental problems. In short, work too needs a "moral" dimension. Religion can, here, offer great support for both the workers and for those responsible for society. The Catholic Church, in particular, has ever endeavoured through its social doctrine to emphasize to all that "capital is for work and not work for capital", in the same way that "work is for £man', and not £man' for work". These were the words of Pope John Paul II in his first social encyclical *Laborem exercens.*

On the eve of the twenty-first century, the International Labour Organization must more than ever act as the world's social conscience. The Holy See would submit for your consideration three priorities to make your praiseworthy efforts even more fruitful.

First, the government representatives must maintain and strengthen the so strenuously devised principles of social protection of the workers for whom they are responsible.

Second, the heads of undertakings have great responsibility for creating employment without making concessions to pitiless competition. The main objective for undertakings is not just to multiply the goods they produce, but also to produce wealth for all.

"Social" movements themselves have an essential role to play in promoting workers' and employers' rights and duties. It must constantly be borne in mind that, as once again stated in *Laborem exercens*, "It is characteristic of work that it first and foremost unites people. In this consists its social power".

It is satisfying to note that the continuity of the activities undertaken over the past 75 years has made it possible for the Organization to promote real social dialogue among member States on the issues which affect people's daily lives. The globalization of the world economy, as fittingly analysed in the Report of the Director-General is fraught with the grave risk of deteriorating working conditions. This is why is seems important to draw your attention to the universal dimension of social justice. Standards common to all countries and regulatory measures having the consensus of all partners should contribute to man, and man alone, being the criterion for any social activity anywhere. It will then be easier to remedy situations of injustice without destroying what we are trying to protect. This presupposes mutual recognition and an ongoing dialogue between responsible officials, employers and workers' movement.

On this point, the International Labour Organization is fortunate, within the multilateral framework, to be in direct contact with the principal social partners and to benefit through tripartism from an incomparable wealth of knowledge. Thus it is for you, as privileged representatives of the world of work and through your regulatory activities, to participate in this new stage in close collaboration with all the other international institutions.

It is not for the Catholic Church to offer technical solutions to these serious problems, but all the children of the Church, and I think I may say this of many other believers, are very much aware now more than ever before that God expects each one of them to show a spirit of solidarity to his brothers and sisters in humanity to ensure that selfishness, indifference and sometimes even hate, never have the final say. It depends on each of you, on each of us, to keep the door of hope always open.

Original Japanese: Mr. KAWAKAMI *(Parliamentary Vice-Minister, Japan)* – First of all, on behalf of the Government of Japan I would like to offer the President my most sincere congratulations on his election to the presidency of the 81st Session of the International Labour Conference. Allow me also to welcome the representative of the Republic of South Africa which rejoined the ILO, and the representatives of States attending this Conference for the first time.

I would like to congratulate the International Labour Organization on its 75th anniversary and on the 50th anniversary of the Declaration of Philadelphia. I would also like to express my sincerest gratitude to the ILO for its great contribution to the betterment of the world, especially in the areas of human rights and working conditions. I am, indeed, honoured to be able to participate in this memorable session.

The international society is faced with dramatic changes that it has never experienced before, and it is certain that new international relationships will replace the international order of the past. At the same time, economic globalization through expanded international trade has made the domestic policies of our nations more susceptible to the influence of the international community. In such circumstances, the world community is faced with regional instabilities as a result of tribal, ethnic and religious issues, and with problems of poverty and structural adjustment in a number of developing countries.

The future objectives of the ILO should therefore be to thoroughly analyse the new developments and to consider how to adapt the ILO's role to the rapidly changing international situation.

In this regard it is important to have a policy of establishing priorities and to play an effective role in the solution of various problems in the labour field that are currently facing the world, such as employment problems, while recognizing the scope of the ILO's mandate, and the usefulness of the principle of tripartism.

I would like to comment on the major points in the Report of the Director-General. First, regarding international standard-setting activities, I wish to highly commend the ILO's great contribution towards the protection of human rights and the improvement of working conditions through standard-setting activities. However, as the Director-General reported, the rate of ratification of these standards has been on the decline recently and drawing up common standards is becoming more difficult because of the varied needs and environments of each member State. Therefore I think that we must reconsider whether we should maintain the present pace of standard-setting and what the content of the standards should be. I think that it is important to adopt universal and truly necessary treaties that cover a wide variety of industries and workers, and to draw up standards of a flexible nature that take the diverse circumstances of the various member States into consideration rather than putting importance on the pace of standard-setting.

I would now like to comment on the issue of international labour standards and international trade. I consider it a basic principle for the ILO to be involved in these matters within its scope of power, as stated in the Director-General's Report. Based on the recognition that the ILO's efforts to expedite social progress should be made not by force but through cooperation, the ILO should avoid restricting international trade and equalizing social costs by force. I also consider it important that member States take the attitude of evaluating themselves voluntarily regarding the application of labour standards in order to maintain the effectiveness of these standards. These are very sensitive matters considering that internationally recognized concepts of labour standards are still not necessarily clear and that such a situation may lead to talk about trade protectionism depending on the outcome of the discussions. In consideration of this point, I think it desirable to take careful note of these issues in order to maintain the free trade system and to discuss matters from an objective point of view.

I would further like to say something about what kind of activities the ILO should perform in order to respond to the needs of its member States in the future. I think that it is important for the ILO aggressively to promote technical cooperation which is one of the ILO's pillars, in addition to its standard-setting activities, as well as to provide information on employment and labour issues and to provide room for tripartite dialogue. As is stated in the Director-General's Report, we expect that the ILO will reinforce the effective activities of technical cooperation while taking into account the deepening significance of international labour standards and without using this as a means of reward or punishment for member States. As far as Japan is concerned, we are prepared to contribute more forcefully to the various activities performed by the ILO in order to solve various problems in developing and other countries on the basis of the ILO's role in the world becoming more and more important. Before closing my remarks, I would like to commend the very important suggestions given by the Director-General in his Report concerning the future direction of the ILO, and to reiterate his hope that this session will see fruitful discussions based on his Report. I also wish to reaffirm very clearly my country's commitment to making renewed efforts to contribute to the ILO's fulfilment of its important tasks and its future sound development.

Mr. LATIEF *(Minister of Manpower, Indonesia)* – I should like to begin by congratulating the President, on his unanimous election at this 81st Session of the International Labour Conference. I believe that under his able and wise guidance this particular session of the Conference will produce fruitful results. My congratulations also go to the Vice-Presidents and all the other Officers of the Conference. May I join with the previous speakers in welcoming the new Members of the ILO. My delegation is particularly gratified to see the united, democratic and non-racial Republic of South Africa rejoining our Organization.

This year's session of the Conference is indeed a particular as well as an important one, not only because it coincides with the 75th anniversary of the

International Labour Organization, but also because it is held against the backdrop of continuing significant changes in the world order. It could not be a better choice, therefore, for the Director-General of the ILO, Mr. Michel Hansenne, to pick *Defending values, promoting change* as the title of his Report to the 81st Session of the International Labour Conference. At this juncture, I would like to extend our thanks and gratitude to Mr. Hansenne and his staff for providing us with such a through-provoking and comprehensive Report.

Indonesia is also heartened by the fact that this year's session of the Conference has chosen one of the ILO principles, namely social justice, as its main theme. The same theme has indeed become the burning motivation of our founding fathers in their struggle for national independence. When the Indonesian people proclaimed independence in 1945, the principle of social justice was constitutionally enshrined in our basic state philosophy and the 1945 Constitution.

The era of economic globalization marks certain trends, among others, the expansion of international trade, the rapid movement of international capital and foreign investments, and the gradual liberalization of the national economies. In particular, the agreement reached with GATT in the framework of the Uruguay Round will no doubt have a tremendous impact on the world's economy. Amidst those positive developments, however, we are also witnessing continuing difficulties and new problems. Of more direct concern to the ILO, accelerated globalization has also had an impact on the world of work, giving rise to new social and labour problems and widening deep-seated inequalities both between States and peoples.

One social consequence of the economic globalization that has come into the open recently is the issue of a social clause which links labour standards and workers' rights with international trade. In this regard, while recognizing the importance of universal standards, it is our view that in the implementation, the different circumstances of each country must be taken into consideration, for we should bear in mind that the implementation of the same standard in two different situations will also produce different results. As far as this social clause issue is concerned, the position of Indonesia is clear. Along with other ASEAN member countries, we strongly believe that this linkage is inappropriate and would only result in undesirable trade distortions to the detriment of the general welfare. Therefore, my delegation fully agrees with the statement of the Minister of Labour of India on this controversial issue.

It is indeed disheartening for us to note the intransigence of some developed countries in terms of linking the protection and promotion of workers with market access and trade preferences, especially as they do so in total disregard of the problems faced by developing countries, in particular their employment standards. Even worse, they put pressure and impose conditionalities on developing countries to adopt their standards which are incompatible with the prevailing conditions, that is the level of development of developing countries.

It should be recalled that in the World Conference on Human Rights in Vienna in 1993, the right to development was recognized as a universal and inalienable right and an integral part of fundamental human rights. The full realization of the right to development would eventually lead developing countries to a higher level of development, which would also mean not only a higher level of workers' welfare, but also greater latitude to accept and implement more international labour standards. Therefore, it is only appropriate for us to expect that, instead of applying pressure and setting conditionalities, States can cooperate with each other in ensuring steady development and in eliminating obstacles to this development.

In the case of my country, in the past years Indonesia has implemented the principles of the market economy and, through participation in the international world markets, the appropriate use of modern technology and the mobilization of available domestic and foreign resources, the country's economy has developed considerably. In spite of its achievements, however, like any other developing country, Indonesia is certainly not free from problems, including social and labour problems. It is as a matter of policy, therefore, that Indonesia attaches great importance to cooperation with all countries, developed and developing alike.

In this spirit of cooperation, it is important that developing countries, in the process of attaining a higher degree of development and bringing about welfare and social justice, can benefit from assistance and advice through training, education and the transfer of technology. It is indeed a mutually beneficial cooperation of this kind that should be promoted and nurtured in order to eliminate distortions, strains and imbalances among countries.

With regard to the implementation of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), I would like to say a few words. A low level of education and lack of adequate information can be the cause of ignorance of the implementation of such rights. Given these circumstances, it should be easy to understand why workers in Indonesia are still lagging behind in establishing their organizations for collective bargaining. In an effort to awaken the workers' consciousness of their rights, the Government of Indonesia has held education programmes for workers.

Within the framework of the implementation of Convention No. 98, the Government of Indonesia has requested the ILO to send a direct contacts mission in order to advise Indonesia on how best to implement it. The mission visited Indonesia in November 1993 and, in addition to the direct contacts mission, Indonesia has also benefited from ILO technical cooperation and its policy advice, through the visit of the ILO Deputy Director-General, Mr. Maier, and other ILO experts to Indonesia last month, in conjunction with seven national seminars on labour matters. Those seminars also mark the 75th anniversary of the ILO. It is hoped that through those visits, Indonesia can learn from ILO expertise to overcome the obstacles we encounter.

Finally, I am confident that under the President's wise guidance and able leadership we, who gather here on the 75th anniversary of the ILO, will find the best way to translate our commitment to the development and welfare of our workers into reality.

Original Arabic: Mr. AL-KHALIFA (*Minister of Labour and Social Affairs, Bahrain*) – In the name of God, the Merciful, the Compassionate, it gives me great pleasure to extend to the President my congratulations for the valuable confidence conferred on him by all the delegates at this session of the Conference. I wish him every success.

I am also pleased to extend my sincere appreciation to the Director-General of the International Labour Office for his efforts in preparing his Report and for his success in selecting the subject-matter. The Report is characterized by scientific methodology, an integrated viewpoint and thorough coverage. The Report makes it incumbent upon each and every one of us to initiate a critical and objective discussion to ensure that the situations, causes and conclusions contained in the Report benefit from fresh thinking and new approaches. By so doing, we shall come up with a clear vision of our Organization's course that is compatible with future needs.

The significance of this year's Report by the Director-General is that it coincides with the 75th anniversary of the ILO's establishment and the 50th anniversary of the Declaration of Philadelphia, which has placed on the Organization the responsibility for viewing all economic, financial and international policies and measures and evaluating them in the light of the fundamental objective, namely social justice. This is in addition to the major and evolving political, economic and social changes which are witnessed by our world today and the impact of such changes on labour matters in general and functions of the ILO's tripartite pillars in particular.

Therefore, it was highly appropriate for the Director-General to select *Defending values, promoting change* as the title for his Report.

The rapid economic changes entailed in the transition to a market economy together with increasing world trade of commodities and services, the growing share of multinational companies in economic activities and integration of financial markets, are all obvious evidence that the economy is rapidly becoming more cosmopolitan and globally competitive.

All these changes will have a significant impact on the course of the Organization. Moreover, the technological development and change of management style in private establishments and organizations will inevitably create new social problems. It is therefore incumbent on the ILO to adopt new resolutions and make the necessary revisions to its standards which will reflect developments in the new world system and to be consistent with the ILO's efforts to maintain values and social justice.

We agree with the Director-General's Report with regard to looking for new and flexible standards which will enable the ILO to introduce improvements to its main functions. This is particularly true in relation to the cooperation process among member States, employers' associations and workers' organizations, as well as providing opportunities for adapting future functions in the light of increasing changes towards globalization of the economic system. We also support the Director-General in emphasizing the significance of tripartite cooperation at the international level and the contribution of the ILO in making world policies that would enable the partners to increase their role in today's economically unified world. Such a contribution may be in the form of assistance and providing and developing new solutions which would combine labour requirements and rights. Our contribution may be to emphasize that the most significant challenge before policy-makers in the world is the creation of new employment opportunities and the elimination of unemployment. We also agree with the Director-General that we need to review obsolete international Conventions and those that have proved to be incompatible with the changing world. On the other hand, the ILO must support and enhance those Conventions which have proved to be effective in addressing the economic and social problems of the world.

(The Conference adjourned at 1 p.m.)

Eighth sitting

Thursday, 9 June 1993, 3 p.m.

Presidents: Mr. Matinchev, Mr. Gray

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: The PRESIDENT (Mr. MATINCHEV) – We will now continue our discussion of the Report of the Governing Body and of the Director-General.

Mr. CORE *(Government delegate, Australia)* – On behalf of the Australian Government, it gives me a lot of pleasure to join with other speakers in congratulating the President on his election to preside over this 75th anniversary session of the International Labour Conference. It is a fitting tribute to the ILO's unique tripartite structure that the Conference President has been drawn from the ranks of the workers on this historic occasion.

I am also pleased that the Report before the Conference is a forward-looking document that seeks to build on the ILO's widely acknowledged achievements since 1919 in promoting social justice and protecting the rights of working men and women. While there is much of which the ILO can be justifiably proud, this anniversary year provides the opportunity to evaluate the role of the Organization and to chart a future course. Setting that course will require the full participation of the ILO's tripartite constituents and the International Labour Office.

The Report of the Director-General provides an excellent platform for our discussions. The frank analysis of the ILO's strengths and weaknesses is welcome. We also welcome the wide range of proposed measures in the areas of standards, services and policy-making. These proposals should be examined in detail by the Governing Body over the next year.

Today, I would like to comment on the most critical issues that the ILO will need to address if it is to effectively meet the challenges of poverty, unemployment and the denial of basic rights.

There is no doubt that the ILO has been, and remains, an effective international organization.

Its relevance is demonstrated year after year by the adoption, ratification and application of international labour standards.

With more than 6,000 ratifications of ILO Conventions and more than 2,000 cases where governments have brought national legislation and policy into line with the requirements of ratified Conventions, ILO standards and supervisory mechanisms have demonstrated their worth.

Even unratified ILO Conventions can exert a definite influence, although this does not weaken the case for revision of outmoded and overly rigid Conventions which have not been widely ratified or implemented.

In his address to the Conference last year, the Australian Minister for Industrial Relations foreshadowed that the Government would be introducing legislation to give the Australian workers access to new national minimum standards based on ILO Conventions.

The enactment of these ILO Conventions has now been achieved and has been established in legislation which has been passed by the national Parliament. This legislation provides for a system of enterprise bargaining underpinned by a safety net of awards and minimum entitlements. It opens the way for Australian workplaces to meet the challenges of being more productive, more internationally competitive, but within a framework of safe minimum standards.

The minimum entitlements provisions, based on ILO Conventions, guarantee Australian workers a fair minimum wage, equal pay, 12 months' unpaid parental leave and protection against unfair dismissal in cases where adequate protection is not available through the awards of industrial tribunals or legislation. The impetus for the inclusion of unpaid parental leave as part of these industrial relations reforms was our commitment to the Workers with Family Responsibilities Convention, 1981 (No. 156).

During this International Year of the Family, ILO Convention No. 156 and the issue of balancing work and family responsibilities have been identified as a real priority. In this regard, the recent legislation facilitated the establishment of an Australian Community Standard for family leave during 1994, through a special family leave case which is now being heard by the Australian Industrial Relations Commission. The test case aims to establish entitlements for employees to leave of absence to provide care and support for members of their immediate family.

In keeping with this emphasis on equity and fairness, the Government and the Australian Council of Trade Unions have recently agreed to support access to safety-net adjustments in 1994 and 1995 for workers unable to achieve increases through enterprise agreements. In addition, in the spirit of the Maternity Protection (Revised) Convention, 1952 (No. 103), the Australian Government has recently announced a commitment to give consideration in next year's budget process to introducing a maternity allowance through our social security system.

Today, I am pleased to announce Australia's ratification of the Protection of Workers' Claims (Employers' Insolvency) Convention, 1992 (No. 173). Australia can accept the obligations in Part II of the

Convention relating to the protection of workers' claims following the passage of legislative changes which give workers' claims a higher priority than those made by the State.

Currently, Australia is evaluating several Conventions concerning basic human rights and will be pursuing their ratification during the ILO's 75th anniversary year. In addition, we are actively considering the ratification of a number of ILO occupational health and safety Conventions, and maritime Conventions. There is no doubt in our mind of the continuing importance and relevance of ILO standard-setting activities.

The ILO's relevance is not just a matter of history and tradition. As the report of the Committee of Experts points out, 398 ratifications by 38 member States were registered last year and eight new member States have joined the ILO.

Australia is particularly pleased to welcome the Republic of South Africa into the ILO. The struggle by the people of South Africa against apartheid was long and difficult, and the ILO has played a key role in this struggle, but there is still a long road ahead in overcoming the legacy of apartheid.

We welcome the ILO's plan of action to assist South Africa and endorse this as a high-priority activity. You can be assured that Australia will play its role in the economic and social development of South Africa, both as a friend of the ILO and as a friend of South Africa.

Recent reforms in the ILO's policy organs and field structures have done much, in our view, to increase the Organization's effectiveness and relevance. Action is under way to review the ILO's programme of sectoral activities. Close monitoring by the constituents will be needed to ensure the realization of the expected benefits of these reforms already in place, as well as the proposed sectoral measures. But further reforms are required in our view.

Budget processes should be reviewed to provide greater flexibility in managing scarce resources and focusing on desirable outcomes. Accountability to the constituents must be ensured through quality reporting, auditing and evaluation.

The general surveys by the Committee of Experts could be reoriented to provide an evaluation of unratified Conventions and Recommendations, thereby playing a major part in maintaining a modern and effective International Labour Code.

The ILO should significantly upgrade the services it provides to constituents, along the lines suggested by the Director-General. In this regard, I would particularly mention the need for the ILO to carry out and publish frank analyses on current labour and social issues, as well as the need for technical and policy guidance through wide dissemination of non-binding "soft-law" texts.

A second frame of reference is the ILO's place and authority in the international community.

Determined ILO action is required to better protect the fundamental rights of working people. The ILO must also pursue with vigour its claim for a place at the table in the international policy debate on economic issues. Without an effective ILO input, there is a grave risk that the social dimension of economic adjustment will be ignored.

The Director-General's proposals to strengthen the ILO's supervisory processes through establishing improved procedures in the areas of discrimination in employment, forced labour, child labour and a voluntary mediation and arbitration service deserve very constructive examination by the Governing Body.

Action is also required to strengthen the links between ILO standards and technical cooperation. This does not mean we should be making technical cooperation conditional upon standards being ratified or implemented. However, it does call for a mutual acceptance of certain commitments, such as the commitment to social progress which is inherent in ILO membership.

It is clear that the ILO's traditional approach in pursuing social justice and the protection of workers' rights through dialogue and persuasion must be maintained. The Director-General's proposals, if they prove acceptable to the ILO's constituents, do represent a significant step forward in strengthening this cooperative approach.

For pragmatic reasons, economic and political sanctions to enforce workers' rights have never been adopted by the ILO. It recognizes that there are no simple answers to these complex issues. Further research, analysis and reflection are required. The ILO must be an active participant in this process, together with other relevant international agencies.

However, there is one issue which is already clear. Free trade promotes economic development and provides the means to create jobs and improve working conditions. The substantial comparative advantage which developing countries derive from lower wage rates should not be blunted by attempts to introduce minimum wages into the debate on workers' rights.

On the question of unemployment, while the national government carries the main responsibility for finding answers to unemployment, the international debate is also critically important in our view. The liberalization of international trade offers reasonable possibilities for worldwide growth, employment creation and the alleviation of poverty. But there is no guarantee that greater social justice will automatically result.

The World Summit for Social Development in Copenhagen next March provides a real chance to find effective ways to address the social aspects of economic trends and policies at the international level.

The ILO must ensure it is equipped to play a key role in guiding and influencing international policy development. It is uniquely well placed for this, given its universal membership, its tripartite structure, its machinery for developing and supervising standards, its principles and values, and its long operational experience.

In our view this is a decisive moment for the ILO. It can continue down the path of recent years, adopting some reforms but without fundamentally reassessing its role in the international community. Or it can seek a greater influence in labour and social affairs through revising its structures and demonstrating its capacity to make original and creative contributions to effectively promoting social justice, creating employment and alleviating poverty.

In our view, there is no real alternative to a bold and creative approach and the ILO, in our view, must grasp this opportunity.

Original French: Mr. MASTELLA *(Minister of Labour, Italy)* – I should like to join in offering congratulations to the President on his election to preside over this Conference, which is this year of particular importance. It is not by chance that the 75th anniversary of the ILO coincides with the placing of the topic concerning the role of the ILO at the centre of the Conference's deliberations.

To remain faithful to the original mandate means that it is now imperative to reaffirm the vitality of the values of the Organization in seeking new and more efficient types of action. This is a fundamental requirement in view of forthcoming events on the international scene, but it is also needed for reasons which stand on their own. The development of this idea within the Office and the initiatives taken by the Office itself confirm this.

The real problem has to do with the function of international labour standards as a vehicle to promote the individual and provide for his or her integration in society. It also concerns training in the field of economic and social development, structural adjustment programmes and the regulation of the international economy and international trade.

I would like to thank the Director-General, Mr. Hansenne, who, by means of the valuable relations which are at the very core of the discussion of this Conference, has made an essential contribution to national and international discussions, by proposing feasible and effective solutions.

It is up to all of us to contribute to finding these solutions. The urgent question of employment leaves us no choice. It has now been understood, as the recent G7 meeting in Detroit demonstrates, that the serious employment problems which have been worsened by the economic crisis cannot be automatically resolved by the economic recovery alone. Appropriate policies must be implemented as well. The creation of skilled jobs must be an explicit aim of economic development and, in itself, a factor fuelling development.

The challenge we now face is to combine growth, competitiveness and employment, economic dynamism and social values. The International Labour Office has already done some useful work in this direction. We welcomed the Informal Ministerial Meeting on Employment, together with the discussion now in progress here on the role and the functions of our Organization. These discussions demonstrate an amount of awareness and at the same time are a step ahead in the field of coordination and interaction – which today is indispensable between national and international policies and between economic policy and employment policy.

The concrete solutions which have already been identified in national and international discussions, most of which have been included in the document drafted by the Office, are a very useful basis for a common operational programme which can be put to immediate use.

Because of the special characteristics of the economic crisis, there is no reason to call into question the role of the ILO. On the contrary, this role should be reaffirmed, and the importance of the Organization's drafting and application of standards to promote and protect labour should be highlighted. And this is true in particular because the more economic and employment problems become global, the more pertinent and authoritative are the observations made from a qualified, supernational and overall point of view.

The globalization of the economy and the delocalization of investments make it necessary to reconsider the relationship between individuals, institutions, the social partners and the regions of the world so that economic and social progress take place at the same pace and so that the spread of economic freedom is accompanied by the freedom which stems from universal observance of basic human rights, including those in the social field.

New rules are even more needed in a world which is loosening its borders and which is counting on the growth of free international trade as a premise for individual and collective progress.

The fact that we have put on the agenda part-time work and the role of employment agencies in the functioning of labour markets for domestic workers shows that we are on the right track. In Italy we have chosen flexibility in the working relationship to revive the economy while taking into account the needs of enterprises and of workers as lifestyles change. We are doing so without touching the basic reference framework within which these changes must take place – the guarantee of work and the protection of workers enshrined in the Constitution. The essential objective is to provide a concrete framework and some regulation for the growing demand for flexibility.

We thus should proceed along these lines at the international level, testing the suggestions which the Director-General made in his Report concerning the most effective ways to adopt standards, while first checking actual requirements and maintaining a creative attitude.

The evaluation of the impact of standards is extremely important. Of course, this involves taking account of both costs and benefits.

The principle and the methods of tripartism, which is the hallmark of the ILO, must be further strengthened. As far as Italy is concerned, tripartism serves as a reference. It is expressed in the recent tripartite Agreement on income policy of July 1993, which established the parties' objectives and commitments for all economic and employment policies.

The Agreement is in complete harmony with the ILO's proposals for the international events to take place in the near future. For proof of this, one may refer to the suggestions concerning income policies as an instrument of economic policy, to commitments to redistribute income through comprehensive anti-inflation policies or to active measures based on consensus aimed at increasing employment.

It is not possible to prepare different timetables for economic questions and social questions. The interaction of both is too great and all too obvious.

The next international events and in particular the World Summit for Social Development to be held in Copenhagen will be a golden opportunity to verify the ability of the ILO to work with other international institutions and especially with those which are active in the economic and trade field, including the World Trade Organization. The phase of occasional collaboration has served us well. It is now time to identify objectives for a closer and more regular form of common action.

With this in mind, I should like to say that the Report of the Director-General contains useful proposals, including the one for an annual employment policy meeting, the results of which are to be examined by the various committees which work on adopting new standards.

The time that has been allotted to me does not permit me to dwell on all the activities of the ILO and on other important fields of action, such as technical cooperation and training activities.

However, as regards training, I believe it is of absolute importance. Vocational training can and must be given a more important role in employment policy. If a major part of employment problems stems from the obsolescence of jobs as new technologies are introduced and production is reorganized, it is obvious that training must become more practical, operational and continuous both for those who are already on the labour market and should not be neglected and for those who are about to enter it and should do so with the appropriate means.

Permit me therefore, in concluding, to reiterate my personal support and also the support of the Italian Government for the activity of the ILO, and in particular, support for the Turin Centre, which has made great headway thanks to the efforts of its Director, whom I would like to thank.

Original in Spanish: Mr. ALBURQUERQUE DE CASTRO *(Secretary of State for Labour, Dominican Republic)* – The Report presented to us this year by the Director-General, Mr. Michel Hansenne, is a call for reflection, a message of warning and concern addressed to the constituents of the Organization who are invited to promote change in a global economy and at the same time called upon to defend social protection.

Never before, if I may say so, without in any way wishing to denigrate previous Reports and important pronouncements by earlier meetings, never before have we had as an essential topic for discussion and analysis a theme so intimately bound up with the very future of the Organization, and with the juridical discipline which emerged as an independent branch in 1919, namely labour law.

The question has been asked with absolute clarity. Is labour regulation admissible in an economy dominated by market forces? The presumed conflict between the opportunity to find work and labour law is a problem which is under discussion in all countries, and among certain social groups, and the International Labour Organization cannot and must not stand aloof from this discussion since it is the most appropriate forum for the expression and exchange of experiences and concerns in all matters pertaining to the transformations that have swept through the world of work bringing far reaching change through the effects of technological innovation, new management practices now being applied by enterprises and the flexibility of capital.

As is pointed out by the Director-General in his Report, the present age is dominated by the question as to "whether regulation and worker protection are deterents to employment, and conversely, whether deregulation and flexibility are valid means of promoting employment".

The response to these concerns is a matter of particular urgency for develolping countries, with their high rates of unemployment and sustained growth of the informal sector.

However, it should be pointed out, although there is no need for particular statistics since the realities are already widely known, that the labour costs in industrialized countries are significantly higher than those prevailing in the developing countries, and that the workers in those rich nations enjoy a level of protection and stability far superior to those available to wage earners in those nations which are struggling to achieve economic renewal.

It is understandable and admissible that the industrialized nations, faced with the persistent phenomenon of unemployment, should try to fight against it by making employment more precarious and by introducing flexibility into conditions of work.

On the other hand, developing countries like the Dominican Republic, with legislation that has been brought into line with the basic standards of international labour law, has never achieved, nor enshrined in its national labour legislation, standards that would prevent the conclusion of fixed-term work contracts or that would make absolute stability binding on entrepreneurs.

It is possible to make flexible that which is rigid, but it is absolutely inappropriate that simply by imitating what is taking place in the industrialized nations, the developing countries, with much lower labour costs, should go down the path of a deregulation which would only lead them to the old system of contracting services dominated by the rule that the will of the parties prevails, which in fact leads to the stronger party in the labour relationship taking the upper hand.

It was these considerations which impelled the Government, the employers and the workers in the Dominican Republic to draw up, by consensus, a new Labour Code which, far from taking the road of deregulation, set out to strengthen the individual rights of wage earners without falling into the excesses of rigidity which would fossilize labour markets.

It should be emphasized that the direction taken in the Dominican reforms, where market liberalization has gone hand in hand with social concerns, was possible only thanks to tripartism which made it possible for the social actors to intervene directly in the solution of their respective problems. Of course, the policy of negotiation and consensus did not in any way mean the disappearance of tensions between employers and workers. These differences are natural in a democratic society, and is inevitable and indeed constructive provided there are mechanisms and appropriate instruments available to ensure that dialogue prospers and that compromise can be reached.

Hence, the importance at this time of modernizing the structures of labour administration.

Given the globalization of the world economy characterized by the opening up of national markets and by other important phenomena, the Dominican Republic has undertaken a whole range of economic reforms which have led it to the adoption of a new tax code, new tariff regulations, a bill on foreign investments and a programme of industrial restructuring.

But, at the same time as change is being promoted, there is constant concern to ensure our integration in the market economy, without neglecting the values of social justice. And, to that end, we have not only approved the new Labour Code but we have also set about a very thorough reform of social security and we are putting into practice social contingency plans designed to protect the most vulnerable sectors of society.

All of these measures which began in 1990 inevitably reflect the influences of the political and geographical context in which the Dominican Republic finds itself. Our democracy will not have the perfection of the industrialized nations, but we are already very far from the time of the bands of guerilla fighters, from the tyranny that was laid low in 1961, from prisons and political exiles, from the suffocation of civic freedoms. Tourism and the free trade areas testify to the serious and sustained efforts that have been undertaken at the level of the Government and the people to consolidate our democracy. It would therefore be regrettable if this constant forward march were to be impeded by those who still fail to understand that we are a people with our own identity, with a culture and with traditions that are different from those who today need the assistance of the international community to overcome their domestic problems.

Social justice in a global economy must be the imperative of these times. That has been the understanding of the Dominican Republic, as has been demonstrated in its new Labour Code.

I would therefore congratulate the Director-General for the timeliness of his proposal to the 81st Session of the International Labour Conference, that it deal with the subject of social justice in a global economy which today requires that the gradual liberalization of markets go hand in hand with improvements in conditions of work.

There can be no better subject than this to commemorate the 75th anniversary of the International Labour Organization, which should feel proud of its achievements and which has before it great tasks to carry out.

To the President of this Session of the Conference, my congratulations on his deserved election and my best wishes for success in conducting its proceedings.

Original Portuguese: Mr. FALCÃO E CUNHA *(Minister of Employment and Social Security, Portugal)* – Speaking on behalf of the Government of Portugal and in my own name, I should like to offer my congratulations on the excellent way in which the work and the Conference have been conducted.

The Report which the Director-General has given us for consideration has, as its central topic, social justice in the context of a global economy that is undergoing change.

The economic changes resulting from technical innovation will accelerate the entire process of the globalization of the economy, which I believe will have a positive impact on the development of societies and people.

The recent GATT negotiations are based on the premise that liberalization of trade with growing competition and new forms of international division of labour will also be beneficial to global growth and development.

This progress may, however, have negative effects which can result in unemployment and social exclusion.

Respect for human beings leads us to reject social exclusion and degrading living conditions to which the new poor are subjected, nor can we accept the existence of working conditions that undermine human dignity.

The defence of human dignity is an ethical and moral imperative. The solution for this is to be found in the essential tools of dialogue and social agreement which require active and steadfast participation by all social partners.

Tripartism, which is part of the tradition of this Organization and which depends on the agreed decisions of workers, employers and governments, has intrinsic virtues and values as represented by the progress achieved throughout the 75 years of the ILO's existence.

But it is no less clear that this model of tripartite international structure implies the principle of subsidiarity, which means that decisions should be taken at the level which is closest to that of those who are most affected by them.

I have no doubt that the application of tripartism at the national level is the best way to make compatible the requirements of production and distribution of wealth, the right to employment and the creation of employment.

Thus, from this point of view the role of the States in social dialogue is both that of promoting and moderating while being an active and discrete arbitrator and conciliator.

The States, owing to the nature of their functions, have a decisive role to play in bringing about social dialogue.

In this context, and as referred to by the Director-General in his Report, I believe that the standard-setting activities of the ILO will further consolidate and modernize existing standards in order to facilitate their acceptance by an increasing number of countries.

In the context of strengthening the application of these standards, the ILO supervisory system should continue to be based on technical competence and the political authority of its institutions.

The extensive experience of the ILO system in defending freedom of association and eliminating violations of freedom of association through the actions of the Committee on Freedom of Association is well known.

However, the scope of fundamental social rights is broader, and therefore the suggestion by the Director-General that we consider a supervisory procedure identical to that of the Committee on Freedom of Association for other fundamental social rights deserves our full attention.

The proposed system for supervising the application of Conventions concerning other fundamental social rights can eventually take shape as a programming principle for activities of the ILO and its member States – to protect the dignity of workers.

The problem of reconciling the improvement of working and living conditions and competition in the global economy is becoming increasingly urgent.

The development of trade gives evidence of the difficulties of economies of countries and regions which have improved working conditions and social protection the most, in contrast with those economies which subtract the cost of social justice from their products.

The consequences are well known. Businesses and financial resources tend to move to regions which have lower production costs. In the more developed countries there is increasing unemployment, along with a rise in the cost of social protection. A legitimate question therefore is to ask if those countries to which business and resources are moving are improving working conditions and social protection in accordance with the increase in their economic resources.

The improvement of social policies in the less developed countries, on the basis of the ILO's international instruments, should be promoted. However, we cannot ignore the negative effects that could potentially result from disproportionate levels of social protection in the light of available resources.

The social goals must be feasible. When social objectives are set too high, they will not be respected or else they will have an unacceptable effect on the economy and employment in these countries, giving rise to social instability which must be avoided.

The suggestion, therefore, of the Director-General to have a new international Convention through which some States would renounce the use of unilateral trade measures and others would commit themselves to improving social protection seems to be faced with substantial practical difficulties. Ultimately, it will depend on the willingness of States. One may well fear that it is insufficiently effective, to the point of removing the social clause from trade agreements, which would make trade conditional on certain minimum levels of social protection, independent of the ratification of Conventions.

These social clauses should not ignore the effects that they could have on exporting countries. Feasible social goals should be set that contribute to the balance of international competition.

While respecting the ILO's own rules, it is necessary to adopt universal Conventions that can be ratified and applied by the maximum possible number of States.

The problems of this strategy are quite complex and involve the procedures of the member States in preparing and adopting international instruments, the submission of those instruments to the competent national authorities, and ratification of Conventions. The solutions to be found must, above all, respect the ILO's tripartism and its constitutional provisions.

Thus, the ILO is maintaining a delicate but worthwhile task of making the discipline of a system for protecting workers, which seeks to become increasingly effective, compatible with the new realities of the international economy and the internal development of each country. This must be based on social reform which is effective, just and economically self-sustainable and self-sustained.

The system must be one which can generate employment and which can create solidarity among all.

The Portuguese Government will proceed multilaterally in order to contribute to the enshrinement of the international ILO standards, providing adequate protection and guarantees to all workers.

Along with the standard-setting role of the ILO, it has another basic role which is no less important – that of providing assistance in solving specific problems of employment.

In this area we have technical cooperation activities, through an active partnership policy. Technical cooperation is above all intended to strengthen the capacity of the member States in those areas within the ILO's competence.

Portugal has placed particular importance on international cooperation in the area of labour law, which can be seen through the many technical cooperation programmes in conjunction with the ILO.

Our cultural and linguistic ties with the five Portuguese-speaking countries of Africa have given us an opportunity to develop technical cooperation programmes as well as bilateral and multilateral ones.

We shall continue with these programmes which will, I am sure, enjoy the ILO's support. The ILO in turn can count on Portugal's efforts to promote the growth of the world economy and the respect of basic workers' rights.

Original Greek: Mr. YANNOPOULOS *(Minister of Labour, Greece)* – I am particularly happy to be here with you and I would like to express my most sincere congratulations to the President as well as to all the other Officers of the Conference on their election. I am convinced, as are all the other members of the Greek delegation, that your competence and experience will certainly ensure the success of our work.

I should also like to underline that the Report of the Director-General, Mr. Hansenne, is marking a special point in the history of the International Labour Office. It is a document of great quality and noble aspirations which defines with success the priorities the International Labour Organization must pursue in order to take on the challenges of the twenty-first century.

Seventy-five years have elapsed since the creation of the International Labour Organization, the consequence and result of considerable efforts to bring about social peace throughout the world on the basis of social justice.

The ILO, which was given the Nobel Peace Prize in 1969 in recognition of its contribution, is the only example of an organization where workers, employers and governments work together on an equal footing.

Amongst the most urgent problems which the ILO was called upon to resolve following its inception were the eight-hour working day, social security, maternity protection, improvement of working conditions for women and children and the struggle against unemployment.

Today, 75 years later, the problem of unemployment is still as topical as ever.

A fact that I always mention – I did so at a recent conference at the Catholic University in Louvain and during ministerial meetings at the European Union, is that the economic recession of the past few years has shown that full employment, the welfare State and equal opportunities, far from having been attained, are being sorely tested.

Seventy-five years after the creation of the International Labour Organization, poverty, marginalization and unemployment are rampant. Over 150 million citizens throughout the world are unemployed; over 800 million inhabitants are suffering the ravages of underemployment. In the European Union alone there are 19 million unemployed, which is enormous. This is equivalent to a quarter of the world's population.

Unemployed people are legion and the trend is on the rise, especially if we continue with current policies. The reason is simple – we have not reached the level of economic development to sustain the level of employment.

The labour world is changing and losing its characteristic unity. The nature, the importance and the content of work are changing, as are employer-worker relations. Social disparities are growing, societies – even the most advanced – are experiencing previously unheard of forms of poverty, unemployment is marginalizing tens of millions of people, the figures of migrating populations – immigrants, refugees, displaced persons – are shooting up.

The risks of social degradation are tremendous. They come under the names of household crises, increased unemployment and crime, all forms of abuse and are in all fields – economic, political and social. Others include the explosion of the labour force and worldwide social upheavals.

In Europe alone, 52 million people live below the poverty line; on the global scale there are billions who do.

The question that arises, then, is the following: is it possible to reverse the trend and to create an acceptable form of society?

Before doing this we will have to clarify, firstly, what the real needs of our societies are and what they are prepared to accept; secondly, ways of ensuring employment for young people; thirdly, how to apply social protection; and fourthly, how to adapt current systems so as to ensure social integration.

It is only through social integration that we will be able to solve the other problems of so-called disadvantaged social groups – the young, the old, the disabled, immigrants, etc.

It would be wrong to imagine that one could really bring about economic development at the cost of a country's social well-being.

Of all policies, it is social policy, and social policy alone which can deal with the real problems of daily life: employment, social protection, working conditions, standard of living, dignity at work.

This is why social policy must always aim to eliminate inequalities on the labour market by upgrading and redeployment measures in order to ensure the flexibility necessary to combat exclusion.

The economic situation is certainly something we must bear in mind, but this does not necessarily mean that it must eclipse every other aspect. By definition it is a reflection of progress and development, whilst having its roots in solidarity and social justice.

Economic progress goes hand in hand with social progress; they are inseparable. The process of economic integration involves the improvement of living standards and of the applicable social model, not their deterioration.

It is inconceivable to consider giving priority to economic performance over social progress. Economic performance, expressed in abstract figures, is to no avail if it entails the reduction or suppression of social achievements won on the basis of considerable sacrifice.

The Western socio-economic model after the Second World War was based on the quest for full employment, and the welfare State was closely bound up with the ideals of democracy and respect for human rights. This is where its strength lies. Since the disappearance of the two antagonistic blocs, we are heading towards a new situation where the level of socio-economic development will play an even greater role than in the past.

The systematic political East-West confrontation – one of the main features of international relations, also at the ILO, over the past decades – has disappeared, and the usual differences between employers and workers have resurfaced. The collapse of Communism occurred at the same time as the return of neo-liberal doctrines which support free markets, private initiative and associated ideas: blame of the welfare State, privatization, flexibility, deregulation and hightening of the social burden.

The internationalization of the economy which is gaining momentum, especially after the successful negotiations within the framework of GATT, is a true challenge for the ILO. The Report of the Director-General notes – and I entirely share this view – that we are moving towards a convergence of economic policies at the global level; there is much proof of this: the development of international trade, large movements of capital, interlinking of financial markets, foreign investment, etc.

The Report is very eloquent on the influence of multinationals on the world economy – I note the figure of approximately 40,000 as compared to just over 7,000 20 years ago. Insertion in an international economy can also occur through international organizations with regional focuses, such as the European Union, NAFTA – uniting the United States, Canada and Mexico, and MERCOSUR – made up of Argentina, Brazil, Paraguay and Uruguay.

It is thus the global system as a whole that is changing, the elements of which are increasingly interdependent and show a trend to regroup on a regional basis as a means of ensuring lasting economic and social development.

It is well seen to say that the market economy is the only way to achieve development. However, can we really trust only the "invisible hand" of the market to solve the numerous problems that arise during the process of economic structural adjustment?

Or, to quote an expression dear to the famous American economist John Kenneth Galbraith, are we risking ending up with an extreme model where individual affluence exists alongside collective destitution? Are we risking experiencing once again the savage capitalism that we experienced at the start of the industrial revolution?

It is to avoid this risk that the fundamental values of the ILO must be recalled now more than ever, whether it be social justice, working conditions, the protection of vulnerable groups – like women, young people, the old, children, immigrants, etc. – freedom of association and respect of the dignity of the worker.

Social justice, the indispensable basis of all civilized societies, must be based on the equilibrium of relations between the State, the economy and individual.

Tripartism – workers, employers and governments – is an ideal framework to discuss and to deal in an efficient way with profound social changes, to formulate consensual policies at the international level, and to apply these policies, adapting them to the needs of socially acceptable economic development.

The European Union is about to take a decision regarding the type of society that it would like to see, and regarding the policies to apply to achieve both economic development and social progress.

You have probably seen or heard about the European Union's White Paper and Green Paper.

The White Paper on Growth Competitiveness and Employment proposes a series of medium-term policies aimed to maintain the competitiveness of the Union on the global level, while respecting its social models.

The Green Paper lays down the philosophy of a true social policy, an apology for human values. It is the cornerstone of workers' rights. The question concerns present and future social policy. And the question is not only a question for Europe, but for the whole world. What kind of society would we like to see? What policies must we implement to achieve this aim?

To have both employment and a satisfactory level of social protection cannot be the privilege of only the developed countries of the European Union. The problems and guidelines outlined in the Green Paper are applicable to all countries of the world. Those that have new practices in the labour field and those that are experiencing technological revolutions. I would go so far as to say that they are perfect for the developing countries and for the countries of Central and Eastern Europe which are currently experiencing a difficult period of their history.

Original French: Mr. BENHIMA *(Government delegate, Morocco)* – It is my agreeable duty to congratulate the President on the confidence expressed in him by this Conference by electing him to the chair of its 81st Session, which is taking place in a context that calls for an effort of reflection on our Organization's action to establish social justice. I am sure that – thanks to his experience and wisdom – our Conference will achieve better results and find appropriate solutions to all the questions under review.

I would also like to welcome the Sultanate of Oman, South Africa and the Republics of Tajikistan and Turkmenistan to our Organization. I am sure that these new Members will make a positive contribution towards strengthening the ILO's role.

I would also like to thank the Director-General of the ILO, who took the opportunity of the 75th anniversary of the Organization to submit to the Conference a series of proposals for strengthening the role of our Organization in a world that is grappling with the economic and social effects of the new international situation.

The future of our Organization depends on its ability to adapt to international change and to influence the course of events in such a way to ensure that they further the aims pursued by the ILO.

Our Organization has repeatedly demonstrated its capacity to modernize its working methods and its means of action by bringing them into line with the demands of the times. And it has been able to do so thanks to its tripartite structure, which enables it to remain in continuous contact with reality and to pursue its goals with greater drive and vitality.

One of the problems facing our Organization is the question of unemployment, which has been exacerbated by the impact of structural adjustment programmes and the liberalization of international trade, a development that has given rise to fierce competition, encouraging enterprises to demand greater freedom and flexibility in the management of their business and the administration of their human resources.

Bearing in mind the obligation to defend human dignity, which cannot be safeguarded without an employment policy that ensures a decent life for everyone, our Organization must seek appropriate formulas for striking a balance between the demands of economic development and the promotion of employment.

In this regard, we agree with the measures proposed by the Director-General, namely to produce an annual report on the situation of employment and income in the world and the impact of economic and financial policies, and to give these matters the status of permanent items on the Organization's agenda.

We consider that such measures will enhance the standing and the role of our Organization in determining the social aspects of economic policy and we consider that the ILO should have the means and the authority required to play that role.

While the high-level meetings held by the ILO on employment and structural adjustment policies have produced satisfactory results, they have had little real impact in the absence of international machinery for evaluating their results and monitoring the implementation of the decisions taken.

It is time to introduce such machinery, with the ILO playing a key role both in its establishment and in its functioning.

The International Labour Organization can only play such a role by continuing to adapt its structures and its means of action in such a way as to ensure that it can shoulder that responsibility.

To that end, the ILO needs to have a certain flexibility in administering the Organization's budget so that the activities and studies it undertakes remain topical and vigorous and, in particular, so that it can keep abreast of the constant changes in the world of work.

Turning now to the standard-setting work of the Organization, we believe that it is essential for that work to continue, given the constant changes in the world of work brought about by scientific and technical progress and its impact on working conditions and labour relations.

We consider that it is essential for ILO standard-setting work to be adapted to the real needs of member States, which need to be directly involved in the choice – by the Conference and not only by the Governing Body – of matters that are to be made the subject of a standard.

Furthermore, the ILO must update the older standard-setting instruments so that the provisions of those instruments that are still valid may be grouped together by subject-matter and classified in accordance with the areas dealt with and the aims pursued.

Furthermore, it is essential that there should be a choice of questions that are of concern to member States and that they should initially be formulated as Recommendations before being turned into Conventions. These Conventions should include flexibility clauses, both as regards their content and as regards their partial or gradual ratification, depending on the needs and possibilities of each State.

In this context, I should like to emphasize that labour legislation in Morocco is in line with a large number of the Conventions adopted by the Organization and this has made it possible for our Government to ratify 41 Conventions to date, while others are in the process of ratification or under study.

Technical cooperation is one of the main areas in which the ILO has played a vanguard role for the past half century, helping to carry out a variety of projects in a large number of countries.

As one of the means whereby the ILO attains its objectives, technical cooperation must, if it is to succeed, be based on new foundations adapted to the new strategy of international organizations involved in cooperation, a strategy dictated by the declining volume of official development assistance.

We feel that the best way of ensuring the success of technical cooperation is to identify, in cooperation with beneficiaries at the national level, the medium-term objectives to be pursued, while taking account of the needs expressed and their consistency with the values defended by the Organization.

The active partnership policy recently pursued by the ILO in the area of technical cooperation gives practical expression to this method and we wholeheartedly support this approach, in particular the establishment of multidisciplinary teams in the various regions. In order to make those teams more effective, their role should be confined to the provision of technical advice, while the preparation and implementation of projects should be gradually entrusted to national authorities.

The agenda of this session includes questions of importance, including part-time work, security and health in mines and the role of private employment agencies in the labour market.

We hope that the technical commissions set up to discuss these matters will produce constructive results that satisfy all the parties concerned.

Before concluding, I would like to reiterate my congratulations to the President, on his conduct of our proceedings and his tireless efforts to ensure the success of our Conference.

I would also like to pay tribute to the Director-General and the members of the Governing Body for their efforts to reach the goals set for our Organization.

Original Spanish: Mr. ROMERO NAVA *(Employers' delegate, Venezuela)* – I should like to begin by congratulating the President and the other Officers on their election to chair this 81st Session of the International Labour Conference, in the year in which we are celebrating its 75th anniversary.

I should like to stress that my country, Venezuela, which at the time was an unknown place on the map in Latin America and suffering one of the worst dictatorships of that time, was nevertheless a founder Member of this very prestigious international organization with which the Venezuelan employers have always identified, both in terms of objectives and the ILO achievements. However, we realize that it is now vital, given the profound changes the world is undergoing to lay sound foundations upon which the ILO can redirect its activities in the light of the new realities. The world of 1919 is very unlike that of today. Totalitarian systems have been rejected by humanity and democracy and participation are spreading throughout the world. In recent years we have been witnesses to the success achieved by the ILO in bringing down systems which, in one way or another, had tried to enslave or discriminate against human beings for reasons of ideology, religion or race. If the contribution of the ILO had only been limited to that, humanity would still owe a crushing debt to the ILO.

We are speaking before this assembly to tell us that we, the Venezuelan employers, believe that this body – which is remarkable on account of its tripartite structure – still has major goals to achieve in a world where many people are hoping and demanding that the fruits of modernization be shared on an equitable basis. We must, once and for all, do away with poverty and marginal living; and therefore we believe that all the ILO's positive experiences should be harnessed to promote and establish genuine bases for employment opportunities, individual development, stimulation of investment and entrepreneurship, which encourage employment development.

We have carefully studied the Report which the Director-General, Mr. Michel Hansenne, has submitted to us, and we once again would like to extend to him our special greeting which we already had the opportunity to do when he visited Venezuela. As always, his Report is a document which enables us to make constructive criticisms so that we can preserve values and promote change with equity in the context of a global economy.

Economic freedom and political freedom are indivisible and have to operate together.

I would like to refer to the statement drawn up at the recent Seventh Meeting of Presidents of Companies in Latin America which was recently held in Cartagena. It concluded that experience has shown that sustained expansion of employment arose from solid economic growth based on the following conditions: stable and coherent management of macroeconomic policies; a political environment that stimulates and allows enterprises to be set up and prosper in a competitive market; stable regulations; respect for private property; and a flexible regulatory framework that allows employers and workers to adapt to economic changes.

Therefore, Venezuelan employers agree that the time has come for the ILO to consolidate its achievements to date; in particular to revise and adjust international labour standards which have served as the point of reference for minimum legislation in many countries. We feel that the limited economic resources of the ILO should be directed towards expanding programmes of technical cooperation and improving management of human resources, particularly in those countries which are suffering badly from poverty, unemployment, inflation and a growing informal economy.

We thus set aside any belief in class war and hold that the objectives of a country, such as ours, particularly under the current conditions, requires cooperation among the social partners on the basis of tripartism, which is the cornerstone of this important international Organization. We support tripartism as a dynamic and participatory mechanism for identifying problems, establishing priorities and establishing options that will bring about concerted action to try to solve the difficult situations that limit our development, and to ensure that high living standards are available to all – to which our citizens legitimately aspire. We feel that this tripartism should not be confused with other mechanisms that could be useful for the analysis and attempt to seek solutions in different forms. We recognize the undeniable importance of contributions from other parts of society to these ends, and we reiterate the need to renew existing tripartism which has always characterized the ILO. Nothing should in any way weaken this tripartism, because it would undermine the very basis of the ILO.

We congratulate the Director-General for acting upon the idea put forward by the Latin American Employers' Group by setting up the multidisciplinary teams – which recently began to work. We are confident that an adequate combination of technical support, on the basis of the extraordinary work carried out by the Turin Centre, and a renewed tripartism, will allow these teams to help to identify and resolve those situations which in some countries are still undermining labour relations – to the detriment of the promotion of productive employment, necessary investment and strengthening in the real wages of citizens. This is the case of our country where, as is well known, within a democratic regime of freedom, we have submitted a complaint to the ILO against the Government of Venezuela with the support of the International Employers' Organization, because we believe that the Labour Code of 1991 violates certain international Conventions which have been ratified by our country. The text might have been drafted with good intentions; but circumstances have demonstrated that it does not contribute to solving labour problems and promoting more productive employment and improved living standards. We are confident that our new Government, which is headed by an illustrious Venezuelan who, as a jurist, is closely linked to the ILO, will develop the means in order to enable us to find solutions for the complaints that FEDECAMARAS has quite correctly made.

As is well known – and in many cases this has been exaggerated – there are many problems affecting Venezuela; but all of them have a short-term solution to the extent that we can take advantage of the technical assistance of the ILO, national and international investment, and the wealth which we have in Venezuela; indeed, we have some 62 billion barrels of oil, without taking into account the tremendous reserves of the Orinoco. The difficult experiences of our country in the last 40 years have not enabled us to build upon our real values and tap our potential. We are trying as hard as we can to combat corruption in all its forms. And all Venezuelans are committed to the modernization of our society and of its most basic social and legal instruments. We are also in the process of renovating and improving – with success – our efforts to democratize the education system and to promote social mobility. In fact, social mobility is probably the most important factor, which offers security and confidence to nationals and foreigners alike investing in Venezuela both to meet the needs of the market as well as to establish a source of production for international trade. In this way, they can take advantage of our excellent geographical position, human resources, energy resources, climate, communications and positive experiences with very prestigious multinational and national enterprises.

Our country has historically been closely related to international investment. Venezuela has been, and continues to be, a country which offers opportunities to everyone. Venezuela is today, by virtue of its demographic configuration and the nature of its citizens, a result of crosses and combinations of diverse nationalities, cultures, religions and origins.

Venezuela is a country in which we are committed to promoting structural change within a pluralist and full democracy, with a willingness to establish and develop a market economy that will allow us to meet the demands of the various political parties by creating employment, which is worthy and well paid. Venezuela is a country where we have tried to promote small and medium-sized enterprises in order to give opportunities to Venezuelans and to any skilled foreigners who are willing to work. Venezuela is a country where there is a great potential for tourist development. Venezuela is a country in which the social partners are dynamic, where we respect each others' areas of operation and where the Government, the employers and the workers are jointly committed to upholding freedom of association, with the conviction that this is an important way to achieve development, productive employment, equity, justice and confidence.

The Venezuelan employers are very proud and satisfied to have contributed to the creation of the ILO, and on the occasion of the 75th anniversary we are confident that we will be able to meet the new needs of a global and interdependent world.

You can count on the firm support of the Venezuelan employers in helping to bring about the success of the next 75 years of the ILO, certain that this will help to realize the hopes of our peoples.

Original Spanish: Mr. FERRER DUFOL *(Employers' delegate, Spain)* – I would like to begin by congratulating the President on his election. I should also like to welcome those countries which have joined our Organization this year. I am certain that their membership of the Organization will significantly enrich our discussion.

I should also like to congratulate the Director-General for the Report he has presented to the Conference. Its title suggests that, during the plenary session, we will have an extensive debate on the future of our Organization . Yet, while this future will certainly be full of difficulties and uncertainty, it will also provide opportunities in a global context of fundamental change, be it political, economic or social. Employers, and especially those in Spain, have every intention of actively participating in this debate; thus, the Conference will be but a first, although important, step. They will continue to pursue this work shortly, together with the Governing Body, to develop the contributions made by the three groups both at this session and future sessions of the Conference.

The 75th anniversary of the founding of the ILO is certainly an opportune time for this; however, it is also certain that we would have had to take up this task even without the anniversary because, as the Director-General has said, the size and rapidity of recent geopolitical convulsions – together with their social and economic consequences – must necessarily bring about a review of the ILO's priorities and working methods.

The majority of the highly advanced countries are currently re-examining their social laws, seeking, on the one hand, greater flexibility and, on the other, a greater role for employers and workers through collective bargaining within the framework of labour standards. Hence, we need to review the existing role played by international and national standards and laws, in the labour market. It would be counterproductive if the effort that has been made nationally were to be impeded by standards proposals reflecting historical situations which are, fortunately, no longer applicable in most countries, and which therefore require revision.

Any attempt to reverse this move to greater flexibility by artificial protectionist measures can only bring about unemployment and endanger the viability of social protection mechanisms.

Fiscal measures involving new levies on undertakings would be a break on the economic growth expected by many of our citizens – and in particular young people wishing to enter the labour market.

It is widely agreed that job creation – an objective shared by all – has to stem from competitiveness on the part of undertakings, whilst safeguarding workers' rights that are part and parcel of our social culture.

Consequently, the institution of training activities by employers and workers can make a large and positive contribution – especially in the area of retraining and the initial training of young people. Technological progress and the creativity it generates will compel employers, workers and society as a whole to bear constantly in mind the need for ongoing training.

Perhaps one of the most basic changes in recent years has been the crisis of planned economies and the welfare state, and the recognition of the market economy as a universally accepted standard. The Director-General gives due recognition to this in the first pages of his Report, in acknowledging that this is a new factor in the history of the ILO and that, in this new context, private enterprise has a decisive role to play.

We feel that this statement of principle is not at all reflected in the rest of the Report. This is a shortcoming we regret not only because it affects the Employers' group, one of the three pillars of the Organization, but also because this failure to emphasize the values of enterprise in fundamental aspects of the future action of the ILO (such as job creation, improvement of human resources, etc.) undoubtedly limits the debate on the future of these activities.

I am quite certain that other speakers will raise this point during the plenary sessions and that subsequent debate within the Governing Body will pay due heed to the role of enterprises in national economic and social development. In doing so, the ILO would merely be following the guidelines adopted by other United Nations agencies.

Globalization of the economy and the world trade liberalization will facilitate free circulation of goods, services, capital and technology at a speed unimaginable only a few years ago, and will allow countries to maximize their comparative advantages. This will permit more efficient use of the resources, and enhance their competitiveness and profitability; this in turn will bring about economic growth and, as a result, the creation of new productive employment opportunities.

I should like to refer as well to that section of the Report dealing with international labour standards with which the Director-General began his analysis of the future of the ILO. It is true, as stated in the Report, that we should be proud of the contribution made, in the past, by international standards – and in particular, certain fundamental standards such as Conventions Nos. 87 and 98 on freedom of association and collective bargaining, and other more technical conventions – in the economic and social development of our countries. However, it is also true that, in recent years in particular, the level of ratifications of Conventions has fallen to very, very worrying levels; this should make us reflect for the future on both the content of standards, the way they are prepared and the part they have to play in ILO activities.

The Employers have recently submitted both to the other groups as well as to the Office itself a document on the future of standards, and we are quite certain that this will receive due consideration in the discussion that will take place shortly in the Governing Body. The Conference should also perhaps study this topic.

I should now like to mention some aspects I think are particularly important. At the present time, when, throughout the world, the need for greater flexibility in labour relations is being recognized it is essential that new ILO Conventions incorporate this flexibility concept. There is no doubt that the growing complexity and rigidity of the Conventions is an obstacle to their ratification. Given this, and in the search for the same criteria of flexibility, we need to launch the revision of certain Conventions which have a poor ratification record in order to adapt them to new realities. I refer here, for example, to certain aspects of ILO standards on social security which are difficult to apply in the current context in many countries.

It is essential, as suggested by the Report, that we strengthen the operation and evaluation of these standards and this implies rigorous supervision of their implementation. But this is not sufficient for assessing the value of the standards in the light of the situation in member countries or for identifying those which are outdated.

Economic conditions are not an excuse for a country to fail to meet the obligations they have voluntarily accepted. However, an in-depth study of the reasons for non-ratification and the insufficiencies in implementation should permit permanent adaptation of the ILO's legislation system. Today, more than ever before, we need a procedure for revising and adapting international standards.

Finally, I would like to refer to the procedure for selecting the topics for future Conventions – a procedure which leads us to include new topics, more by exclusion than by consensus agreement among the groups. In our view, the final decision should be taken by the Governing Body, however, this should be on the basis of a broader list of topics selected on previously agreed criteria. This will probably require general discussion in the Conference on the future of the standard-setting policy.

I should like to conclude by a brief reference to the social clause – an important topic for many sectors which should receive priority consideration within the new World Trade Organisation.

(Mr. Gray takes the Chair.)

Original French: Mr. AG ERLAF *(Minister of Employment, Public Service and Labour, Mali)* – On behalf of the Government of my country, my delegation and myself, I should like to associate myself with preceding speakers in congratulating the President on his election to this high post at the 81st Session of the International Labour Conference. I am convinced that through his wisdom and perceptiveness our work will enjoy great success. My congratulations also go to the Officers of the Conference and I pay tribute to them for the trust that has been placed in them.

With your permission, I would like to avail myself of this opportunity to congratulate the Governing Body and the Director-General of the ILO, Mr. Michel Hansenne, for the excellent content of the Report submitted to us.

The present Session takes place at a very important moment in the life of the Organization. The 75th anniversary of its inception and the 50th anniversary of the Declaration of Philadelphia come at a moment of economic, social and political crisis in the world. It is for this reason the Director-General's Report is of such interest.

The document conjures up for ILO constituents every aspect of the challenges that have to be taken up by our Organization. There are indeed many values to defend. But we also have reforms to make.

The scope of the global world economy concerns us all. It must encourage investigation of the best ways and means to put the objectives of the Organization into practice. This is why my Government believes that the ILO should equip itself in such a way as to be able to intervene and make sure that the many aspects of social justice are taken into account. Such an undertaking is within our means, even if we have to rethink working methods and adapt existing means of action.

One of the oldest and most important functions of the ILO is its legislative role. The Government of Mali, in the face of the various questions raised by the Organization's standard-setting activities is of the view that suspending the elaboration of new standards would amount to depriving the ILO of one of its most effective means of sustaining the momentum of progress and social dialogue.

The stagnation in ratifications is certainly a cause for concern. However, my Government, in its belief that this is not a reflection of a lack of common will to meet the ILO's fundamental principles believes that all our energies should be directed towards the following. Firstly, we should continue in our efforts to revise and update standards that are no longer relevant. Secondly, we must revise certain Conventions which many countries have failed to ratify on account of their rigidity or demands.

At this level, Conventions should provide a general framework. It is for Recommendations to fill in the necessary details. In this undertaking, the general surveys carried out by the Committee of Experts would certainly make an invaluable contribution.

Moreover, we support the proposals that the Governing Body or the Conference should, however often we decide, hold a general discussion on what is impeding the ratification of certain Conventions, to give us a better idea of the impact of this standard-setting activity.

I avail myself of this opportunity, on the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia to announce officially that my country has ratified the following instruments: Conventions Nos. 151, 135, 159 and 141.

I am convinced that none of the planned reforms will be successful unless we strengthen the tried and tested tripartite machinery. For this reason every member State must commit itself to doing this and adopt it as a guiding, practical and constant principle. There should also be a campaign to ensure recognition of the principle at the international level so that mobilizing social actors in this way can be used to promote the common good.

My Government notes once again, with great satisfaction, the efforts that have been made in the field of technical cooperation. However, the present situation in Africa, which is characterized by a move towards democratization and currency devaluation requires urgent action.

With your permission, I would like to congratulate the ILO on its initiative to organize in the near future a tripartite seminar on measures to complement the devaluation of the CFA franc in Africa.

I would also like to congratulate the ILO on its activities in the framework of preparations for the World Summit for Social Development. It is also with great satisfaction that my delegation finds that part-time work, safety and health in mines and the role of private employment agencies in the functioning of labour markets have been included on the agenda. My country, having already passed legislation in this regard, holds out great hopes for the Conferences debates. The discussion on the role of private employment agencies in the functioning of labour markets is undoubtedly the opportunity for us all to give our objective opinions on this issue.

For its part, since 1991, the establishment of private employment agencies to operate alongside the National Employment Office, in the framework of a flexible labour market, has been authorized in Mali.

My delegation believes that mixed management models for the labour market are essential. We therefore hope that the Employment Service Convention, 1948 (No.88), the Fee-Charging Employment Agencies Convention (Revised), 1949 (No.96) and the Employment Service Recommendation, 1948 (No.83) will be reviewed with a view to adopting a new standard.

The Government of the Republic of Mali welcomes the developments in the political situation in South Africa and the occupied Arab territories.

A page in the history of South Africa has been turned once and for all with the election to the Presidency in a spirit of reconciliation of Mr. Nelson Mandela, a legendary figure in the fight against apartheid.

At this solemn time, I am pleased to be able to pay a glowing tribute to the international community, particularly the ILO, for the efforts made to promote a new united, free and democratic South Africa. In view of the strengthening of this embryonic democracy, my Government believes that we should suspend the application of the Declaration concerning Action against Apartheid in South Africa and Namibia so that the plan of action for ILO assistance can be implemented.

The commemoration of the 75th anniversary of the Organization affords us the opportunity to reiterate our unfailing commitment to the ideals of peace and social justice we have always defended.

Mr. ALVARENGA *(Workers' delegate, Paraguay)* – In the few years since we arrived in Geneva after a long absence of Paraguayan workers from the annual Conferences of the ILO, an absence willed and decreed by the former dictatorship, we can say quite frankly that the workers of Paraguay appreciate the enormous difference between dictatorship and democracy.

We are therefore determined in our country to banish every trace of dictatorship and to lay the foundations of a democracy based not only on politics but also on the economic and social dimensions.

But our country is not an island. Like other countries in the southern hemisphere, we are exposed to the reactionary backlash of those who want to halt the advance of the trade union movement and have no scruples about appealing to the military to protect them by a *coup d'état*, although such remedies are becoming more and more a thing of the past.

In our country too, the fight for democracy in this brief five-year period and especially in the past few months has taken its toll of human life. Assassinations of peasant leaders and death threats against urban trade union leaders are the order of the day. Those who previously enjoyed privileges are afraid of losing their positions and are prepared to go to any lengths to preserve them.

Although there are still a few rare cases such as the leaders of the transport trade union, hardly anybody is arrested nowadays for organizing the workers and claiming legally established rights. However, dismissals on grounds of union activities continue and hundreds of thousands of trade union activists and leaders are still victimized by employers while the Government stands idly by.

Most strikes have been called to force compliance with the law. Of course, the Ministry of Labour, which may be viewed as the Cinderella of all ministerial portfolios, cannot hope to secure countrywide compliance with the legislation on behalf of workers with only some 20 inspectors. At the same time, however, it cannot be exonerated of all responsibility.

While the Constitution has for the past two years finally given public-sector employees, except the military and the police, the right to organize, bargain collectively and call a strike, civilian employees of the navy shipyard, who are not even military employees, are victimized and denied the right to form trade unions and to collective bargaining.

Blacklists, the giving of *carte blanche* and pressure to disband trade unions are everyday topics. Entrepreneurs flout the law to such an extent that the Government had to enter into negotiations with the public transport employers to secure compliance with labour law. At this very moment, strikes are under way in the transport branch to prevent dismissals of trade union leaders and to secure observance of the eight-hour day.

However incredible it may sound, we still have examples of feudalism in Paraguay at the end of the twentieth century. We are referring to a coffee plantation run by a group of very shady Brazilian entrepreneurs, who respect no law but their own. Armed supervisors, death threats against union leaders and the flouting of labour laws are examples of what we mean. The Paraguayan State has not yet set foot in this feudal stronghold but trade union leaders place their lives at risk each day fighting for compliance with the law.

There is also an Argentine state enterprise, Banco de la Nación, that refuses to respect the principle of collective bargaining and victimizes trade union leaders.

In spite of all this, the trade union movement has grown at a spectacular rate. It has grown notwithstanding the reactionaries who oppose greater democracy in Paraguay.

After our organizational effort in the period of just under five years since the fall of the dictatorship, the three labour congresses, the CUT, the CNT and the CPT, organized and carried out the first general strike in 36 years. Support for the strike was put at 85 per cent by the international news agencies (which are logically neutral in such disputes). The country came out on strike to demand respect for workers' rights, a wage rise of 40 per cent and an offensive against corruption and smuggling.

Contrary to what the supporters of privatization would have us believe, namely that corruption in the public sector can be solved through privatization, we say that the private sector in Paraguay is just as corrupt or even more corrupt than the public sector and that the solution to the country's economic problems does not lie in that direction. The real problem is the impunity with which those involved in corrupt practices are treated. There are extremely high rates of double bookkeeping and tax evasion.

Smuggling is another plague of our society. Only one-third of imports and exports are legal. Two-thirds are controlled by the underworld of smuggling. This not only depletes the coffers of the State but also severely affects Paraguayan industry, depriving us of thousands of jobs each year. Smuggling continues to be the business preserve of a small number of mafioso bosses, who have networks and tentacles throughout the country.

Agricultural reform continues to be wishful thinking: 351 persons own a total of 100,000 square kilometres (a quarter of our national territory and twice the area of some European countries such as Denmark). In the meantime, there are 300,000 landless peasants who have to emigrate to neighbouring countries in search of work or who settle on the outskirts of the capital city of Paraguay, living in severely overcrowded conditions.

The minimum legal wage has dropped by 42 per cent relative to inflation over the past five years. In the wake of the strike, we are therefore negotiating with the Government a substantial wage adjustment that will enable us to recover our purchasing power. Obviously, however, this is only one negotiating point inasmuch as job creation and the attraction of new investment will not take place unless the Government takes serious steps to fight corruption. The offensive against smuggling (which the Government launched following the strike, although we cannot tell how long it will last) should, if vigorously pursued, bring in greater tax revenue that could be channelled into social programmes and provide conditions of greater stability for companies that wish to go about their business honestly.

Agricultural reform is also vital for economic recovery. With regard to labour legislation, the Paraguayan trade union movement has made considerable strides by preserving certain rights that prevent the imposition of uncontrolled flexibility and winning other collective rights such as the right to organization and collective bargaining and the right to strike. In spite of all contrary pressure, worker mobilization has succeeded in obtaining approval of a new Labour Code, which may be viewed as a positive development. The next step is to see that it is respected.

In spite of the prophets of doom, who predicted grave consequences for the economy from the new Labour Code, we find nine months after its introduction that the Paraguayan economy has not foundered.

There is food for thought here. Under the dictatorship, there was de facto flexibility because hardly anybody respected the law. But the country did not achieve prosperity, quite the contrary. In our view therefore, and in the light of our experience, those who believe in labour flexibility as a way of reactivating the economy are seriously mistaken.

Lastly, we should like to review the ILO's role in Paraguay in recent years. It has helped to restore links between the Paraguayan trade union movement and the international world of work. But underdevelopment is evident in all aspects of life and in all sectors. The workers certainly need training and education but the Paraguayan employers need them even more, although they lack the modesty to admit it. Only a minority of Paraguayan employers look to the future with any perspicacity. The great majority remain in isolation, still believing that the only key to success for a company is repression of trade unions and infringement of labour laws. The ILO needs to become more involved in the development and education of Paraguayan employers.

To sum up, the Paraguayan trade union movement has emerged from the catacombs to which it was confined during the Stroessner dictatorship and is now publicly and actively involved in the country's affairs. The fight for democracy continues every day. The right to vote freely and even freedom of expression are not enough unless they are accompanied by basic economic and social rights.

We do not hold the civilian Government responsible for all the evils that were perpetrated during the dictatorship. We do severely criticize it and hold it responsible for the fact that very little has been done to remedy those evils and to ensure that the rule of law prevails by opposing those who still have the dictatorship mentality – admittedly a very difficult task because the continuity can be observed in the circles of power, where we see the same elements which were prominent under the dictatorship.

Original French: Mr. BROCKA *(Minister of Labour, Social Affairs and Family, Slovakia)* – On behalf of the delegation of the Slovak Republic, and on my own behalf, I have the honour to congratulate the President on his election to the Presidency of the 81st Session of the International Labour Conference, and to wish him much success in carrying out this difficult task.

I have the honour, at the 81st Session of the International Labour Conference, publicly to support the mission of the International Labour Organization, consisting in its work to strengthen fundamental human rights in the workplace. We are pleased to see that the International Labour Organization is influencing the mechanism of the world economy with success and in a timely fashion. I am well aware that the ideal of full employment is very difficult to achieve in the present circumstances. But I am convinced that the process of transformation through which the Slovak Republic is now passing will pick up speed in the near future.

In 1990 and 1991 Slovakia succeeded in a very short time in creating a national network of labour offices which are functioning relatively well. These offices are provide mediation and job consultation services free of charge for all concerned – for the unemployed, employers, people wishing to change jobs and for those who are threatened with dismissal.

The work of these labour offices is regulated by a single body of legislation and is coordinated on the national level.

From the outset we were aware that, given the relatively high levels of unemployment running at 14 per cent, the state employment services could hardly hope to meet the dynamically changing needs of the labour market as it was being established.

That is why in accordance with ILO Convention No. 96 of 1949 we set up the conditions for the operation of private employment agencies, both profit making and non-profit making.

Although these agencies have not yet become numerous, we welcome the decision to place on the agenda of the 81st Session of the International Labour Conference the question of private employment agencies. We are looking forward to hearing new suggestions for the development of private employment agencies and for the dismantling of the monopoly on the labour market which will follow.

The experiences of other countries has shown that part-time work can play an important role in an active employment policy. It is for that very reason that the Slovak Republic is in the process of preparing a basic reform of its labour legislation.

The new labour regulation will provide for full legal protection of work where the number of hours worked is not less than one-third of the weekly working hours established by law. That means that the legal protection afforded to part-time workers will be the same as for full-time workers. In the event of part-time work carried out under a labour contract and which is less than one-third of the working hours established by law, the scope of the legal claims that may be made by the worker will be reduced. This reduction will mainly concern a lesser degree of legal protection in the case of dismissal by the employer and limitations to workers' rights to paid leave.

Despite the fact that our Republic is new, we have centuries of experience in the field of mining. Some time ago the territory of the Slovak Republic hosted the Mining and Forestry Academy, which was the first college of its kind anywhere in the world. Given the dangerous and hazardous nature of mining as an occupation, our legislation provides an obligation to create work safety and operational safety units. Detailed legal regulations for occupational safety and the exercise of this high-risk occupation has long offered a high level of protection to workers. The bodies of the State Mining Administration, which monitor observance of safety regulations at work and the operation of mines, are independent of the mine owners.

We consider social peace as essential for the democratic renewal of our country. That is why we are concerned with the question of tripartism. The International Labour Organization for its part also regards these matters as being of fundamental importance. Our confidence in this idea was expressed in the initiative to organize the European Conference on Tripartism in Bratislava to be held this September. We are certain that in today's world, a world of change, tripartism is justified at a number of different levels of social life.

Much remains to be done to stabilize our society, and this is particularly true in the regions where the problems I have mentioned are concentrated.

I would like now to thank the International Labour Organization for defending and spreading universal values which contribute even in our society to general stability in a time of transformation. It is in our interest to continue cooperating with the International Labour Organization and to assume all the obligations deriving from our membership.

Original Polish: Mr. MILLER *(Minister of Labour and Social Policy, Poland)* – On behalf of the Government of the Republic of Poland, and the tripartite Polish delegation, I should like to congratulate the President on his election to preside over the 81st Session of the International Labour Conference. I hope that the work of the Conference will be crowned with success and to the satisfaction of all, at a time when we are celebrating two anniversaries at the ILO.

I should also like, as the speakers preceding me have done, to welcome the new members to our Organization. I particularly welcome the tripartite delegation of the Republic of South Africa, which, after 30 years of absence, has once again joined the ILO.

Every anniversary incites us to take stock of the situation and to look into the future. It is not easy to make an exhaustive evaluation of the positive role the International Labour Organization has played these past 75 years in the construction of today's world. It is also just as difficult to point out how it is going to evolve and what will be its methods of action, in a world that is developing in a dynamic way.

And this is precisely what the Director-General of the International Labour Office has tried to do in the Report he has submitted to this Conference. I hope he will accept our congratulations for this very important and precious document. I am sure that it will be relevant for many years to come.

The Report underlines the role that the Organization has been playing and will continue to play – i.e. promoting and protecting human rights and values which constitute the cornerstone of this Organization.

One of the main activities of ILO is its standard-setting, which forms the basis of international labour law. I believe this is a most important realization of the twentieth century.

The Organization is based on the principle of tripartism. In market economy countries, tripartism constitutes the very basis of the labour system based on social dialogue.

The construction of a new labour system is a great challenge which the countries of Central and Eastern Europe are facing in a period of political, economic and social transition.

During this session of the International Labour Conference, the Polish Parliament is discussing new labour legislation, with a view to bringing it in line with the requirements of the market economy.

In 1991 the Polish Parliament adopted a new law which, for the very first time, laid the foundation for the creation of employers' organizations and regulated the transition of workers' associations into trade unions, as well as collective bargaining, according to international standards. It is no longer possible to call a strike against the Government to exert pressure, because the Government is no longer the employer. A collective dispute can only take place when there are grievances against an employer or employers' organization. In this way, the Parliament has created a legal basis for tripartism, permitting the Government to play a new role in collective labour relations.

The first tripartite negotiations in Poland of 1993 brought about an important social agreement called a "Covenant for State enterprise in the process of change". This Covenant, defines the framework acceptable and necessary for the privatization of the economy and the social reforms required for this transition. One of the most important results of this Covenant has been the enactment, at the beginning of this year, of an act on the protection of claims of workers in the case of insolvency, in line with the Protection of Workers Claims (Employer's Insolvency) Convention, 1992 (No. 173).

The Government follows and applies the principle of tripartite cooperation with the social partners. For a number of months in Poland we have had negotiations on the level of social guarantees for the citizens which will result in a social agreement. In February the tripartite Committee for Social and Economic Affairs was established. In Poland it is the first forum which has been institutionalized for permanent negotiations on problems concerning the entire society and the various socio-occupational groups. In the near future, the prestige of the Committee will be consolidated by special legislation voted by Parliament. It will also cover provisions concerning the representativity of trade unions, in conformity with ILO standards.

The Polish Government considers that such forms of tripartite consideration is a prerequisite for economic development in social peace. However, the framework cannot be created by bipartite negotiation and negotiations with one union, even if it has the greatest of merits.

The dynamic character of the trends in today's world calls for new forms of work within our Organization. The proposals for action contained in the Report by the Director-General should be subject to examination of the Governing Body.

In the future, the Organization's role in arbitrating collective disputes or intervening when ratified Conventions fail to be observed will take on a new dimension. Proposals of new solutions for the support and control of fundamental social rights, should not, I believe, be of a coercive nature. These are never effective.

The policy of active partnership will help to improve the efficacity? of technical cooperation, so that it is increasingly in line with the needs of beneficiary countries. Rivalry seems to monopolize some areas of cooperation, which acts as a brake on assistance and reduces its efficacity? We should try to harmonize and simplify the procedures and the forms of granting assistance. The ILO is not going to solve these problems alone. It must also work with the Bretton Woods institutions, UNDP, OECD, the European Union and other regional organizations.

The social cost of the process of transformation is giving rise to increasing anxiety. One of the most acute problems is unemployment and the poverty in which millions of people live. Measures to solve this problem are now before the Polish Parliament in a governmental programme called "Strategy for Poland".

The reduction of unemployment and the fight against its negative effects are being given priority. An example of cooperation in this area is the technical assistance programme carried out by the ILO in Poland, funded by the Swiss Government.

The end of the Uruguay Round of GATT constitutes a turning point in economic and social history. The globalization of the economy is resulting in many national States gradually shirking their responsibilities to workers. The development of supranational corporations is making it difficult for workers to have contact with their employers. These trends are justifiably giving grounds for concern in the world of work; proposals are being made to include social clauses in economic agreements to create new structures for the respect of workers' rights.

We must avoid a duplication of competence in the fields of action of international institutions. I am in favour of reinforcing the importance of the ILO, with a view to increasing its standard-setting activity and supervisory machinery. This would also imply that its constituents shoulder a greater responsibility.

We welcome the opportunity to exchange opinions on social problems within the framework of the World Summit for Social Development to be held next year.

I hope that the first findings of this Summit will be discussed at the Fifth European Regional Conference of the ILO.

It is with satisfaction that I took note of the Governing Body's decision to ask Poland to organize this conference. It is with great pleasure that we are going to receive you next year in Warsaw.

(Original Arabic) Mr. JASSIM *(Minister of Labour and Social Affairs a.i., Iraq)* – In the Name of God, the Merciful, the Compassionate! The Iraqi delegation wishes to congratulate the President of the Conference, the Vice-Presidents, and Chairmen of the Committees on their election to their posts. Their experience and wisdom will ensure the success of this session.

The theme chosen by the Director-General for his Report *Defending values, promoting change* is of exceptional importance given the present international and regional situation. The Organization must now play an active and major role in studying the economic and monetary policies and measures to have emerged out of the changes in the world, and formulate resolutions and recommendations which will contribute to achieving social justice and defend the values and principles embodied in the Constitution of the ILO and the Declaration of Philadelphia.

The tremendous political and economic changes witnessed in the world today should not take place at the expense of fundamental values. The phenomena and problems which have resulted from the developments require discussion to ensure equity, achieve social justice and find solutions to the new forms of poverty, to increasing unemployment facing developing countries thanks to delays in implementing development programmes,growing debts, the deterioration of the economic situation, and the power wielded by certain well-known economic blocs, who are distorting the world economy to reflect their vested interests and objectives, which violates the principles and the objectives of our Constitution and the Declaration of Philadelphia which states that "poverty anywhere constitutes a danger to prosperity everywhere", and that unrelenting efforts should be made to ensure prosperity for all.

Our agenda this session is rich in very important topics and themes which aim to improve the conditions of employment and set international labour standards which can help arrive at social justice and peace throughout the world. As for part-time work, we fully support the importance given to this. It requires examination and the adoption of a legal instrument to establish the mechanics through constructive dialogue between the social partners attending this session of the Conference .

We agree on the need to study the question of safety and health in mines and establish effective legal rules in that regard.

The Conference will also look at the Declaration concerning Action against Apartheid in South Africa and Namibia. My country has supported the legitimate struggle of the people and workers of South Africa against apartheid. It has always called for their rights to be respected and their demands to be met.

The legitimate struggle of the people of South Africa, the just and fair support of all peaceful and freedom-loving States of the world and the international organizations, in particular the ILO, have enabled the people of South Africa to reach their goals, recover their legitimate right to self-determination and the right to take power into their own hands.

On behalf of my country's Government, I warmly congratulate the people and workers of South Africa on having won their legitimate rights and taken control of their own destiny. I wish both them and their country progress and prosperity.

On behalf of our delegation, I also have pleasure in congratulating the States that have recently joined the ILO. I trust that they will assist in developing our Organization's activities and in achieving its goals.

Our Conference is celebrating the 75th anniversary of the Organization this year and also the 50th anniversary of the Declaration of Philadelphia. On this occasion, we cannot but pay tribute to the efforts of the ILO and its organs and commend it on the excellent results achieved over the years in pursuit of the aims set forth in the Constitution and the Declaration of Philadelphia.

By virtue of its unique tripartite structure, the ILO has been and remains the living social conscience that tirelessly seeks to establish international labour standards conducive to social justice and peace in the world. It firmly believes in dialogue among all parties involved in the productive process and has consistently worked for convergence of the views of the social partners so as to forge a common vision of social justice.

Our Organization should draw inspiration from this anniversary and its achievements in order to become more determined and more effective and to offer better services to its member States; it must take account of the needs of developing countries and provide them with technical assistance in the areas of employment, labour and the development of human resources in line with its objectives.

In conclusion, when our delegation speaks of the Organization's lofty ideals, in particular social justice and social peace, it cannot help drawing attention to the tragic situation of the people of Iraq; the economic embargo has claimed the lives of hundreds of thousands of women, children and old people owing to shortages of foodstuffs and medical supplies. The embargo has also had an adverse effect on development as a whole inasmuch as it has put many commercial enterprises out of business, tragically affecting the standard of living of workers and others. This is a flagrant violation of the Organization's Constitution and flies in the face of its basic aims. Faced with this tragedy, the Iraqi people, and Iraqi workers in particular, are following your proceedings in the hope that you will help to put an end to this lamentable situation and have the embargo lifted and our assets abroad unfrozen so that they may be used for humanitarian purposes, especially in view of the fact that Iraq has fulfilled all its obligations under the resolutions of the Security Council, in particular under resolution 687.

We cannot fail to mention another tragedy, that of the Libyan Arab Jamahiriya, whose people are also suffering the harrowing effects of an embargo. Our Organization must intervene to help those people and to put an end to their tragedy.

Mr. VODIČKA *(Minister of Labour and Social Affairs, Czech Republic)* – My opening remarks shall concern themselves with congratulations to Mr. Gray for being elected President of this Conference. Let me also express my gratitude for having the opportunity of addressing this gathering of delegates from 171 countries around the globe. Yes, the ILO indeed has today, on its 75th birthday, 171 Members. I am proud of the fact that Czechoslovakia, whose successor is the Czech Republic, was among the States that established this Organization back in 1919. Dr. Edward Beneè, then the Minister of Foreign Affairs and later on the President of Czechoslovakia, did not only participate in the drafting of the ILO Constitution but also chaired the Seventh Session of the International Labour Conference in 1925, which makes him the first representative of my country who had this privilege.

The current President of the Czech Republic, Mr. Vaclav Havel, made a comment recently at the prestigious international conference in Prague regarding his conviction that the Czech Republic can no longer be characterized as a post-Communist country. In the four and a half years since the revolution which swept away the Communist regime, the people of this country have lived under a standard political system of parliamentary democracy. All system changes employed to allow for the transformation of a centrally-planned economy to a market economy have been completed. Some 60 per cent of all economic activities have been privatized and the rest will be privatized before the end of this year.

The term "privatization" does not constitute only the simple transfer of ownership rights of individuals from the State to private hands. It is a process of fundamental changes of all relations within the society. This process features a free citizen playing a dominant role while enjoying his or her rights and, equally important, the responsibilities for his or her life, family, and surroundings. The State's regulatory tendencies are being diminished. The personal responsibility of each citizen, which is being accented, the loss of so-called "social assurance" and the unavoidable yet natural differentiation of the society – all of these factors could have led to instability and social unrest. Yet they have not materialized, and I would attribute this positive phenomenon to the fact that the majority of our citizens has actually accepted the changes which have occurred in the Czech Republic.

The people trust in these changes benefiting from support in the form of political stability, a stable macroeconomic environment and a positive microeconomic outlook. This trust is being strengthened by diligent political work undertaken at many meetings of the members of Government, Parliament and representatives of political parties with citizens. An important role is being played by the tripartite negotiations which have been taking place in the Czech Republic for the fifth year in a row. These negotiations decisively contribute to the maintaining of social peace.

The regular tripartite negotiations, as well as the general agreements which are concluded every year, are not embodied in law and we do not anticipate creation of the legal framework for them in the future. We do, however, consistently implement a principle of "gentlemen's agreements". As the process of privatization progresses, the State, represented by the Government, has lost its dominant position as the sole employer. This fact will influence the future functioning of the tripartite mechanism. The main partners involved in negotiations will be the representatives of trade unions and employers. The Government will offer expert assistance to both sides and, if requested, may play the role of arbitrator to assist in reaching solutions at times of disagreement. The tripartite, or better said, bipartite negotiations remain as an irreplaceable source of self-reflection for the Czech Government, a mirror where we can see our very own performance.

I have previously mentioned Dr. Beneè in connection with this involvement in drafting the ILO Constitution. I think that the other representatives of countries present at the birth of this Organization shared his conviction that "the international coordination of economic activities of various States, the regulation of industrial competition and the internationalizing of social and economic measures will result in the elimination of possible causes of friction between nations; they brought all closer together, they worked for peace and prepared an atmosphere of friendly and intimate international collaboration."

This thought was expressed 75 years ago, immediately after the curtain fell following the catastrophic First World War. It was at times "characterized by a general loss of belief in the positive results of non-organized coordination and cooperation of individual subjects at the microeconomic level. There were many advocates of the idea of a certain worldwide regulation which, in fact, led to bureaucratic interventionism at the national level." This ill-fated policy did not prevent the world crisis nor did it harmonize relationships between nations. The world became divided for a long and lonely 50 years of this century.

Despite this experience we again and again observe attempts to find regulatory mechanisms at the international level. We hear appeals to intensify the fight against the right of the strongest which reflects itself in untidy and unlimited competition.

Today, most of us – and now I talk in terms of the Czech Republic – have a quite different viewpoint of the world as such. We have learned not only to accept and trust the free market and free trade but we have also lost our faith in ambitious political engineering and bureaucratic intervention.

We are quite aware of the fact that the problems of unemployment or the deepening of poverty among people and whole countries have been by no means solved by the demise of the divided or bipolarized world. I am convinced that no regulation can solve these problems. On the contrary, the liberalization of the world market is a step in the right direction. I have to reject each and every form of protectionism, whether it is apparent or if it is disguised under the heading of various social clauses. It is here where I sense a real danger in the possibility of implementing the right of the strongest.

Today the process of transformation does not only apply to countries which had rid themselves of totalitarian regimes. This process sooner or later will have to be undertaken by countries which we consider developed, particularly those which have adopted the principles of the welfare state in some phase of their development. I am not quite sure where the process of transformation will be more painful.

I appreciate the intent to re-evaluate the standard-setting activities of the ILO, which should reflect a general trend in the direction of deregulation. Old standards, as well as those newer ones which contain too many demands, should be fundamentally re-evaluated. Conventions should be adopted or accepted only in order to solve the most serious problems common to the majority of member States.

The ILO must implement all its authority in order to remove all the obstacles to free trade and must fight protectionism in any form. The success of the ILO does not depend on the activity of the Organization itself, but on the success of all of us, the individual Members. It will depend on the structure and functioning of our political, social and economic systems, on the degree of freedom and the degree of expansion of the market and the freedom of trade. I am convinced that when we celebrate the 150th anniversary of the ILO we will be able to proudly state that all of us have succeeded.

Mr. FORSYTH *(Minister of State for Employment, United Kingdom)* – I would like to begin by congratulating the President on his election: it must be counted as an exceptional honour to be chosen to preside over a Conference which marks the 75th anniversary of the ILO.

It is also an honour for me to have the opportunity to address this 75th anniversary session of the Conference on behalf of the British Government, one of the founder members of this Organization, and I very much appreciate having the opportunity to follow Minister Vodicka from the Czech Republic whose message to the Conference this afternoon is one that we would do well to heed.

Now, like many other Members of the ILO we shall be celebrating the anniversary with a number of domestic events. However, we shall also be setting up a more permanent memorial of the anniversary by establishing a new visiting fellowship for representatives of other ILO member countries to visit Britain under ILO auspices to study our labour market, or policy aspects of British employment and social affairs. I am pleased to be able to announce that in this, the first year of the fellowship, we propose to offer it to the Government of South Africa, which we welcome back to the Commonwealth as well as to the ILO.

I should like to turn now to the Director-General's Report, *Defending values, promoting change*. The British Government welcomes the opportunity this Report provides to reflect on the past as well as to consider the future, and I congratulate the Director-General on the broad scope of his analysis and the substantial menu of proposals he offers for change and for reform.

It is impossible in a short speech to do justice to all the items on this menu, but I should like to comment briefly on several of the Director-General's proposals for reform which my Government would strongly support; and then to highlight one or two where we see major problems, by contrast with what the United Kingdom would see as the overriding priority in this, as in all national and international fora – namely the promotion of employment and competitiveness.

The Director-General reminds us that the ILO came into existence at a time when Communism was being established. We share his view that the collapse of Communism in most parts of the world and the growing acceptance of the merits of the market economy and of the values of democracy offer the ILO an important opportunity to redefine its role. At the same time, we believe that it is important not to loose the best traditions of the Organization, which include its flexibility in recognizing the diversity of needs and interests among its Members – now totalling 171 – and its willingness to proceed on a voluntarist basis, by persuasion and by consensus.

Against this background, there are several areas in which we endorse the Director-General's call for reform, first and foremost in the field of standards. We have consistently argued that, over recent years, the Organization has produced a plethora of extremely detailed new standards which few countries, it appears, have felt able to ratify. The whole system of standard-setting risks falling into disrepute. We believe that the first essential is therefore an urgent and thorough review and rationalization of existing standards, and the second is the end to any automatic process for setting new standards. The subject and content of possible new standards should be examined in far greater depth in the future, for example through prior discussion at Conference; and we agree a wider range of more flexible approaches should be developed for many issues, leading for example to codes of practice and technical guidance which can be of immediate use in the field.

We would like to look forward to a future where the ILO has sidelined all its obsolete standards, and updated existing standards to make them more flexible and relevant to modern needs; where the ILO embarks on new standards only where there is widely agreed to be a pressing need for them; and then drafts them in clear and flexible terms which will be a help and not a hindrance to employers who are looking to create new jobs. We hope to see this vision fully endorsed in the follow-up to the Director-General's Report.

Secondly, we believe that the development since the Second World War of the ILO's capacity to offer member countries practical help through technical cooperation, particularly to support the creation of employment, should remain a key element in its future role. We support the ILO's concentrating its activity on its core mandate and areas of comparative advantage, and would hope to see further improvements to its effectiveness resulting from the active partnership of locally based ILO teams with recipient members, and from stronger efforts by the ILO to integrate its assistance with other multilateral donors such as the World Bank.

Thirdly, we support major reform of the ILO's approach to sectoral activities. The whole structure of the ILO's sectors needs to be updated and streamlined: there should be fewer, shorter and more sharply focused meetings, with more practical follow-up action in those countries requiring assistance.

But on this 75th anniversary, I do not want to dwell too long on the ILO's existing procedures when there are wider issues at stake in deciding the main focus of the ILO's future role.

We believe that the proposals for extending the supervisory activities of the ILO are wrongly focused. Frankly, the introduction of a further body along the lines of the existing Committee on Freedom of Association would not be welcome, and would, moreover, be totally at odds with the clear need to reduce the administrative workloads of the supervisory bodies and of member States. Secondly, the British Government would wish to challenge fundamentally any proposals to extend the ILO's supervisory activities, beyond its traditional mandate, into new international regulatory machinery, in the employment and social affairs field linked to international economics and trade. Quite apart from the practical problems of devising workable machinery to enforce such regulations, we believe that there is no justification for it whatsoever. On the contrary, it would put at risk new jobs on which, in so many parts of the world, higher living standards will depend.

This brings me to what I believe should be the ILO's real priority: employment, job creation. There is no doubt about the scale of the problem – in Europe alone there are now 19 million people without work, and the number is still rising; moreover, the problem in countries in transition and in developing countries is far more extensive. In Europe, and in many other parts of the world, structural problems of rigid labour markets and excessive costs have been at the heart of our poor performance, because they are the enemies of growth. Inflexible wages, high non-wage costs and needless regulations have trapped people into uneconomic jobs, or have erected barriers which have prevented employers creating new jobs quickly.

We all want to see more high-skill, high-wage, high-productivity jobs. That must be the long-term goal of all of us across the membership of this Organization. Being competitive is not a question of cutting wages. It means improving management and the skills of individuals. But that will not be enough without a commitment to removing the obstacles in the labour market which stop wealth producers from getting on with the job. In Britain, we have seen the benefits of deregulation and competition, and our record shows that a flexible labour market works. In the 1980s, we had the best record of job creation of any major country in the European Community.

The GATT accord is a triumph for the world economy, showing the way forward towards open markets and greater competition. The ILO too can play a part at the international level, by striking a balance in its approach to setting and supervising standards for people. That is the path which the Director-General should pursue in his further reform of the ILO's role and organization. The British Government stands ready to support him in that challenging task.

Mr. BRETT *(Workers' delegate, United Kingdom)* – I too would like to echo the congratulations of others on your election to preside over this most significant session of the International Labour Conference. I would also like, on behalf of the working people of the United Kingdom, to congratulate you on the quality of your presidential address to the opening session of this Conference. It is an inspiring and wholly fitting exposition of the concerns we need to address, and a timely reminder that this Organization was created for the protection of workers and must remain committed to that end.

The workers of Great Britain would also wish to express the shared joy of all at the downfall of apartheid in South Africa and to join in welcoming that country back into the family of the ILO.

I would like, as previous speakers have done, to address the thought-provoking Report of the Director-General *Defending values, promoting change*. There is much in the Report that workers in the United Kingdom can support. Indeed, through the document submitted by the Governing Body Workers' group, *The ILO towards the 21st century*, we have sought to make a positive contribution both to this Report and to this debate.

However, I would like to concentrate on and turn to the most controversial feature of this debate namely the virtue or otherwise of having a social clause. In relation to this aspect, I think we in the Workers' group have not been as successful as we might have hoped in getting our message across. A number of employers and governments have taken the rostrum to urge rejection of any relationship between a social clause and world trade agreements, claiming such a link represents protectionism. Most have not defined the ingredients of any social clause but have been content to condemn the concept, contents unseen. This makes me believe that they cannot have examined the workers' document, because that document spells out in detail the very limited social clause that we seek.

Perhaps therefore I can spell it out in order that no one should have any doubts about what the workers mean by a social clause. Here I can speak not only for the workers of Great Britain but for the overwhelming majority of Workers' delegates at this Conference and the people they represent. The Workers' group has held extensive consultations worldwide before submitting its document to the Director-General.

It might be helpful if I begin by saying what a social clause, in the eyes of the workers, is *not* about. It is not about the protection of trade, but the protection of people. It is not about establishing minimum wages across the world. It is not about transferring first-world wage levels in terms of conditions to developing countries.

It is simply about ensuring that basic human rights are respected in all countries that trade.

If I may echo the Director-General's introduction to this debate, it is about those human rights every government should respect and every country, whatever its stage of development, can afford. Our social clause is opposed to child labour. Our social clause is opposed to forced labour. Our social clause is opposed to discrimination. On the positive side our social clause supports freedom of association. Our social clause sees free collective bargaining as the means of setting the wages and conditions of employment a country can afford in the light of its domestic circumstances.

There you have it. The workers' social clause – no more, no less.

The ingredients of the workers' social clause are based on the six widely ratified ILO Conventions relating to basic human rights, Conventions Nos. 29, 87, 98, 100, 105 and 111. As the Director-General has stated, these Conventions have all been ratified by more than 100 countries. Therefore the greater part of our world has already approved the contents of our social charter.

I would hope that speakers who follow me to this rostrum could note the limited scope of the social clause we seek, and if they still oppose it even in its limited sense, then we would like them to tell us precisely why. Otherwise, those who oppose even a limited social clause of this nature do so and stand in danger of being accused of the following, not seeking to end child labour, being indifferent to forced labour, tolerating discrimination and hampering freedom of association and collective bargaining.

If any country claims that the acceptance of our social clause is so damaging to them and that it will damage their trading performance, then we, the workers, see that government operating a form of protectionism far more pernicious than anything referred to by those who fear protectionism from the developed world.

The other argument advanced against the social clause is how it could operate and what sanctions might be applied. That is clearly a subject for discussion within the new World Trade Organization. However, it is beyond any doubt that the ILO is the organization best placed to examine and police the operation of any social clause that might be introduced.

I have concentrated much of my contribution to this debate on explaining the workers' view of what constitutes an acceptable social clause. This inevitably means I cannot do justice to the remaining points of contention that I see in the Report. However, there is one point I must make, and that concerns labour standards and the concept of soft law.

Labour standards continue to be the only protection available to workers in many parts of the world, as my colleague from the Czech Republic, Richard Falbr, reminded the Conference yesterday. We fear that soft law, as defined by the Director-General, would not, as he hopes, supplement labour standards but rather supplant standard-setting. The Governing Body has already rigorously examined standard-setting items and perhaps that can be refined further. But the workers of the United Kingdom reject calls to end standard-setting, and I ask the Conference not to be beguiled by soft law concepts that will weaken our ability to raise the standards of workers across the world. That is the very purpose for which this Organization was founded.

Mr. JONES *(representative of the European Communities)* – I am very pleased to be with you today representing Mr. Flynn, the European Commissioner with special responsibility for social and employment policy. Mr. Flynn very much regrets he is not able to be here in person and has asked me to pass on his best wishes for the ILO's 75th anniversary, as well as his warmest congratulations, indeed those of the Commission as a whole, to Mr. Charles Gray on his election to the chairmanship of this Conference.

Mr. Hansenne's excellent Report was opportune for it goes right to the heart of the matter in discussing the future of the ILO in relation to the most crucial challenges facing us as our century comes to an end: social justice in a global economy. The success of his Report, and the references made to it in numerous quarters over the past few months, bear witness not only to its quality, but also to the importance of the subject and the need for reflection and debate in this area. And who is better placed than the ILO to launch and conduct this debate?

The ILO is 75 years old this year. Since its establishment, it has pressed for social justice throughout the world. That task is as essential now as it was 75 years ago. But we cannot ignore the fact that times have changed. Radical changes have shaken our planet, altered long-standing balances, called into question ways of thinking and, above all, completely transformed the world of work. Mr. Hansenne understood that it was also necessary to rethink the role of his Organization and on its 75th anniversary he is providing it with a magnificent opportunity to give itself a new lease on life.

We all know that social progress needs monitoring closely. We also know that, given the changes facing the world, there is danger that social justice will lose ground if we do not continue to fight for it.

The way in which we fight depends on our capacities and on the means at our disposal. The ILO carries on the fight in its fields of responsibility, and its standard-setting activities are the keystone of this work. The development of universal standards by means of Conventions negotiated within a tripartite institution is a unique approach, and we attach above all the greatest importance to the values of tripartism. Now that our economies are becoming increasingly interdependent, it is essential that we have international rules to abide by in the social field. Your Conventions are the only universal references we have.

The European Community has therefore always regarded the ILO's activities as indispensable to a balanced and just world. We have, I believe, always managed to cooperate together in a positive way, and you can rest assured that the European Commission will continue to cooperate with the ILO in the most constructive way possible.

In his Report, Mr. Hansenne has set out proposals for adapting standard-setting more closely to needs, opening up new prospects for the promotion and supervision of basic social rights and creating new synergy between international labour standards and the growth of international trade. These proposals, which aim to create a new international dynamic, are extremely interesting and we very much hope they will be taken forward. I would like today to focus briefly on the link between international labour standards and the growth of international trade.

This topic has been on many agendas in recent months and I am sure it will be discussed further in the future. It is vital to ensure that our debate takes account of all the parties' interests.

For its part, the European Commission recently affirmed the linkage between social questions and the development of international trade. This is implicit in the objectives of the European Union's foreign policy and aid and cooperation policies, which include the development and consolidation of democracy, the rule of law, the promotion of and respect for human rights and fundamental freedoms. We cannot fail to be concerned about exploitation and failure to respect basic social rights in certain countries with which we trade.

While rejecting out of principle any protectionist approach, the European Commission has put forward two proposals in this area.

The first concerns the future World Trade Organization. We believe that the organization, which will be called upon to play a major role as an international forum for discussions on trade matters, must tackle the subject without delay so that multilateral discussions are held on the question of respect for basic social rights – notably the right of association and the right to bargaining, forced labour and child labour – and that decisions are taken. You certainly know that following the final negotiations prior to the Marrakesh conference, these matters may now be discussed within the committee preparing for the establishment of the WTO. However, we cannot prejudge for the moment the action that is to be taken in this area in forthcoming months, nor the results that may be expected. The European Commission, for its part, will do everything it can to ensure that the question is handled dispassionately, on the basis of objective criteria.

There can be no doubt that the ILO will be called upon to play a crucial role in this area. Its Report makes clear that the ILO cannot stand apart from this debate, but nor can it associate itself with trade restrictions or compulsory levelling of social costs. I wholly endorse these views. I hope that your active participation in the process will guarantee objectivity, know-how and experience.

The second area where the European Commission has decided to take the initiative is in the Community Generalized Scheme of Preferences. Only last week the Commission adopted guidelines for the new ten-year GSP scheme. These guidelines include special incentives, one of which is the social clause.

The steps taken focus on respect for freedom of association and the right to collective bargaining, since we believe that these rights are most likely to bring about improvements in social conditions and thus help to raise living standards.

I must emphasize that this is not a punitive approach. There are no sanctions. Instead, compliance with the standards is encouraged by granting additional benefits to countries which genuinely comply. The approach is progressive so as to enable the beneficiary countries to adapt their policies gradually to the requirements of social progress. And it is based on trust, for the countries concerned will state whether their products have been manufactured in compliance with the basic rights.

What is more, the Commission proposes to back the social clauses by cooperation measures to help meet the costs of improving social standards, for example through assistance with children's schooling and the establishment of structures for social dialogue.

As you can see, therefore, the Commission's proposals are not protectionist. The social clause does not restrict trade. Rather, it aims to support social progress as a component of development. It will be for the Council of Ministers to decide what action should be taken on these proposals.

In the context of the global economy, we must make every effort to increase the opportunities we have for exchanging views, making comparisons and promoting dialogue. The World Summit for Social Development to be held in 1995 will provide such an opportunity, and I know that the ILO is taking a very active part in the preparations for this Conference.

Employment is one of the three central themes of the Summit. It is the subject mobilizing all the energies of the European Union and is at the centre of the Commission's agenda. In his opening address, Mr. Hansenne made several interesting proposals concerning employment, including the idea of preparing an annual report. I would like to conclude my remarks with a few words about the activities of the Commission in this field.

Last December, President Delors presented to the European Council a White Paper on competitiveness, growth and employment. This White Paper set out a medium-term strategy to mobilize all the social and economic actors in a common effort to tackle the problem of unemployment and to generate more jobs. I cannot overemphasize the importance of this task. There are currently 18 million people out of work within the European Union alone.

What this means is that social policies, labour market policies and economic policies have to be more effectively linked than in the past, for the simple reason that the welfare state cannot survive escalating social expenditures resulting from high rates of unemployment, social exclusion and poverty. Putting it another way, solidarity is an essential component of the growth, competitiveness and employment synergy which the Commission's White Paper on that subject established.

The White Paper, has provided a valuable stimulus to the long-term process of developing the necessary structural changes. The continuing follow-up to the White Paper will be discussed again by the European Heads of State and Government at the European Summit in Corfu later this month and at Essen in December.

Let me conclude by repeating the congratulations of the Commission on this wonderful anniversary and for all the work accomplished. We are committed to continuing to work closely with the ILO in the future.

Mr. SKELDAR *(Workers' adviser, Slovenia)* – First of all, I would like to congratulate the President on his election to the presidency of the 81st Session of the International Labour Conference.

I would also like to refer to the interesting Report presented to the Conference by the Director-General of the International Labour Office, Mr. Michel Hansenne: *Defending values, promoting change – Social justice in a global economy: An ILO agenda.*

First, it is necessary to stress that the ILO's mandate to promote social justice and peace by protecting workers and promoting their rights and better working conditions be maintained. On one hand, the ILO should adapt to rapidly changing conditions to better achieve its objectives; and workers need to adapt as well. But, is the change currently taking place in the world the only possible and immutable alternative? What are the other possible and alternative changes?

The market economy is now, without any doubt, accepted throughout the world. But the question is not whether or not it should be accepted. One must ask what type of market economy should be developed. In Slovenia, we want to develop a market economy accompanied by a strong social dimension: a social-market oriented society.

The market economy will triumph only if it is much more successful in creating jobs and alleviating poverty; not in suppressing basic worker protection. The ILO must reject any trade-off between the quantity and quality of employment. To achieve a higher level of social justice, the ILO is now compelled to deal with international economic and financial policies and measures such as, for example, the insertion of the social clause into international trade rules. At the 1995 World Summit for Social Development, the ILO must reassert its influence in the United Nations system and the Bretton Woods institutions, and must play a leading role in the preparation of this meeting. The World Summit must be conducted and followed up with full tripartite involvement.

The approach adopted by Slovenia in the development of a social-market oriented society is in line with ILO orientation. In this context, we view positively the statement made by the Director-General in his Report that, in addition to making an objective analysis of the policies adopted or advocated by national and international authorities, the ILO would also propose alternative policies that need to be adopted nationally and internationally to reconcile the needs for economic growth and stability with a no less pressing need for more jobs and higher incomes for the poor. Conventions and Recommendations are of little use, if economic policies are not also considered in the light of social justice. For Slovenia and the entire Central and Eastern European region, this is an important factor in formulating and implementing strategies of transition towards a social-market oriented society. Cooperation between the ILO and the international monetary institutions at both the regional and national level is, therefore, of vital importance. It is the opinion of Slovenian trade unions that the workers' education programmes the ILO is running in the region should devote more coverage to this matter and even give it priority. This will strengthen the position of trade unions in national policy-making and especially in tripartite bodies. Tripartism is the ILO's unique strength. Workers' education programmes should devote much more emphasis to the practical organization and functioning of tripartite bodies.

In addition, it should not be taken for granted that today's technology is the best possible, especially from the human viewpoint. The question is not whether or not to accept technological change. The question is which technology to develop, which technology is more or less positive for human well-being, more or less disruptive, offering more or less opportunity for the worker to use and develop his creative potential in the work process. Different approaches exist to developing technology, and the ILO should influence technology development in such a way that it is more positive for workers and other social groups. The ILO should be involved in establishing the requirements and conditions for developing new technologies. It should be ensured that these conditions are not determined by only those forces currently behind technology development. The process of technological change is not self-propelled, and is therefore not immutable. Technology should be for the service of humanity and vice versa. It is therefore necessary to define more clearly how and to what extent workers should adapt to technology and how technology should be adapted to workers. The ILO should also adopt the concept of "working environment" instead of the concept of "safety and health at work".

It is important also that any attempt to reduce the role of Conventions and Recommendations should be resisted.

Last but not least, the problem of troubled Bosnia and Herzegovina, and Kosovo. How could the ILO help workers and trade unions there? It seems that history has not taught the world's politicians that their indecisiveness in crucial moments of history can have too high a price.

Original Arabic: Mr. BEN SEDDIK *(Workers' delegate, Morocco)* – We do indeed have values to defend and changes to promote. I would like to congratulate the Director-General on the topic which he has chosen for his Report to this Session of the International Labour Conference. It is indeed a very pertinent topic which could even serve as the motto of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

In its thoroughness and its serious approach the Report of the Director-General reiterates time and again the value of social justice as a principle and as an objective of the international community in general and the world of labour in particular. By so doing the Director-General raises with realism and often with legitimate concern two questions: how to give concrete expression to this value, and the role that could and should be played in this field by the International Labour Organization.

Workers can only agree with the diagnosis of the Director-General on the situation of the world and the changes it is undergoing. Indeed, we are all invited to rethink topics of such paramount importance as the globalization of the economy or the links to be established between growth and employment.

What the Director-General is calling globalization and the decline of the nation State is, I believe, the loss of the sovereignty of the State. The State, moreover, remains the only subject of international law and is called upon to govern unprecedented situations of crisis because of inequality and social exclusion, as well as such extreme phenomena as violence and war.

Whatever the statistics may indicate, and notwithstanding the hopes attached to growth in world trade, the loss of economic sovereignty has so far only produced the damages of disorderly liberalism, which responds only to supply and demand.

The result is that we are faced with an anonymous and relentless offensive against the social corrections that workers campaigned so hard to put in place in the law of the market in the course of centuries. The Director-General is right when he writes that "The liberalization of international trade and capital movements certainly offers reasonable possibilities of worldwide growth, employment creation and poverty alleviation. But there is no guarantee that greater social justice will automatically result from it. On the contrary, it will impose a heavy burden of adjustment on all countries, and on all social groups within countries, and there is a serious risk that entire nations and social groups will become increasingly marginalized as a result."

Permit me to ask a question. Is the price of what we call realism so high that henceforth we should forget the words of another Director-General of the ILO, Albert Thomas? He said back in 1931: "The social factor must take precedence over the economic factor; it must regulate and guide it in the highest cause of justice".

I would not call into question Mr. Hansenne's devotion to social justice, because I know his attachment to this cause. I share his view that it is no longer possible to solve social problems exclusively at the national level, as he says: "The factors which directly affect the attainment of the ILO's objectives are no longer entirely controlled by national authorities, and the ILO will cease to be a major force for social justice if its influence does not extend to international policies."

There are two major challenges: national policies and ILO standards on the one hand, and the place of the ILO on the international scene on the other.

Workers will never repeat enough the importance they attach to the existence and respect of ILO standards. The workers support the Director-General when he writes that "... the ILO must be careful not to be caught up in any ideology or fashion that leads to a juridical vacuum and, inevitably, to a return to the 'law of the jungle'; that would only take us back to the situation that prevailed in the early years of the Industrial Revolution, and to the unfortunate social consequences which our Organization was created to address".

But the workers can only disagree when the same work proposes on the question of topicality: "... the objective [of ILO texts] should be to provide guidance, not to create obligations".

To deal with topics of such importance and universal urgency, should the ILO not, on the contrary, draw on its constitutional tripartism to make use of the resource which consists of legislating to create law instead of simply providing guidance which will be given short shrift by those who believe in the survival of the fittest?

In the same spirit, I have some reservations as regards the proposal on "soft law". Indeed, the risks are obvious. This might give legitimacy to a "relative approach" to standards that governments, under pressure from some multinationals, would like to impose on workers. Structural adjustment programmes, the World Bank and the IMF are already largely referred to to give legitimacy to unpopular policies which freeze social protection, reduce purchasing power and break the rights of the workers in the name of competition and competitiveness on world markets.

The risk of seeing the ILO too drawn into the maelstrom of social regression as the backbone of labour standards is broken is far too high a price for us to pay.

The anniversaries that we are celebrating today are an opportunity to reaffirm the value, the topicality and I would say even the inviolability of universal labour standards, the occasion to convince ourselves that if these standards are not being ratified as largely as possible, if they are not being applied universally, that it is not because they are ill-adapted but simply because democracy and social justice are not yet universal. It is also an opportunity to proclaim that the ILO must continue to act and to improve the necessary mechanisms so that justice and democracy, which can never be fully perfected, can advance in real terms in all the regions of the world.

I come to the second challenge: the place of the ILO on the international scene. The Director-General has asked whether the Members of the ILO will wish to see its international role enhanced. "Are they ready," he asks, "to give the ILO the necessary means and authority?"

There can be doubt about the workers' reply. But one thing is clear: the ILO should assume a more important role on the international scene.

From this point of view, we cannot but regret the superficial way in which the Report referred to the question of the social clause. We were already aware of the fact – and deeply regretted – that the ILO did not involve itself more closely with this issue, because it is the ILO's standards which are supposed to be the cornerstone of this social clause. The workers were rightly entitled to expect that the Report of the Director-General would be the interpreter and the spokesman for them, or at least that it would clarify to the world the importance of the social clause.

The International Labour Conference provides an opportunity to declare, loud and clear, that the social clause has nothing to do with a world minimum wage; that on the contrary, it is the best safeguard against protectionism, based as it is on standards of law. The Conference also provides a unique occasion for the Moroccan workers to reiterate their total support for the establishment of the joint group of the ILO and the World Trade Organization. We are hoping that this project will defend the rights of workers in commercial law.

Allow me, in concluding, to say that this anniversary we are celebrating is particularly significant because it once again takes up the debate for which the ILO is known. The challenges facing the world of labour are so great, that even if we approach them systematically we will be unable to meet them in a satisfactory way. Henceforth, the ILO must take it upon itself to have its standards respected. It must establish standards to defend human rights; because they, and only they, constitute the very fabric of social justice; in other words, the social clause. And we are committed to this ideal.

The Director-General's Report has given rise to this important discussion, for which we must be grateful.

Original Spanish: Mr. EURNEKIAN *(Employers' delegate, Argentina)* – Speaking as a delegate to the 81st Session of the International Labour Conference, it is an honour for me to address this Assembly on behalf of the Argentine Employers, in order to express our views on labour matters, and to reflect upon the Director-General's Report which has been submitted to us for consideration.

I should like to begin by congratulating Mr. Charles Gray on his election as President of the Conference, an election which confers special prestige because it comes on the occasion of the 75th anniversary of the International Labour Organization.

In this case, my congratulations are not just a matter of protocol because Mr. Gray has come to this post in his role as workers' representative with a balanced view of social relations and a penchant for dialogue which is in harmony with the goals and objectives of the ILO.

The fact that this celebration and the Report of the Director-General have coincided is not a mere coincidence. Rather it is the culmination of a process of transition towards a new starting point for the ILO.

Specifically, we are discussing today not the why or the wherefore of our Organization but rather the how.

For decades the central standard-setting concern of the ILO was to enshrine individual labour rights, for example, in Conventions on working hours, the work of women and children, etc. that served as a basis for national legislation in these areas.

At the second stage, this labour-oriented vision of the ILO was supplemented with the principles of social security, and then with provisions regarding collective rights, which led to the basic Conventions Nos. 87, 98 and 111, among others.

However, there was also the characteristic practice of continuing to produce Conventions whose means were more important than their ends. A standard-setting approach, if you will, which was more nominal than real. What mattered was the existence rather than the implementation of standards. What was important was for the Conference to vote in new Conventions, without taking account of the number of countries that were in the position to ratify.

Curiously, therefore, the ILO entered a process which led to less value being attached to standards, with facts being more important than established rules because no account was taken of whether the countries were willing to ratify or whether they could effectively apply the standards.

This divergence between standards and reality meant that in many cases, the standards were mere academic products studied by labour experts and office officials whereas in reality there was a kind of legal vacuum.

One therefore could usefully imagine the table of ratifications and would see this irrefutable conclusion: more standards and fewer countries ratifying them.

Furthermore, even among those that ratify, a trend can be seen: to ratify and not to implement.

A careful assessment, even a provisional one in this area, would simply corroborate the fact that we have come to the end of a cycle and as the Director-General has suggested to us, we are facing a real need to consider the future of the ILO, not its objectives and goals, but the way of dealing with its agenda.

We are facing new situations in a new world.

The dissemination of political democracy even in countries which are traditionally authoritarian, the replacement of the concept of the total State by the recognition of the primacy of an effective State, the forging of private initiative and its role in modern society, globalization of markets, political, economic and social integration – these indeed are the new realities.

But there are other new realities which are the inequalities mentioned by the Director-General in his Report such as the impact of technical progress and its consequences; a world with 43 million unemployed. No one is in doubt that we are in, and are moving towards, a different world. The main question is whether we are adequately promoting the development of social justice.

Now the first thought that occurs to us is that there is no social progress without economic development.

Latin America, and in particular Argentina, lived for a long period of time with this fiction. The economic errors committed in the name of social justice led in fact to greater injustice, poverty and marginalization.

Argentina consolidated a new historical cycle of political democracy some 11 years ago after decades of going backwards and forwards. It turned resolutely towards a market economy and unrivalled privatization given its breadth and depth, as well as to a major reorganization of the State structure. It is now undergoing changes to its productive system and it certainly needs to integrate into its productive system those areas which are less competitive, in particular, small and medium-sized enterprises and to integrate into society in general those parts of the country which are the poorest and most underdeveloped.

Based on this experience, and having made the decision to grow, both in production and in genuine employment, Argentine employers are aware of their responsibilities and of what they wish to achieve. This long road that we have begun clearly requires the improvement of instruments that, to the achievements of economic stability, will also add growth and investment, because without these there can be no social progress.

Globalization requires the system of production to become competitive, and this cannot be accomplished without the necessary redeployment and new marketing and production structures. This challenge is based on the assumption that there can be no turning back by the Government from the commitment and the direction adopted. I should like to stress that in our case both the people and the Government have come together in order to bring about these changes, and they will continue to persevere until they have reached a level where efficiency and productivity can be achieved, thus improving the living standards of our workers.

I should also like to welcome the joining of wills and cooperation that this process of change represents.

The Argentine trade union movement has understood the transforming nature of privatization and the imperative need to reorganize the State.

In the same spirit with which we praise them, we would also like to appeal to the Argentine trade unions here and now to accept the obvious need to bring flexibility to our labour system, as well as to move forward in redefining the controversial occupational accidents system, because it is unjust, disproportionate and highly contentious, and also to recognize the need to deregulate public works and reduce the continuing high labour charges.

All of us in Argentina are aware that the labour institutions of the 1950s, and even of the 1970s, did not consider the reciprocal needs of workers and employers. They made labour costs higher, and in the end they became a disincentive to higher levels of employment.

Finally, but this is not any less important, there is an irrefutable truth that excessive labour regulation has led to the growth of the informal sector, which is free of any regulation, and which exerts unfair competition on the formal sectors of the economy.

This economic and, consequently social dualism, is a discriminating factor among workers and acts to the detriment of those who are kept out of any type of work. Thus this gap between legal guarantees and marginal labour also undermines adequate economic and social order.

Over-regulation, whether national or international, designed to set in store acquired rights, when change is taking place all around, ends up by being counterproductive for the workers' own objectives which should be to create productive jobs. In the emerging countries, this adds up to technological inferiority and substandard productivity and worker training – the complex of achievement in the industrialized countries. This means that, in a globalized economic system, the situation that can only benefit the developed countries to the disadvantage of other countries' production and employment.

We propose that a compromise between labour and labour standards is needed that is acceptable both for our country and the ILO.

We are convinced that the ILO's value can be reaffirmed only in an economic and political framework, which will bring together economic and political freedom and increased investment, the only prerequisites of sustained social development.

There is no doubt that our representative nature as employers, and the function we carry out requires from us another vision: neither ignore nor deny change; rather direct them so that the ongoing structural changes are at the same time an effective vehicle for social progress.

The Director-General has asked whether it is necessary to retain the current rate of issue of international labour standards as well as national legislation: our reply is that standards can influence conduct or bring about the same result. But many of the ILO's standards are not really standards at all in this sense i.e., by the substance of their content.

David Morse, a former Director-General of the ILO, said that in the early years the goal of the ILO was to hold back what it considered to be the adverse effects of international economic competition on working people. He also said that some countries were being prevented from obtaining unfair advantages in international trade as a result of substandard labour practices and laws. This is certainly not the case today.

This ideal was implemented with success and failure. Today with 75 years of experience behind us when we are asked to discuss the standard-setting role of the ILO, we can ignore the fact that the failures have been the result of a complex system of provisions, and low ratification and application rates by some countries, and the difficulties of the supervisory machinery in controlling this.

On the other hand, we have to re-assess what is the hard core, the true essence of the Organization's work. We believe that a discussion on the social clause would revitalize the role of the ILO and would not make people turn to other international organizations.

While the globalization of the economy is bringing about fundamental change of a structural nature, this type of social dumping not only violates the ideals and beliefs of the ILO, but also generates distortion in international trade, affects labour costs and distorts international trade more than ever, given the globalization of the economy where interests prevail over principles.

Therefore, we cannot ignore the fact that some countries are systematically failing to implement the fundamental principles of the ILO so as to compete unfairly, both economically and in social areas.

With respect to the discussion of the social clause in multilateral agreements, we would like to see debate on this topic in the ILO because this is the correct forum for this. It has been since 1919 and it will continue to be so.

Finally, this anniversary which we are celebrating today calls us to reflect, assess our esteemed past, our very difficult present, and a future which will depend on our analysis, on the proposals that we will agree upon and consolidate the firmness of our decisions and the conviction that the revitalized and remoulded standards of the ILO will be the cornerstone for a more just society.

Our greatest hope is that future years will reflect the achievement of this compromise.

Original French: Mr. MEKIDECHE *(Employers' delegate, Algeria)* – I am honoured to have the privilege, on this 75th anniversary of the International Labour Organization, of addressing the 81st Session of the International Labour Conference. I would like first to congratulate Mr. Charles Gray, Director of the International Affairs Department of the AFL-CIO, on his brilliant election as President of our session. His election is all the more noteworthy as it corresponds with the 50th anniversary of the Declaration of Philadelphia and that it consolidates tripartism.

I also wish to associate myself with the tributes paid to Mr. Jean Pascal Delamuraz, Federal Counsellor of the Swiss Confederation, for participating personally in the commemorative ceremony of the 75th anniversary of our Organization.

The delegation of Algerian employers welcomes the presence here of the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali.

I greatly appreciated the Report of Mr. Michel Hansenne, the Director-General, on questions of social justice in a global economy: questions which are central to our concerns, i.e. those of Algerian employers. Before making a number of comments on this Report, I would like, if I may, to describe a number of characteristics of the economic environment which are determining the development and treatment of social problems in our country.

Our Conference, as we all know, is taking place this year once again in a context of accelerated international change, but also of crises which are affecting most countries. The world situation, characterized by the globalization of economies, requires painful but inevitable economic restructuring, and this is true both for industrialized and for developing countries. All this is taking place against a background of ever-fiercer international competition.

The President, as a leader of one of the biggest trade union organizations in the world, is well placed to understand the constraints weighing on the economies of the developing countries and their social consequences. Algeria, for its part, like many countries, is firmly committed to a process of structural adjustment and transition to a market economy. As you know, Algeria set about rescheduling its debt at a time when its export earnings could not longer cover its repayments.

It has recently signed the so-called "stand-by" agreement with the IMF and has just undertaken a rescheduling of its debt with the Club of Paris.

As entrepreneurs we too experience the rigour of these adjustments. The recent large devaluation of our currency has made more expensive capital goods and imported intermediate consumer goods. This increased cost cannot entirely be passed on to consumer prices because household incomes have also, at the same time, declined.

As concerns social constraints, these are even more complex and difficult to manage in Algeria because we have, as the Director-General said in his Report last year, a social system which is based on the European model.

Furthermore, this process of adjustment produces unprecedented social problems on a large scale which call for the establishment of social safety nets, both as concerns the social consequences of overmanning in enterprises, and in order to protect the purchasing power of low income wage earners – given inflation levels which have stabilized but are still running at 30 per cent.

The recent setting up of the National Economic and Social Council constitutes a new stage in tripartite social dialogue, particularly auspicious in this delicate period of transition.

We stress again that we, Algerian employers, would like to receive technical assistance from the ILO, not only to help us confront the negative social consequences of industrial restructuring, but also, more generally, to share with us its wealth of experience in its areas of expertise.

Continuing its integrated approach to reform, Algeria has just joined GATT, thereby joining the world-wide movement of liberalization of international trade in goods and services.

In this same context of trade, cooperation and codevelopment, we believe that the relocation of industry and services to our countries that have comparative advantages should not be regarded as negative for the developed countries; it should rather be seen as a new opportunity for the redeployment of the international economy, of which Algeria is part.

We, Algerian employers, support these initiatives because we believe in the synergistic effects of partnership. Incentives are being provided in the shape of the new investment code and the provisions of the Finance Act, which in particular enshrine the freedom of investment and guarantee the movements of capital. Public enterprises, already autonomous, are committed to a process of restructuring, including the opening of their capital to Algerian and foreign private partners in a manner generally beneficial to all the partners concerned.

In these circumstances what comment can I make on the Report of the Director-General? Not only do I subscribe in general to the Director-General's analysis, but I also support the values he proposes we should defend, and the changes we should undertake. We also reaffirm our support for social justice as a central value, our confidence in tripartism and our will to see our Organization adjust to the tasks ahead, and the challenges facing it.

In conclusion, I simply want to highlight the organic links that exist between economic transformations in our countries and the magnitude of the scale of the resulting social problems. The success of our adjustment process is closely bound up with the effectiveness of the social accompaniment programmes drawn up in a tripartite framework. Economic effectiveness and social justice are indivisible.

I am sure that we all share the determination to give expression to these principles, because without economic efficiency there can be no social justice.

I cannot conclude without congratulating South Africa on rejoining the ILO, and to look forward to the development of good relations with the employers of that country.

(The Conference adjourned at 6.45 p.m.)

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Presidents: Mr. Gray, Mr. Mendoza, Mr. Matinchev

FOURTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

The PRESIDENT – The first item on our agenda this morning is the report of the Selection Committee, which you will find in *Provisional Record* No. 3C. It contains further changes in the composition of Conference committees, following those indicated in *Provisional Record* Nos. 3A and 3B. If there are no objections, may I take it that this report is adopted?

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We will now continue with the discussion of the Reports of the Governing Body and of the Director-General.

Original French: Mr. DIOP *(Minister of Employment, Labour and Vocational Training, Senegal)* – It is indeed an honour and a great pleasure for me, on behalf of the delegation of Senegal and on my own behalf, to extend to the President our warmest congratulations on the occasion of his election to the presidency of the 81st Session of the International Labour Conference.

We have no doubt whatsoever that the tremendous qualities and considerable experience which prompted this election, and also that of the other Officers, will enable us to achieve positive results and respond to the expectations that this session, coinciding as it does with the 75 years of existence of our Organization and the 50th anniversary of the Declaration of Philadelphia, has raised.

The Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, stated from this very rostrum that the world today is seeking a new social covenant, and that the ILO was invited to play a foremost role in conceiving and implementing this covenant.

My delegation is convinced that our Organization, after 75 years of existence and thanks to its experience and know-how, is an indispensable tool for the international community in its quest to find a new social order. Indeed, no institution is better equipped than the ILO to help to meet the challenges facing mankind on the eve of the twenty-first century.

After the profound changes of the last few years, the Organization is now at a crossroads and must meet the new challenge that history has dealt to it, as the Director-General stated in the frank assessment contained in the Report he submitted for our reflection.

We can never say enough how much our countries need the assistance of the ILO at this time. For despite the fact that the evolution of international society has highlighted the global dimension of the problems to be solved, we believe that the specific solutions to these problems must give particular emphasis to the specific nature of certain situations in certain parts of the world.

Similarly, we note today that there is a globalization of trade, which places economies with unequal potentials in competition with one another. This could further widen the gap between rich and poor countries. Therefore, a genuine consultation between the various partners is needed, particularly with respect to the implementation of the agreements passed within GATT.

As concerns Africa, my delegation is of the opinion that due thought should be given to the structural adjustment policies which have been imposed on our countries. Although they are necessary, they have revealed some real shortcomings, and we must learn from these shortcomings.

There are other areas requiring attention, and namely the debt burden, the negative transfer of financial resources and the considerable drop in public and private foreign investment. This situation, which has been further aggravated by the recent devaluation of the CFA franc in certain African countries, demonstrates how important and urgent it indeed is to make these countries more capable of participating in the global effort to achieve economic and social development.

Finally, our Organization cannot help but emphasize the importance of the social clause. The stakes of the social clause should prompt us to seek concertation actively, with a view to achieving a solution taking account of the interests of all involved.

My delegation is deeply convinced that development is both the responsibility of States and the right of peoples. That is why, on the basis of the standard-setting work of our Organization, considerable efforts have been made in Senegal to provide for social modernization in several fields.

For example, the labour administration has recently been reoriented towards its original mission. The social security institutions, which are still considered as public services, have nevertheless been privatized with a view to protecting them from the vicissitudes of state intervention. The system of social protection is now being supplemented with the establishment of a national health insurance fund, for which we have requested the support of the Office.

As for child labour, Senegal has already hosted several international multidisciplinary seminars on this subject, which is one of our major concerns.

I should like to conclude my address by expressing our thanks to the Office for the support it has afforded Senegal. We are a country which, like others, is facing the harsh realities imposed upon us by the deregulation of the world economic system. Despite these difficulties, our country is carrying out its objective of economic and social development under the guidance of our Head of State, President Abdou Diouf.

On the eve of the twenty-first century, Senegal would like to join in the ILO's call to reject the philosophy of despair. We intend to remain an active and productive partner with the ILO as we together face the future, which we consider to be a major challenge.

(Mr. Mendoza takes the Chair.)

Original Portuguese: Mr. PIRES TINY *(Minister of Justice, Labour and Public Administration, Sao Tome and Principe)* – Participating in this 81st Session of the International Labour Conference under the aegis of the 75th anniversary of the ILO is for me a great honour and a pleasure at a time when all of us, representatives of governments, workers, and employers, have come together to reflect upon what we are and what this Organization should be.

Before I go on, may I offer my congratulations to the President on my own behalf and on behalf of my Government, on his election to manage the business of this session. The way in which he has gone about his work demonstrates how fit was this election, therefore our warmest congratulations.

My tribute also to the Director-General, Michel Hansenne, for the excellent and timely Report which he has presented to us, which is one of the essential bases for our reflections and discussions.

At this time of the 75th anniversary of this international Organization, the essence of which is to deal with social matters, especially as concerns standards and labour relations; at a time in which the world is characterized by profound and irreversible transformations of a geopolitical nature, both inside and outside national boundaries, at a time in which multiparty democracy is moving forward slowly but surely, and when economies are opening up, becoming more democratic and more globalized, leaving behind the former limited boundaries of each State, requiring them and especially the less developed ones to exert great efforts to adapt and reinforce their domestic capacities; at a time in which poor countries, like Sao Tome and Principe, which have decidedly opted for democracy and for economic reforms of their systems as they seek the institutional, scientific and financial resources absolutely necessary for the consolidation of those conquests which they have made in order to guarantee basic human rights:

This is a time when it is absolutely necessary to take stock of the situation and question ourselves about the final objectives of the ILO, about the role which it has been playing since it was first set up, and about what it could and should become in the future. It is therefore necessary to understand what should be maintained, what should be changed, what adaptations should be made, and what adaptations and resources are necessary.

Consequently, we would like to express here our full agreement with the subjects proposed for discussion under the eloquent title *Defending values, promoting change*.

Now is the moment when we must move steadfastly toward the future, in terms of what our objectives and strategies are, as well as of centralized and decentralized structures, and in regard to the ways and means of acting.

I would like to mention that my country, which is on the list of the least developed countries, or LDCs, three years ago held free, democratic, peaceful elections and is fully committed to a process of democratization, of consolidating and restructuring its society, its institutions, its economy, and the mentalities of the people as part of a structural adjustment programme. There is, however, an even greater problem. And if we do not find a satisfactory solution to it, we shall jeopardize these hard-won liberties, hard won by the people of Sao Tome and Principe, endangering our democracy. This problem is our greatest social issue.

I think it is easy enough to understand a small country without extensive financial resources and with a structurally unbalanced economy where 90 per cent of production and exportation is based on a single product, cacao, as well as having a massive external debt. For all these reasons, it is going through a structural adjustment programme which is excessively austere and which overall has not achieved short-term satisfactory results but instead has had very harmful social effects in the short run. It is therefore easy to understand that such ingredients in a democratic framework with widespread political and social freedoms provide a context in which we can indeed talk about social issues.

The Government, with the pressing need to undertake macroeconomic reforms, has been constantly seeking the best ways and means of responding to this problem. The situation is characterized by a high poverty rate, particularly in rural areas, falling real wages, a high unemployment rate, a low level of private foreign investment, and in general a weak business and production sector. The new democratic institutions, particularly the Government, for three years has been slowly but surely dismantling and reorganizing an economy which had been completely state run.

Even if there were no justification for our option, we would still reaffirm the good sense of having opted for a *social* approach. We trust that the ILO will provide us with the support we are lacking in terms of internal reflection, because, in view of the major gaps in the United Nations system when dealing with this area, we believe the ILO – based on its constitutional principles and its experience – is the best equipped to eliminate these gaps. The prime importance of the social question, therefore, must be reaffirmed and a definition of a strategy for combatting unemployment is a priority. The 1995 Social Summit will thus be the best possible opportunity to embody this principle.

For the objectives which I have mentioned to be achieved with the proper efficiency and effectiveness we consider it to be indispensable that the ILO's intervention machinery should be continually improved so that it will become more operational, effective and efficient. It is desirable that the time elapsing between a request for support and the resultant action should be drastically reduced. I understand that certain measures have already been adopted along these lines.

I would like to make now a short comment upon the ratification and implementation of the standards to say that if I take as my basis the experience of my own country, probably applicable to many developing countries with certain exceptions, this question is a "case" only in appearance. What I mean by this is that it should be a matter of special concern of all member States of this Organization to see that those standards are applied, particularly those which on a realistic basis contribute to protecting and guaranteeing fundamental rights of workers. Also deserving of even greater attention by the ILO is a study of the factors and causes which prevent the application of standards.

I would like to just touch upon some of these causal factors. First of all, a formal lack of knowledge of specific Conventions and the procedures applicable to them. Normally speaking this involves the lack of competent staff with whom we can hold regular discussions in our countries. Secondly, once ratified the application of these Conventions is not properly monitored and supervised. Thirdly, the reduced role of the ILO in the promotion of such standards as regards national authorities and the people, and the lack of proper support from our governments. I believe that greater dynamism along these lines would give us better results. Finally, when it is not a question of non-application of a standard, there is a relevant factor when an evaluation is made: in many member States real progress has been noted in the application of standards on the basis of domestic regulations without the Conventions having been ratified. As an illustration, there have been cases of countries which have ratified a very small number of Conventions but which in their domestic legislation do in fact apply the content of many of them.

It seems to us that some effort of adaptation should be made by involving all parties in question: the ILO, governments, union organizations and employers' associations could come together, facilitated to the extent that our countries in principle make tripartism an active presence.

As far as we are concerned in our country, taking into account the specific characteristics of our economy and the fact that political dialogue on the basis of pluralistic democracy preceded socially structured dialogue, we are now taking the first steps towards this process: informing our social partners and training them as regards tripartism, collective bargaining and social concertation. We shall continue along this path in the certainty that, acting in good faith and combining our efforts, we will do even more for our people.

Mr. THANESUEN *(Employers' delegate, Thailand)* – As the representative of the Employers' Confederation of Thailand (ECOT), I wish to congratulate the International Labour Organization on the occasion of its 75th anniversary this year, as well as of the 50th anniversary of the Declaration of Philadelphia.

The International Labour Organization plays an important role in the social and economic development of the member States, especially in the developing economies such as Thailand. It is really a great pleasure for the Employers' Confederation of Thailand to have the opportunity to work with the International Labour Organization in this regard in our country.

The Employers' Confederation of Thailand realizes that much remains to be done in the area of social and economic welfare development in Thailand, which is becoming increasingly complex. This may be attributed to the changes in our own internal economic and social structure, as well as from the external forces generated by today's world of technology and information, also known as "globalization".

A problem for our economy is that our labour skills sometimes fail to match the requirements of the modern world industries. Part of our labour force is made up of unskilled labour, which is not easy to mobilize or bring in line with the constantly changing new technologies. The Government has introduced certain measures to upgrade the quantity and quality of labour through formal and compulsory education, but this is still not quite sufficient.

Vocational training, therefore, is much needed. An effort has been made by the Government, labour and employers to set up training centres for the active labour force does exist, but this has been minimal. Since government budgets for both higher and formal education and training centres are relatively limited, I truly believe that greater efforts must come from the employers and employees.

This will be one of our major tasks in the years to come and we hope the International Labour Organization will lend us some assistance on this matter.

During the first few years of this decade, tripartism in Thailand was not very successful because the whole country was then under pressure as the Government was not fully democratic. Instead of nominating the actual employers' representative for some functional committee, outsiders were chosen from irrelevant organizations which were not registered under the labour relations law. Hence it is obvious that under the present democratic government led by a Prime Minister elected by the people, Thailand's labour relations and development will be more successful than previously – especially after the establishment of the Ministry of Labour and Social Welfare this year. This step is a clear sign that the Government is really attempting to alleviate the employment problems of the people. Moreover, we are extremely fortunate that the present Minister of Labour is familiar with this area and is very knowledgeable and interested in this topic. Therefore, thanks to our concerted efforts, we are fast approaching the realization of tripartism in Thailand.

Original Spanish: Mr. LINARES CALVO *(Minister of Labour and Social Security, Cuba)* – The belief in social justice as one of the fundamental values and the commitment to promote it appear in the Report of the Director-General before us, a Report which also introduces elements of renewal in the programme and activities of the ILO.

Regardless of the different ways in which the internationally much invoked concept of social justice is presented and perceived, this reassertion of its values affords scope and a field of action to States and to those of us who continue to believe in the universal validity of that ideal.

The approach taken with regard to the changes occurring in the modern world, that take as their symbol the fall of the Berlin Wall, marks the end of the bipolar world. This is a fact of our times, but in asserting that the South is no longer the antithesis of the North one avoids another facet of harsh reality which tells us that after the disappearance of the East-West conflict, there is an increasing divide between North and South.

In the emerging new international order being devised by the great powers, neither political nor economic formulas are being devised which take into account the problems of the South. The global overhaul under way is driving the nations of the South to reintegrate themselves into the world economy and the system of international relations in ways which compound their dependency on and subordination to the main centres of power.

The imposition of the neo-liberal model and reintegration subordinated to transnational capital are engendering in most developing countries an extreme exacerbation of the domestic socio-economic crisis which generates intolerable pressures when the centres of political and financial power are those which determine, or impose, the economic policy of developing countries. There is no leeway for the people organized through democratic institutions to take fundamental decisions in their own country.

This outlook should not lead us to defeatism. There is perforce a need to seek out alternative solutions in line with this harsh reality. The major challenge is identifying points of contact in the struggle for development through social justice, while not losing sight of these goals as a result of sectarian or discriminatory misgivings.

As the Report of the Director-General states the objective of the ILO "is not to promote the universal application of a single model but rather, taking the diversity of situations as our starting-point, to discern what can logically and reasonably claim to be universal".

As for the contentious issue of the social clause which appears in the Director-General's Report, I feel that this is something which we must study carefully, once we have become familiar with its true objectives and scope, and in any event it could not be accepted as a new form of protectionism or discrimination used to impose upon the poor countries unfavourable conditions in their international trading relations.

In my country the triumph of the revolution and the path of socialism have made it possible to eradicate illiteracy, to bring about widespread access to a system of free education which has made it possible to create a highly-skilled workforce, to guarantee full employment and social security to protect all workers, to establish a totally free health service for the whole population which, notwithstanding our present difficulties, made it possible to reduce in 1993 the child mortality rate to 9.4 per thousand live births. It has also been possible for us to establish the basis for economic, scientific and technical development through the creation of a production-oriented infrastructure.

The abrupt disappearance of the market with which we sustained more than 80 per cent of our commercial and economic relations, allied with the stiffening of the United States economic blockade, have gravely affected the living conditions of the population.

We can truly say that while these effects are not tragic, it is largely because of the ability of the revolutionary state to remain faithful to the principles of equity and social justice, and is also thanks to the degree of awareness and participation of our people in the quest for solutions which make it possible for us to adjust to new and totally different international economic realities, and adapt our economic model and policy without forgoing the essential socialist values in these new circumstances.

It is not simply a case of achieving economic recovery, it is rather a process of establishing a qualitatively different economy in line with international circumstances. A model is emerging in which, by maintaining the leading role of the State, it is nonetheless possible to develop in an organized fashion a sector of self-employed workers and to expand the cooperative agricultural sector.

In the state sector of the economy different characteristics are emerging, such as association with foreign capital, the decentralization of foreign trade, the expansion of financial and operational autonomy of enterprises, the struggle for profitability, the streamlining of the state apparatus, energy-savings policy and others.

This array of economic reforms is being carried out with the resolve to maintain the level of rights already attained by workers. It is not a question of applying shock policies which will affect the vulnerable strata of society. The idea is to find solutions to common problems which are facing the whole of society without minority privileges, and therefore the component of public opinion and understanding of workers is crucial in this process.

Cuba, a founding member of the ILO, has been marked throughout the last 35 years by its support and respect for the noble task carried out by this Organization for the benefit of the workers of the entire world, and which in the present circumstances of international change is being reasserted by the Director-General in his Report to this 81st Session of the International Labour Conference, in which he declares his faith in social justice.

This faith in social justice is what has made it possible in very adverse economic conditions for us to struggle to maintain the political and social gains achieved by our people, who continue to exercise their workers' rights enshrined in our laws, which are sustained and implemented by means of the 86 ILO Conventions ratified by our country, which places us amongst the top eight States for the total number of ratifications.

All of us who have taken on responsibilities in the sphere of work and social policy know the complexities this involves for a small, poor and economically open country in tackling the challenge of development with social justice. But if the pernicious effects derived from the current unjust international economic order are compounded by factors of political conditioning, and the ability to impose positions of force alien to the characteristics, history, free determination and sovereignty of our peoples, the task becomes all the more titanic.

My country is facing this situation. For more than 30 years we have been the subject of a cast-iron embargo which is affecting all aspects of our economic and social life, an inhuman act which imposes extraordinary sacrifices on our people, especially our children, old people and the sick. There are studies which show that we have suffered losses of over $41 billion as a result of the embargo. This is not only a means of suspending trade, it is a series of economic, commercial, financial, political, propagandistic and other actions against Cuba. The embargo is intended to bring the people to its knees through hunger and sickness. Its effects in the social and labour field are considerable and directly affect the enjoyment of the acquired rights of our workers.

The international community has taken a definitive stand that this illegal, unjust and inhuman measure should be ended through the adoption, by a considerable majority during the 48th Session of the General Assembly of the United Nations, of resolution 48/16 entitled the "Necessity of ending the economic, commercial and financial embargo imposed by the United States of American against Cuba".

Lastly, we would like to congratulate South Africa on the victory achieved by her people.

Original French: Mr. OUEDRAOGO *(Minister of Employment, Labour and Social Security, Burkina Faso)* – On behalf of the delegation of Burkina Faso I would like to greet all delegations, members of the Governing Body, the Director-General of the ILO and his colleagues and all those participating in the work of this 81st Session of the International Labour Conference.

I would like to offer my warmest congratulations to the President on his election and all his Vice-Presidents. I wish them success in the discharge of their responsibilities.

The holding of this present session of the Conference coincides with the 75th anniversary of our Organization and the 50th anniversary of the Declaration of Philadelphia.

This session is therefore taking place in a particularly difficult economic and social context for the whole world, particularly for the developing countries. In this context, we express our support for the Director-General's philosophy and we congratulate him on his option to celebrate these major anniversaries against a background of forward- thinking upon the future of this Organization.

The Director-General's Report calls upon us to examine new approaches for the Organization in the light of the many challenges it has to deal with as we move to the third millennium.

This Report provides information on the great political and economic changes which have taken place in the world – changes which require a redefinition of the methods of action of this Organization. The importance of the subject therefore means that we must share our points of view upon these major questions.

For us, the globalization of the economy raises hopes but at the same time gives great cause for concern in the poorer countries.

The globalization of the economy has led to considerable progress being made over the last few years, particularly through the development of trade in goods and services, financial capital flows, foreign investment, the interconnection of financial markets, but Africa stands outside this progress. The burden of its foreign debt is getting heavier all the time, which prevents us from benefiting from any form of world financial integration. Africa therefore stands outside international economic competition.

Economic reforms implemented with the support of partners for development have not yet had the positive effects we had hoped for.

Africa therefore remains the continent with the greatest number of the poorest of the poor. Natural disasters, inclement weather and social and political conflicts have created very precarious social and food supply situations, and have forced millions of people to move.

In the African members of the franc area, the recent devaluation of the CFA franc, with all its consequences on the standards of living and the working conditions of the African populations, is a social, political and economic fact of major importance for us at the end of this century.

The sudden fall in the purchasing power of the populations makes the risk of social conflicts worse every day, which in time could compromise the success of the reforms already implemented.

The present economic environment of Africa, although it does have isolated areas of growth here and there, looks particularly difficult as a whole, as millions of workers see their conditions of work and standards of living dangerously jeopardized in this context.

Burkina Faso, in spite of its harsh natural environment, has emerged somewhat from the prevailing pessimism of the continent, and become something of an island of tranquillity because of the implementation of democratic institutions which respect individual and collective freedoms, social and economic rights, and has also moved towards a more rigorous management of its public affairs. Nevertheless, this has been upon a basis of great sacrifices by different sectors of the population, particularly the wage-earners.

The Government has made tripartite dialogue its strategy for solving social conflicts.

Burkina Faso is convinced that the solution to both the social and economic problems facing humanity can only be found through the international community acting in the framework of collective and concerted action.

Therefore, our country thinks that we would not be going too far if we were to appeal to the industrialized countries, calling on them to become more aware of their role in seeking for overall solutions at the world level.

This involves finding a solution to the debt problem, taking account of the human and social dimension in economic reform programmes, restoring the terms of trade by raising the price of raw materials from countries in the south.

We are convinced that our Organization can and must introduce activities in this area and this session is one of the best places to reflect on the most appropriate solutions.

I cannot finish my speech without, like preceding speakers, paying tribute to the heroic people of South Africa whose determination has finally ended the system of apartheid.

The recent free and democratic elections which have led to a resounding victory by the African National Congress is an illustration of what I have just said.

I should also pay tribute to our Organization, the ILO, which together with the peoples of South Africa has struggled towards this aim through its Committee on Action against Apartheid.

We hope that our discussions which will undoubtedly reflect democratic values will bring forth useful conclusions for the well-being of workers throughout the world.

I wish us all every success.

Mr. BHUIYAN *(Minister of Labour and Manpower, Bangladesh)* – It is my pleasure and privilege to extend my sincere and warm congratulations to the President on his election at the 81st Session of the International Labour Conference. As we celebrate the 75th anniversary of the ILO, it is only fitting that a President, representing the workers, should chair the 81st International Labour Conference. I am confident that his long experience, wisdom and dynamic leadership would help conduct the proceedings of the Conference smoothly. I also extend my felicitations to the distinguished Vice-Presidents elected along with him.

It gives me immense pleasure to congratulate the Republic of South Africa on its return to the ILO following the successful elections on a non-racial basis. I also welcome Oman, Tajikistan and Turkmenistan as new Members of the ILO.

I take this opportunity to pay my sincere compliments to the Director-General for his thought-provoking Report entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda*. The secretariat also deserves my thanks and appreciation for the excellent job it has accomplished in producing the documents on the agenda items.

We appreciate very much the Director-General's reaffirmation, on the occasion of the ILO's 75th anniversary, of the principles of social justice and his determination to further this cause. The reality of a changing world, globalization of the economy and proliferation of social problems are intimately linked to values that permeate all aspects of society. It would be dangerous to either ignore or overestimate the challenges which confront us at this time or their impacts on the standard-setting work of the ILO. An objective analysis of the world labour situation is thus an imperative necessity. And this is the undertaking the International Labour Organization should embark upon with the renewed assurances from the international community.

It is often argued that economic development depends on free trade and, while there has been criticism about the effectiveness of ILO standards as regulators of international trade, we must take cognizance that unbridled liberalization of trade can work against the social objectives of the ILO. The protection and promotion of basic social rights, while ensuring growth of trade, presupposes the necessity of improving the conditions of life as well as creation of new employment opportunities. The living and working conditions in developing countries will improve only if economic well-being of those countries is improved through appropriate domestic policies and adequate external support. We, therefore, believe that the linking of new labour standards with trade will not serve any useful purpose. Let us remind ourselves that the ILO does not have a mandate to regulate international trade. In view of this, it is essential to consider very carefully if the ILO should play an active role in the field of global trade, with the apparent objective of standard setting. We reiterate our view that cooperation, not coercion, should guide the ILO's efforts to promote social progress. In this context, the Director-General's suggestion for a kind of a "secular arm" outside the ILO also deserves to be thoroughly examined.

The ILO's role as an organization at the service of its constituents has assumed greater dimensions, particularly as a partner in technical cooperation. This should remain a major means of action for the ILO, to be implemented on the basis of needs and priorities of its constituents. Obviously, the developing and, in particular, the least developed countries should appear on the priority list. The concept of active partnership is most welcome. But the objectives are to be determined keeping in view the real socio-economic conditions prevailing in each country. The ILO, with the tripartite structure of its machinery for developing and supervising all application of standards, the principles and values for which it stands, together with its long experience, should continue to play its privileged role in strengthening the national capacities of the developing countries, particularly the least developed ones, in the field of its competence and help them attain the goal of self-reliance.

We, in Bangladesh, have celebrated the great occasion of the 75th anniversary of the ILO with our utmost sincerity. A colourful rally, publication of a special supplement in the national dailies, tripartite discussion sessions, cultural functions, special radio and television programmes, etc., marked the occasion. In this context, I must humbly acknowledge the active participation from the employers' and workers' organizations in celebrating this occasion. Since its inception, the ILO's educational and technical programmes for the cause of social justice, better living and working conditions and the promotion of full employment have created among the toiling people a sense of self-reliance, hope and inspiration. I earnestly wish that the ILO would grow stronger with new areas of programmes and technical assistance for pursuing social justice and economic and material well-being for the working masses.

Since 1973, the ILO's technical cooperation programmes have been in operation in Bangladesh. These programmes are aimed at responding to the needs of the constituents: government, employers and workers, in the core mandate of the Organization, conceived and executed in line with the ILO's active partnership policy.

The undercurrent of the changes to a market economy and its associated challenges are also being felt in Bangladesh. This calls for meaningful technical cooperation and assistance in order to alleviate poverty and generate employment opportunities. Against this backdrop, it is all the more necessary to re-examine a number of ideas and suggestions that have been put forward in the Director-General's Report with the ultimate objective of promoting social justice. In this context, we take note of the ILO's policies and programmes undertaken on the basis of its active partnership policies in order to bring closer its tripartite constituents and to enhance the coherence and quality of technical cooperation. We are hopeful that the ILO's newly established multidisciplinary teams in various regions of the world would play a major role in the field of the ILO's technical services.

Before I conclude, I would like to briefly touch upon some of the agenda items on this Conference.

With the introduction of majority rule in South Africa, the review of the Declaration concerning Action against Apartheid may be treated appropriately as befits such a momentous and historic change.

The agenda item on "Safety and health in mines" has drawn my Government's attention. Bangladesh is not in favour of adopting a new instrument in view of the existing ILO instrument on the subject. However, if any such instrument is initiated on the subject, the definition of mines should be reformulated to cover such activities as drilling of boreholes for exploration of gas, oil, etc.

On the agenda item relating to the role of private employment agencies in the functioning of labour markets, my Government, having ratified the Fee-charging Employment Agencies Convention (Revised), 1949 (No. 96), is under obligation to supervise the activities of such agencies and we intend to take steps to expand government involvement in dealing with employment-related activities.

In conclusion, I would like to point out that the democratically elected Government of Bangladesh, under the leadership of Prime Minister Begum Khaleda Zia, has been trying very hard to take appropriate steps in the field of improving conditions for our workers.

The constitution of the National Law Commission, consisting of representatives of government, employers and workers, for updating and codifying the existing 44 labour laws of the country into one code may be cited as an example in point. Bangladesh has, as an elected member of the Governing Body in 1978, 1981 and 1990, voiced the sentiments and aspirations of the member States of South Asia in particular, and the least developed countries in general, and lent active support to the ILO in its standard-setting work to make the world a safer place for workers. This reaffirms our commitment, abiding faith and interest in democratic values and institutions, welfare of the toiling masses and safe working conditions for the working people. Bangladesh wishes to continue to play her active role as a Member of the ILO in future.

Mr. FREELAND *(Minister of Labour, Civil Service Affairs and Cooperatives, Antigua and Barbuda)* – I bring you greetings from the Government and people of Antigua and Barbuda, and wish for you what already portends to be a very successful conference. My delegation and I extend warmest congratulations to the President on his elevation to the Chair of this Conference, and also to the Vice-Chairmen. For the information of this conference, the people of Antigua and Barbuda last March returned a Labour Party to power for the fifth consecutive term. Incidentally, I have been holding the reigns as Minister of Labour from 1976 to this present time. Can anyone challenge me with the suggestion that I might be the longest serving Minister of Labour in the ILO, certainly, in the British Commonwealth? The veteran politician, Honourable Dr. V.C. Bird Snr., whose political career spanned upwards of 50 years, retired from active politics and, as party leader and Prime Minister, handed the mantle of leadership to his son, the Honourable Lester Bird. The younger Bird has brought new dynamism and thrust to the Labour Party Government. Together with his cabinet, he decided that the delegation to this 81st Session should include, for the first time, representation from the Antigua Workers' Union which is the other recognized industrial trade union supporting the opposition, in addition to representation from the Government support union, the Antigua Trades and Labour Union.

The Report of the Director-General entitled *Defending values, promoting change* is a concise but comprehensive approach, which encapsulates the ILO's past, present and future. Internationally, the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia are being celebrated at this time. But regionally there has been celebration of the 25th anniversary of the ILO Caribbean Office in Port-of-Spain, which services the region in a most remarkable manner.

It is significant to note that the 75th and the 50th anniversaries referred to may be presumed as being born from the womb of war because in the year 1919 that was just one year after the First World War, while 1944 was just one year after the Second World War. It was hoped that the ravages of these hostilities would have brought some semblance of sanity to mankind. Whatever the success stories of the ILO may be, they have been marred by the innumerable conflicts which have engulfed the globe. The ILO cannot be indifferent to the plight of millions whose lives are made short by, or who suffer the horrors of, war. We refer here to the bloodbath in Rwanda, the most vicious of this century, which must necessarily reach the attention of the ILO and its constituents.

The twin evils of poverty and unemployment referred to in the Director-General's Report are corollaries of war. Poverty and unemployment may indeed be manifest in peaceful situations but they are aggravated during periods of hostilities. Not only do these hostilities affect the particular countries involved directly, but also neighbouring countries who are requested to assist in whatever way possible. A call is in order for expenditures on arms and ammunition to be directed towards alleviating poverty and unemployment.

While it is true that Antigua and Barbuda can be considered to be enjoying an ongoing peace, and while our population of 64,000 and our workforce of 29,000 is within manageable proportions, and while our unemployment rate is an invisible 7 per cent, we cannot turn a deaf ear or a blind eye to global poverty and unemployment.

The Director-General's observation that the "disappearance of the communist bloc in Eastern Europe has both spurred and highlighted worldwide trends towards democracy", promises a ray of hope, the more so as the Report makes reference to the spread of democracy in Southern Europe, Eastern Europe, Asia, Africa and South America. Antigua and Barbuda endorses the proposition that the ILO should play a decisive role in new democracies that remain fragile and need urgently to be strengthened. We also agree that a strong, massive vote for democracy should become the hallmark of the ILO's activities.

In this connection, developments in South Africa cannot be sidelined. The ILO exhausted all measures and means at its disposal in causing such developments to take place. At several conference sessions before this one, member States of the ILO were vocal in their desire to see the dismantling of apartheid in South Africa. We pause to pay tribute to President Nelson Mandela and the African National Congress for making the dismantling of apartheid in South Africa a reality. Antigua and Barbuda, at both government and opposition levels, very significantly celebrated majority rule with Nelson Mandela and the rest of South Africa.

But while we rejoice to see the realization of democracy in South Africa, the Government of Antigua and Barbuda must register its disgust at the blatant and callous disregard for the democratic process right at our very doorsteps in the Caribbean island of Haiti. Antigua and Barbuda deplores the resistance of the military regime to honouring the wishes of the majority of Haitians to restore democracy by the return of the democratically elected President Jean-Bertrand Aristide.

The growth of the ILO to its current situation bringing together 171 member States and servicing 98 per cent of the earth's population is a clear indication that the ILO is here to stay and will continue to defend its values and promote change. Antigua and Barbuda is eternally grateful to the ILO for the services it has received, mainly through the ILO's Caribbean Office. By way of the ILO's technical assistance thrust, our Labour Code stands out as a model for other English-speaking Caribbean territories. Our thriving social security scheme is an ILO project and so too is our hotel training school. Within the Caribbean region, the ILO tripartite identity is retained by the ILO's mounting of workshops, seminars and the like for the benefit of representatives of the social partners. Workers' education is admirably treated by the resident expert in the speciality, from the ILO Caribbean Office. The expert recently appointed to deal with issues relating to employers is a step in the right direction.

Antigua and Barbuda is in full support of the ILO's activities for the future as the Organization maintains its hold on social justice in a global economy.

Mr. SIMEONOV *(Employers' delegate, Bulgaria)* – It is a great pleasure and distinct privilege for me to address this distinguished gathering of the International Labour Conference on behalf of the Bulgarian employers. First of all, I would like to congratulate the International Labour Organization on its 75th anniversary and to extend our greetings to all members of the Organization. May I also pay my respects to the President and the Vice-Presidents of the Conference and wish them every success in their duties.

During the past 75 years, the International Labour Organization has been playing an exclusive role; indeed, nowadays no one can imagine international labour relations and the solution of national labour and social legislation issues without it. The people who established the Organization drafted its Constitution and structure in such a way that they are still valid after so many years – with only few amendments. And we must not overlook the vital importance of the Declaration of Philadelphia of 1945.

Looking back over its history now, we can say that the difficult moments are already behind us. The latest changes in the world, and especially the recognition and triumph of the market economy, will not and cannot decrease the role of the ILO. The tasks before the ILO are becoming more complex with the changes that have occurred in the Central and Eastern European countries. The artificially boosted trade unions from the years of socialism (often with compulsory membership of all employees) are now experiencing a marked decrease in the number of members. Nevertheless, the democratic processes and the new conditions have allowed them to keep solid economic positions, inheriting a considerable part of the property of their predecessors, in assets or in real estate. Adding to this the far-from-negligible aid of the international trade unions and active bilateral relations, it is clear what possibilities most of the trade unions in Central and Eastern Europe still have.

What is the situation on the other side of the table in the tripartite process? In the period after the Second World War when the principles of the centrally planned economies were operating, the democratic development of the employers' structures was stopped and the prevailing trend was to lessen their role so that they would achieve a formal character only. With the changes in Central and Eastern Europe, these structures were allowed to develop freely and it was expected they would start to play the sort of role in society envisaged by the ILO. It has turned out, however, that there is still a long way to go before this situation is achieved. Knowing that even in countries with a developed market economy the employers are not always willing to allocate significant sums to their organizations, we can imagine the conditions in which the employers' organizations in Central and Eastern Europe are functioning. It is obvious to everyone that the changes in the social and labour spheres have to run parallel to the changes in the economy; and it is in these two areas where the employers' organizations have to play a key role. Evidently, it is imperative to consider seriously the issue of extending employers' solidarity – and providing direct and indirect assistance – to the employers' organizations from Central and Eastern Europe.

A good step in this direction was the Training Workshop for Central and Eastern European Employers' Organizations held in the International Training Centre of the ILO, Turin, in May 1994 with the assistance of the ILO, IOE and the Netherlands Government. We would like to thank the German Government as well for the sponsorship of the seminar in Larnaka held this year. These were only the first steps, but in our opinion they were in the right direction. The experience from this training workshop and from other programmes for assistance to the Central and Eastern European countries has indicated that there are better results when the projects are carried out by public organizations only or together with governmental ones. Only in this way will it be possible to restore quickly the balance between the employers' organizations and the trade unions in Central and Eastern Europe as an indispensable prerequisite for the progress of the tripartite process. Quite rightly, the Director-General underlined that there was a need for development both in the employers' and in the employees' organizations in the countries having chosen the way to democracy and market economy. Being their partners, we acknowledge that employees' organizations also need help, training and qualifications. Our experience in Bulgaria shows that "misunderstood" democracy in trade unions often leads to increasing political claims and to efforts to impose them under cover of tripartite cooperation. We have also witnessed unfamiliarity with the rules of tripartite cooperation in the participation of trade unions in collective bargaining, for example, when they have tried to negotiate only with the Government or to make collective labour agreements with its representatives.

The answer to the question of whether the ILO is a relevant organization or not can only be in the affirmative. Its standard-setting activity is only the beginning of the long process of putting labour standards into practice. The ILO has much to do to monitor the ratification of its instruments and carry out its supervisory activity. The growing differentiation between the richest and the poorest and the changes in Central and Eastern Europe, leading to changes in the rest of the world as well, will again and again raise the issue of putting into practice the ideas underlying the Conventions and Recommendations of the ILO. There will be difficulties in Central and Eastern Europe, springing from the fact that during the period of central planning, the ILO instruments were ratified without much consideration. Now, after the changes, with the deterioration of the economic situation in these countries, it is becoming more difficult to abide by international commitments. Therefore, the international community and the States represented in the international organizations have to show a better understanding of the situation in Central and Eastern Europe.

The ILO will have to be on its guard against another tendency as well, which is bound to become more pronounced. It was rightly noted that ILO standards cannot be "more equal than others", i.e. that we cannot establish double standards. This would undermine the work of the Committee of Experts on the Application of Conventions and Recommendations. If there were such a tendency, it would belittle the entire standard-setting activity of the Organization and the efforts of so many of our predecessors; and this would be unfortunate now when we are celebrating the 75th anniversary of the ILO. What is more, there is another situation, when a given member State applies ILO standards without having ratified the relevant Convention, as it feels that approval of the instrument expressed at the time it was adopted by the Conference is sufficient in itself. The most rewarding aspect of the standard-setting activity of the ILO is when the standards are reflected in the legislation of the respective country and obeyed in practice. As far as the entrepreneurs are concerned their activities might result in a different application of ILO standards and different costs of labour; but it is more important that the globalization of the world economy allows for a rather free movement of capital. If a certain State provides access of foreign capital to its economy, it is quite natural that the low labour costs provide an incentive to foreign investors. With the flow of time, the rising standard of living and the interdependence of the markets will inevitably smooth out the differences.

The initial impetus of the changes in Central and Eastern Europe has allowed many private companies to register and start operation, especially in the sector of commerce. Only a limited number of employees belong to a trade union, because there are scarcely any trade unions in this sector. Successful privatization, however, will hand back production to the previous owners – and put it in the hands of new entrepreneurs; and amongst their employees will be some trade union members. The new owners must therefore be prepared to engage in collective bargaining. This process could be assisted by ILO technical assistance funds. We are convinced that it would be better to direct funds and efforts for the development of entrepreneurship. If entrepreneurs are adequately qualified and trained, they will open up new jobs. We strongly believe that when programming funds for skills training and re-training, the State should pay attention to two main aspects. The first is that funds should be allotted for the development of entrepreneurship; and the second, that when approving the re-training programmes, the needs of the entrepreneurs in certain specialities and occupations should be taken into account. Of course, this should not exclude the participation of the other partners in the tripartite process – the trade unions. What is most important is that practical needs should be considered and that priorities should not be established in the offices of advisers who have insufficient contact with business or an inadequate knowledge of entrepreneurship.

All efforts of governments, employers and trade unions have to be directed towards the creation of favourable conditions for sustained economic growth and the creation of productive jobs. The employers from Bulgaria will support any measures aimed at the achievement of the above-mentioned objectives.

Finally, I would like to wish the International Labour Organization, its bodies, its members and all engaged with the International Labour Office long years of successful and fruitful work.

Mrs. WILLIAMS *(Employers' delegate, Belize)* – I feel honoured to be given the privilege to address this prestigious body on behalf of the employers of Belize.

I would like to join in congratulating the Organization on its 75th anniversary. This is a true testimony to the relevance and need for the Organization's leadership role in matters connected to the world of work.

I make reference, too, to the Director-General's Report and fully agree that the time to re-examine the Organization's role is now, given the changing world which has and continues to experience major geopolitical upheavals. The accelerated globalization of the economy and the ever-changing circumstances in the workplace mean indeed that the ILO must analyze these changes and position itself to play a leading role in guiding the development of the human resources of this planet.

We have noted the new working mode of the Organization's regional offices by moving to the multidisciplinary approach. This, we feel, will prove even more useful to us in Belize as we actively seek to tap into the system, in particular to bring technical expertise to the Belizean employers in the areas of production efficiencies, health and safety and particularly exposure to the major improvements in technology.

The Belize employers' association believes in the ILO and participates in its regional activities. We attended the training course in Jamaica on the role of the employers' association in employment creation, and earlier this year we were in Trinidad and Tobago looking at the employment of disabled persons. Follow-up work and activities have been identified and are being carried out.

The cooperation programmes which I would like to see developed between Belize and the ILO's regional office centre on two areas where I feel both our organizations could benefit tremendously.

First is the need to have accurate, timely and meaningful statistics available with respect to costings and conditions in countries which have to compete for the same international investment capital and the same international funding from sources which are indeed becoming limited. This would enable a much fairer and accurate assessment to be made by independent bodies from outside the areas and would serve as a catalyst to prompt improvements for those countries lagging behind.

The second is to include practical training sessions on ILO standards. In Belize there is some apprehension with regard to these standards; it is felt in some quarters that some of the standards are being rammed down the throats of employers. With the elimination of the challenges to the universality of the standards, perhaps there is now scope to take time out to explain and educate as to how these play a part in the practical reality of businesses fighting for their survival in a very competitive world, where to stay alive may demand heavy dependence on technology improvements. At the same time, efforts should be made to encourage the maintenance of social justice.

I represent the Belize Chamber of Commerce and Industry which, some years ago, was formally asked to speak for the employers' association which had been meeting as a separate group in Belize City. This message was good in the sense that the Chamber represents the whole cross-section of employers in the country anyway. We have built a membership of 645, drawn from north to south and east to west, with 80 per cent representing micro-enterprises.

Belize, as one of the smallest and youngest developing countries in the region, had enjoyed excellent growth rates in the previous four years or so – rates approaching 10 per cent. On 30 June 1993 we saw a change of government, and whilst we understand the need to slow the economy somewhat, the economic sector is going through a prolonged period of slowed economic activity with little or no investments.

The cost to the labour market need not be gainsaid, given the present rate of unemployment in excess of 20 per cent. Belize therefore certainly needs to draw on the large resources of the ILO in order to stimulate its job market.

On the other hand, we are fortunate that human rights are respected in Belize. Also heartening is that we do not face such problems as child labour, which exist in other countries in our region; workers' rights are respected by the private sector and employers are not allowed to take advantage of their workers.

There have been discussions in Belize on using the tripartite system as regards suggested improvements to the country's labour laws. There is a move to improve benefits and the remuneration package, but employers are convinced that these must go hand in hand with improved productivity and efficiency. The NAFTA reality is reinforcing this need, bearing in mind that our businesses have to be able to compete in this new global economy.

We are very proud of our accomplishments in the environmental area, where we continue to be among the leading nations in our concern for the survival of planet Earth. However, without the injection of fresh capital, these initiatives could begin to draw criticisms from the masses who cry out for new employment opportunities.

Closer to home, besides the concern over the national economy, we have the unpleasant task of reporting on our employers' association which is in trouble and fighting for its survival.

Besides representing the majority of employers in the country, the Chamber has developed into a developmental agency. Helped by funding from USAID, the Chamber has spearheaded the development of non-traditional exports, as well as the country's investment-promotion effort. The Chamber brought entrepreneurial training to high schools and other educational institutions, and provided the business community with trade information.

However, USAID's financial assistance came to an end last July. This meant that the revenue-earning measures identified by the Chamber were expected to kick in. The main initiative was the management of the national lotto game. However, after many months it was found that the adverse state of the economy has resulted in little money left over to purchase tickets. The result is that we are seeing very small sales, and the Chamber has therefore been deprived of a major income stream.

We have written a number of project documents seeking the assistance of the international community in our bid to stay alive. We look for assistance in setting up an endowment fund, but would also like to see an entrepreneurial development project introduced in the bases, in the prison, and in the communities targeting adults who would like to begin a new business.

We are still hopeful of continuing export development and providing trade information to local business. However, all these efforts will only be possible if we are able to obtain assistance from the international community.

Finally, I close with a note of encouragement. It was good to hear that more countries are joining the Organization. This spells hope for the future, and I foresee more and more technical assistance being sought by these countries, although perhaps on a regional basis. Countries rely on the vast amount of technical expertise and wealth of knowledge built up over the years by the ILO, and feel comfortable in wanting to access this.

With the collapse of communism and the market economy becoming the universally accepted standard, people all over the world are being given new hope for the future. I agree with the Director-General when he says that the strong moves to democracy will punctuate ILO actions in the future and I wish the Organization well in continuing to encourage the building of a stronger employers' and workers' association across the globe so that they can each contribute to the strengthening of the countries' democracies, some of which are young and fragile.

I wish this historic 81st Session success in its deliberations.

Mr. AKPA *(representative, United Nations Industrial Development Organization)* – On behalf of the Director-General of UNIDO, Mr. Mauricio de María y Campos, I would like to thank the secretariat of the International Labour Organization for the kind invitation to address the 81st Session of the International Labour Conference.

We want to express our sincere congratulations on the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. The ILO has indeed played a historical role as the international body dealing with solutions to employment and manpower problems, but more importantly in making labour and social peace the centre of its principles and activities.

This Conference takes place at a time when employment and production conditions in both developing and industrialized countries are subject to major changes.

Not only are new and accelerating global development in production and information technology affecting the modes, location and integration of industrial production, but they are also considerably changing the social patterns in most countries.

We are also witnessing a global wave of policy deregulation and trade liberalization, combined with an enhancement of the role of the private sector. These trends will further accentuate the internationalization of industrial production, albeit with a strong regional dimension, due to the emergence of large economic groupings. As a result of this development, new prospects, but also major challenges and increased competition, are emerging in the developing countries. In order for the developing countries to be able to utilize these prospects and to respond to these challenges, they need to strengthen their competitive capabilities and development capacities. This will certainly entail major restructuring efforts towards building up the skill intensity and new organizational forms in production as well as clean and energy-saving production to ensure sustainable growth.

Human resources development is thereby emerging as the central theme for the developing countries and for the international community and the United Nations system at large.

This theme must obviously be seen in the context of global population trends – an issue to be addressed in the forthcoming International Conference on Population and Development in Cairo in September this year.

While the population in industrialized countries is expected to remain constant, in most developing countries the population continues to grow at a high rate, thus creating serious employment problems in the short as well as in the long run.

Human resources development is thus a pivotal factor in the complex process of employment creation, the improvement of social conditions, industrial restructuring and competitiveness, entrepreneurship development, sustained economic growth and international competitiveness. This process sets a new framework for the training of human resources as an investment for the future. To that end, it is important for developing countries to re-examine not only the content, structure and form of education and training, but also the benefits and costs of specific human resources development and its direct linkage with industrial strategies and policies.

In building up and expanding competitive industrial activities, including the introduction of new science and technology-intensive and skill-intensive industries, increasing demands are also emerging for the educational system to contribute towards addressing the problems of redundancies as well as retraining and redeployment of manpower. At the same time, the wave of privatization of public sector enterprises and the general reduction of employment in the public sector will necessitate a major redeployment of the labour force. This implies a pressing need to launch programmes for retraining so as to alleviate unemployment and to facilitate the transition towards an increasingly efficient private sector.

Human resources policies would thus need to relate education and training to employment policies and industrial policies, particularly in the light of the contribution that education and training could make towards meeting the growing demand for skilled labour as well as strengthening industrial entrepreneurship in developing countries.

UNIDO itself has recently undergone a process of restructuring and setting new priorities in order to adapt to the present needs of developing countries and to improve its efficiency and effectiveness. Two of the five development objectives established in this process specifically focus on development of human resources for industry and equitable development through industrial development.

The objective – equitable development through industrial development – addresses the need for full participation of all segments of the population in the economic growth process. This means that from the outset, industrial development will have to focus on increasing welfare among the population through the creation of industrial opportunities, thus linking industrial growth to the alleviation of poverty. The gradual transformation of an agrarian society into an industrial economy and the subsequent improvements in productivity are in themselves important mechanisms for combating poverty. At the same time, specific measures are called for to ensure equitable development through industry. These include developing industrial entrepreneurship, increasing the participation of women in industry and promoting small and medium-sized enterprises. Particular emphasis will also be given by UNIDO to developing rural industries and ensuring close industry-agriculture linkages with a view to reducing the often glaring regional disparities in economic development.

UNIDO views human resources development as a matter of primordial concern in the industrial context. It is both an important precondition for, as well as a result of, industrialization. With the emerging new paradigm for industrial development, the educational and training systems in developing countries at the national, regional and enterprise levels need to be reassessed and sharpened in their focus. Human resources development is directly linked with the developing countries' ability to build up capabilities for development, transfer industrial technology and carry out restructuring of industry towards a sustainable growth pattern, including skill-intensive activities and industrial services, as well as a whole range of other long-term industrialization issues.

With human resources development as the centrepiece in a complex development process, the United Nations system needs to enhance its efforts in this field in a cohesive way. UNIDO will be pleased to further strengthen the excellent cooperation with ILO and with other bodies and agencies of the United Nations system in our joint effort to support member countries in their endeavours to bring about economic growth and social development.

As the Secretary-General of the United Nations mentioned in his thought-provoking statement to this Conference: "Today we have the task of reinventing a new mode of life in our societies". Let us ensure together that this daunting task is won for the best of global society. You can count on UNIDO in this new partnership for a sustainable human development.

(Mr. Matinchev takes the Chair.)

Mr. BIJEDIC *(Government delegate, The Republic of Bosnia and Herzegovina)* On behalf of the Government of the Republic of Bosnia and Herzegovina, I would like to express our congratulations to all members of the ILO and to the ILO secretariat on the 75th anniversary of the Organization, and the 50th anniversary of its activity within the United Nations system.

We in Bosnia and Herzegovina are well aware of all the valuable and important activities the ILO has undertaken during its long period of existence, especially its contribution in the fields of social protection, standards, norms – especially for the human and working environment.

Unfortunately, we have to admit that our present situation of war prevents us from implementing most of the Conventions this Organization has adopted so far.

Although I believe you are well informed about the aggression and genocide being committed in my country by our neighbours Serbia and Montenegro, violating all human rights – including the right to life, health and work – I feel obliged to inform you about at least some of the cruel facts.

During the 25 months of aggression on my country, we have registered in Bosnia and Herzegovina: 250,000 killed or missing citizens of all nationalities; 300,000 wounded of whom 30,000 are disabled; 2,200,000 refugees – this represents 50 per cent of the total population, and 1,200,000 of these persons have been displaced to foreign countries; not to mention the effects of material damages, "urbicide" and "culturcide".

Among the slain, wounded, displaced and refugees, 65 per cent are young working people. Economic activity, employment and national income fell by 80 per cent. Houses, factories and other production facilities, and public utilities have, for the most part, been destroyed; our citizens, 50 per cent of whom are displaced persons, literally live on international humanitarian aid. Seeing all the suffering my people are going through, I am personally in a dilemma as to whether to thank your governments and the United Nations for their efforts in helping my people to survive, or to reproach your governments and the United Nations for not having been able to respect the basic obligations towards a Member of the United Nations, especially its right to self-defence.

The international community has been actively involved in the tragedy of my country on wrong premises and with inadequate means. Now, it is still reticent to correct its attitude and to help in resolving the problem in order to reach a just and durable peace.

The aggressors are still attacking our cities and villages. Peace negotiations are protracted, while aggression continues. The aggressors are dictating conditions for a peace settlement. There is no international pressure to stop the aggressor or enable the victim to defend itself. In that light, there seems no possibility of implementing the right of refugees and displaced persons to return to their homes (over 900,000 citizens). The United Nations and the recently established Contact Group have been making efforts to strike a just peace deal, although without any significant progress so far.

By constituting the Federation of Bosnians and Croats on the free territories of our Republic, we have established realistic preconditions for planning the repatriation of some of our refugees and displaced persons, as well as for starting the reconstruction of our country – for essential production and for setting up minimal conditions for re-employment.

The objectives of our Government are the following: helping the population survive; rehabilitating the injured and disabled to permit retraining and employment; relaunching domestic production, primarily of food and certain other necessary items; and mobilizing our manpower, both refugees from abroad and those still in the country for any type of productive activity.

Currently, our biggest concern is to provide housing for our repatriates, either through reconstruction or new building work, and to employ people in the production of food and construction materials.

One solution is to promote the setting up of small businesses and the rapid rebuilding of economic infrastructure, for which the help of your countries will be absolutely necessary.

I would like to express our sincere gratitude to the governments of those countries which have offered hospitality to our refugees. Furthermore, we would appreciate it if some of these refugees could be given skills training and some sort of employment. Furthermore, we will be asking your assistance in organizing the return of our refugees to their homes as soon as the necessary conditions are re-established.

Finally, the most valuable help to us is to enable our citizens to return to their homes and their work in their home country. In the firm belief that the solidarity between the world's workers which we know so well from the past, will be demonstrated anew in the future. I should like to thank you once again for the help you have extended to us so far.

Original Arabic: Mr. GAREEB *(Workers' delegate, Iraq)* – In the name of God, the Merciful, the Compassionate! It is a pleasure for me to greet this assembly on my own behalf and on behalf of the long-suffering Iraqi workers, and I take this opportunity to congratulate Mr. Gray, the President of the Conference on his election to the chair of the 81st Session. I also wish the Officers of the Conference every success in their work.

The workers of Iraq have asked me to report to you and to all the delegates in this room on the pain and suffering they are enduring because of the unjust economic embargo that has been imposed on our country. Because of that embargo, factories are closing, prices are rising, essential medical drugs are becoming so difficult to find that even operations sometimes have to be performed without anaesthetic. The number of children who have died now exceeds 500,000, epidemics rage, foodstuffs are almost impossible to find and the people of my country are crushed by the horror of genocide. In the light of this dreadful situation, the feeling of indifference that we see in some circles is flagrantly at odds with humanitarian values and with divine and human law.

While slogans on human rights and freedom of association are bandied about, the American Administration use their power on the international political stage to perpetuate the infamous economic blockade by using false arguments for well-known imperialist purposes to the detriment of the Iraqi people who are threatened with genocide.

In the International Year of the Child, the children of Iraq are exterminated and as humanitarian movements work to protect the family, Iraqi families are being wiped out. It has become clear that the aim of the continued embargo and the pursuit of a policy of starvation and deprivation for political purposes is quite simply to exterminate our people. Deliberate oppressive action of this kind is totally at variance with the just and constructive principles on which the conscience of the international community is based.

In the light of this situation, there is an urgent need for all people of good will in the world to speak out in favour of a lifting of the economic embargo against Iraq, especially since there is no further justification for it inasmuch as Iraq has been cooperating constructively with the United Nations and the Security Council and has fulfilled its commitments to them.

It is unreasonable, unacceptable and unlawful that a people should be exposed to genocide and denied any role in modern life. We wish to remind you of a well-known fact, namely that Iraq was one of the founders of civilization, a pioneer in establishing and spreading the principles of justice and equity, and a people that have rendered valuable and outstanding services to humankind.

Such a people deserves support and solidarity from the international community, especially since it is asking for nothing more than to enjoy the rights granted to other peoples, its natural rights laid down in international legislation and instruments.

The International Labour Organization, which has always adopted serious and responsible positions whenever it has been asked to intervene, is now being asked to adopt such a position vis-à-vis the workers of Iraq. We urge the Director-General of the ILO to attach particular importance to this matter, so that the necessary support and assistance are made available to Iraqi workers to alleviate their sufferings due to the continuation of the unjust embargo.

There are many important questions on the agenda for this Conference concerning the activities of the Organization and its effectiveness, draft resolutions for discussion and the new ideas and working methods stemming from the changes occurring in the world.

It is in this context of change that we are celebrating the 75th anniversary of the Organization, recalling the humanitarian values on which it was founded and searching for the future path it should follow to meet the major challenges posed by the tendency to give free rein to market forces, a system which, if applied without restraint and without protecting the basis and principles of social justice, especially workers' rights, undermines the foundations of social balance and increases all kinds of inequalities and all forms of oppression. It is very important that we should study and understand what needs to be done and achieved to prevent might from becoming right and to put an end to the use of international institutions as a means of starving peoples and for political aims. If, for example, we reject child labour, we must reject even more emphatically the extermination of children and denying them access to food and medicine, since this is a flagrant violation of the most basic of human rights, the right to life, but this is what is happening to the children of Iraq.

The Director-General's choice of the subject *Defending values, promoting change*, a scientific analysis of prospects for social justice in the world economy and in the context of the ILO, is a felicitous and commendable one.

We agree with the content of that Report, particularly the affirmation that "it would be dangerous indeed if the ILO were to appear to be serving the interests of certain countries or certain segments of society".

The embargo imposed on Iraqi workers, exposing them to a slow but certain death, is tragic; it has convinced them that some countries are exerting influence on international humanitarian organizations and that we are witnessing a particularly serious new phenomenon: double standards are being applied.

The Iraqi workers can find no other forum than the International Labour Organization to express their suffering. Indeed, the Constitution of the International Labour Organization, its regulations, its instruments and the Reports of the Director-General all give them the right to hope that the international community will come to their aid, support them in their endeavours and meet their needs. If we take truly to heart the major ideas contained in the Director-General's Report, we are more entitled than anyone else to receive aid.

We are at present undergoing a thorough overhaul of the structure and running of the International Labour Organization to try to determine its most positive aspects and to consolidate them. The profound changes we are experiencing in the world today should make us, at this session, examine our role most critically so that we can define the future action of the Organization and that of our social partners. We therefore have to establish guidelines, taking into account resolutions, recommendations and trade union rights. We must ensure that we can absorb and deal with the social repercussions occurring throughout the world in order to reinforce democracy and social justice.

Iraq has been a member of this Organization since 1932 and we are therefore very committed to its future. The Arab region as a whole trusts that it will increase its support and strive even more to put an end to the oppression, arbitrary practices and racial discrimination exercised by the Israeli authorities in Palestine and in the occupied Arab territories.

We should like to take this opportunity to express our satisfaction with developments in South Africa and to pray for unity in Yemen.

All success comes from God.

Mr. OGBEMUDIA *(Minister of Labour and Productivity, Federal Secretariat II, Nigeria)* – My delegation wishes to join earlier speakers in congratulating the President and the other Officers of the 81st Session of the International Labour Conference on their election. This Conference is indeed a memorable one in the life of this Organization as it coincides with the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia.

It is gratifying to note that the anniversary celebration is taking place at a critical moment when the entire world is witnessing dramatic socio-economic and political changes. The last few years have witnessed the end of East-West conflict, increasing democratization in many countries and the emergence of regional economic groupings. These visible changes provide new opportunities as well as challenges to strengthen the ILO in an international environment devoid of ideological conflicts. We also have the chance to formulate a new vision for the ILO, a vision that will guide the Organization to the twenty-first century.

I sincerely congratulate the Government and people of South Africa on the death of apartheid and the birth of genuine all-inclusive participatory democracy. The role of the ILO in the struggle is highly commended. We welcome the readmission of the new South Africa into the ILO and call on the Organization to assist the people of South Africa to heal the wounds inflicted during their years of struggle against apartheid.

The impact of the ILO has been and is still being felt all over the world, as it has contributed to the promotion of social justice and world peace. We believe very strongly that the ILO could play a greater role in securing more multilateral economic assistance to poor countries, especially in sub-Saharan Africa. The ILO could also channel a greater percentage of its technical cooperation programmes to these countries to facilitate economic growth. Indeed, it could teach them to fish rather than to just give them fish.

We know that to be able to effectively design and implement our national economic and social policies we must adopt a position consistent with the growing practice of tripartism. We realize that the involvement of all the parties concerned in the design and implementation of policies make it possible not only to strike a fair balance between the demands of economic development and social protection, but also provides the best possible avenues for the effective implementation of the policies concerned in a harmonious industrial relations atmosphere.

In view of the central role of agriculture in economic development in Africa, we call on the ILO to expand its activities in the rural sector, with a view to strengthening national capacity in food production and reducing unemployment.

We wish to commend the ILO for the vocational training and advisory services programme. Nigeria has benefited from this programme. We urge the Organization to enhance and broaden its training to generate self-employment as wage employment cannot expand at the rate required to absorb the current and future additions to the labour force.

Since the debt crisis began in the past decade, developing countries have embarked on structural adjustment programmes that have had dire consequences for wage employment especially in the public sector. Africa has been most affected by these reforms. The ILO, in the pursuit of its mandate, should strengthen collaboration with the World Bank and the International Monetary Fund and devise safety components to cushion the impact of these economic adjustments.

My Government supports the standard-setting activities of the ILO. This has become a very important function of the Organization and an essential instrument for promoting social justice and formulating progressive and far-sighted labour legislation and policies in many countries.

It is in demonstration of this support that Nigeria ratified two ILO Conventions, namely the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Occupational Safety and Health Convention, 1981 (No. 155) in April 1994 as part of our contribution to commemorate the 75th anniversary of the ILO. This brings to 30 the number of Conventions ratified by Nigeria. However, rigidity and the wide scope of some standards have militated against their ratification. It is essential that differences in national situations and levels of development be taken into consideration in formulating Conventions. Consequently, flexibility should be incorporated into these standards to guarantee wider acceptability, especially among developing countries.

This leads me to the issue of implementation and the role of the supervisory bodies. These bodies should continue to perform their functions to ensure the application of standards. However, they should take cognizance of the difficult situation prevailing in developing countries. They should also be less legalistic and technical in their approach. It is inconceivable that the same standards of performance should be expected from both developed and developing countries. Even when they are well intentioned, many developing countries lack the necessary resources for implementation of many of these standards. It would, therefore, be advisable for the supervisory bodies to take the level of development of a country into consideration in the application of the standards it has ratified.

Before concluding, I would like to refer briefly to the political reforms in my country. We are aware that political democracy, market economy and tripartism are inseparable and none of these can be fully achieved without the other. Nigeria has embarked on a new transition programme which recognizes our historical and cultural peculiarities. Our objective remains the establishment and entrenchment of lasting democracy. We can confirm that this is a task Nigeria is committed to.

Once again, we congratulate the ILO on its anniversary celebrations. It is our hope and prayer that the ILO will continue to make immense contributions to the social and economic development of the world, in general, and of the developing countries, in particular.

Mr. TUDOR *(Government delegate, Barbados)* – On behalf of the Barbados delegation, I join with the other speakers in congratulating Mr. Gray on his election to the high office of President of this 81st Session of the International Labour Conference during the historic 75th year of the International Labour Organization. I would like to assure him of the support of the Barbados delegation in the deliberations of this Conference. I have no doubt that under his chairmanship this session will succeed in maintaining the principal objectives and high standards of the Organization.

When the Declaration of Philadelphia was enunciated 50 years ago the world was still embroiled in war, and the triumph of democracy in South Africa was not foreseeable. Now democracy has been established in that country. We are proud to be associated with President Mandela and the people of South Africa in promoting an orderly transition of power. In Barbados we are extremely fortunate to have participated in the arrangements for the first "all-race" elections.

The efforts of the International Labour Organization over the past 24 years in bringing the South African situation to the attention of the world community are noteworthy. Barbados applauds the work of the Organization in this respect and takes pleasure in reaffirming solidarity with those countries, organizations and persons whose efforts are geared to the removal of the vestiges of apartheid.

Shortly after his historic release from prison, Mr. Mandela addressed this Conference during its 79th Session in 1990. He impressed those present with his sincerity and commitment to pursue a vision of peace and unity in his country notwithstanding the bitter experiences of the past. Although imprisoned for a quarter of a century, Mr. Mandela did not pursue revenge or retaliation, but rather sought peaceful solutions to the problems.

We are sure that under his leadership South Africa will build a positive image in the world. The Government of Barbados joins with other Members of this Organization in wishing the people of South Africa much success in their quest to end racial injustice and build a harmonious society which offers equal opportunity for all. We trust that, as we review the Declaration concerning Action against Apartheid, our deliberations and recommendations will lead to the development of concrete measures for aiding in the rebuilding process.

Turning to the agenda of the Conference, I note that under the fourth item we will examine the subject of part-time work as a means of reducing unemployment. This is an area of some concern to us and should be discussed against the background of existing laws in member States.

In Barbados for example, annual paid holidays do not depend on the hours worked, but rather on the total number of days worked. Under the Holidays with Pay Act, therefore, a daily paid employee working three or more days per week would qualify for paid holiday if he or she worked for a full year. Consequently, a person working less than three days per week would not qualify for holidays with pay. Any attempt to reduce the number of days may have the effect of neutralizing our national laws.

Under the provisions of any new standards, the Conference must ensure that, in promoting part-time work as an alternative to full-time employment, workers are not excluded from certain social security and other benefits to which they are entitled to at present. These would include conditions of employment, especially where the earning hours of work are set below the thresholds established by individual member countries. It will then be important to ensure that the basic wages paid to part-time workers are not lower than the wages paid to full-time workers in cases where both are paid on an hourly basis.

Part-time work is not an ideal means of correcting the unemployment situation. As an alternative, measures aimed at creating full-time jobs which would generate adequate levels of income should be encouraged. It is incumbent on the social partners to explore all avenues to increase employment opportunities wherever possible.

Consequently, the Barbados delegation recommends that serving workers should be given the freedom to choose between full-time and part-time employment as this would avert involuntary transfer from full-time to part-time work. In addition, in the event that a worker refuses to transfer from full-time to part-time work, it would not constitute a valid reason for termination of employment.

The Government of Barbados is committed to a reduction of the high level of unemployment and recognizes that proper development is the most effective way of achieving this objective. Since the achievement of productivity gains will assume greater importance when economic growth is declining, emphasis should therefore be placed on establishing and maintaining improvements in productivity standards in order to increase efficiency and international competitiveness.

In this 50th year since the Declaration of Philadelphia, we need to mobilize joint creative energies to promote and retain the letter and spirit of the Declaration. In the face of social and economic conditions where workers are constantly being asked to make sacrifices in the interest of technical advances, it is essential that efforts at achieving economies of scale do not nullify the Declaration. Consequently, individual constituent actions will have wider and deeper effect at the global level.

The Organization must listen to the voices of its smaller and economically weaker member States. Any proposal to revise existing international labour standards must take account of the special needs and circumstances of developments within national territorial boundaries. Although many developing countries have not found it possible to ratify and implement specific Conventions and Recommendations, in many cases national laws and practices have incorporated some of the fundamental principles and provisions of these instruments.

For example, in Barbados, the Employment of Women (Maternity Leave) Act provides that every female employee should be entitled to maternity leave in addition to her annual holiday under the Holidays with Pay Act. This leave extends to a total of twelve weeks and covers the periods both before and after confinement.

The Barbados delegation notes with some concern the proposal in some quarters to revise the Maternity Protection Convention, 1919 (No. 3), and the Maternity Protection Convention (Revised), 1952 (No. 103). Any revision should improve rather than reduce the benefits to the workers, in this case females, so that their rights would continue to be protected and enhanced.

At this important time in the life of the Organization, it is incumbent on the social partners to utilize the framework of the ILO for arriving at a consensus on the thorny issues that characterize contemporary labour management relations. Failure to do this may well lead to a decline in the benefits to be derived by the respective social partners, and ultimately to a fragmentation of the membership of the Organization. History will not pardon us if we allow this to happen.

In closing, I assure you again that the Barbados delegation will play its rightful role in the deliberations of this historic session of the Conference, thus helping to promote its successful conclusion.

I wish the Conference every success. God bless you.

Original Spanish: Mr. ALVAREZ POSADA *(Employers' adviser, Colombia)* – May I first of all offer my congratulations through you to the entire Conference on the occasion of the anniversaries of the ILO and the Declaration of Philadelphia. I would like to pay tribute to Jairo Escobar Padrón, who for over a decade and until last year helped elevate the deliberations of the Governing Body as an Employer member from Colombia.

The 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia deserve special recognition from the Employers. Throughout these years we have shared the basic principles of the Organization: tripartism, social progress, freedom of association and the development of productive employment. However, the move towards a real market economy requires structural adjustments involving efforts and sacrifices. The globalization of the economy inevitably will mean the need to compete. The end of the Cold War, and also the new tension characterizing the last decade of this century, have contributed to the need to find a new role for the United Nations.

We feel, as the Director-General rightly said in his Report, that we must first and foremost preserve the basic principles which gave rise to the Organization. Now more than ever, tripartism and social dialogue must play a major role as exceptional mechanisms for the adoption of social policies to improve living conditions.

Indeed, the new economic model opens up opportunities, but it also demands sacrifices and generates disruptions which are not always easy to overcome. These adjustments require a special capacity for adaptation in macroeconomic and social policies, as well as in productive processes. There must be formal commitment by governments, employers and workers to overcome the difficulties and take advantage of opportunities.

If we combine our efforts we can achieve the most noble objectives. A cooperative attitude will beyond any doubt enable us to change the relationship between the different sectors and make it easier to identify joint objectives to guide the activities of the ILO. There are many fields which are prime candidates for such joint efforts, where the objectives of growth and social development are one and the same and where the aim is to minimize the sacrifices required by the globalization of the economy.

Today, as we are witnessing the decline of the centrally-planned economy and the resurgence of the market as the best system to create wealth and fuel development, it is more important than ever for the social partners, governments, employers and workers, to devise creative social policies.

The responsibility of each of the social partners is a political responsibility as well. The new conditions require that employers and workers become genuine social and political actors who participate actively in decision-making, helping to define the objectives and priorities of economic and social development.

I would also like to make some comments on another of the basic principles of the ILO. That is the

In his Report, the Director-General reminds us that throughout the world the private enterprise is reassuming the important place it deserves in the economy. Therefore, we must determine how it can be the single most important factor in the successful economic development of nations, in raising standards of living, in reducing unemployment and, finally, in counteracting the adverse effects of structural adjustment processes.

The standard-setting activities of the ILO and its cooperation mechanisms must serve to promote favourable conditions in member States for the creation of productive jobs. Only an economy guided towards this goal can truly and efficiently fight poverty and social marginalization.

Furthermore, within the traditional fields of its competence the ILO should contribute to establishing those conditions which can enable States to achieve progress in the fields of labour markets, the development of human resources and social rights.

For the future activities of the ILO to be consistent with the new realities, we must emphasize that the old theories which maintained that class struggle was inherent to labour relations; have become obsolete. We must find a new model of labour relations one which is based on dialogue, consultation, exchange of information and a cooperative approach rather than on conflict.

Therefore, the enterprise must be seen as a community of human beings who, working together, seek a joint objective. That is why Pope John Paul II conceived of the enterprise in the *Centesimus Annus Encyclical* as a community of persons who in various ways are endeavouring to satisfy their basic needs, and who form a particular group at the service of the whole of society.

The employers recognize the importance of the standard-setting work of the ILO enshrined in the Conventions and Recommendations approved by the International Labour Conference. Its specific value stems from the drafting procedures which enable tripartite participation of all member States on an equal footing and also derives from the Organization's impartial supervisory mechanisms. This work remains one of the means to foster world progress based on consensus between the social forces and the free commitment of States at all levels of developments.

A few simple provisions, more adapted to reality, will facilitate the ratification and application of Conventions by the member States. The International Labour Code which was created by way of Conventions and Recommendations needs to be adapted to the new times.

We must emphasize how the Director-General is considering the relevance of the existing standards and the advisability of preserving them. In the past this was one of the employers' concerns. It seems that there is no consistency between the adoption of standards and their later ratification. This problem is not new and can be explained to a great extent by the inapplicability of the texts adopted. The different levels of development of the countries concerned can have a certain influence, but this is not the main reason. The exaggeratedly complex and detailed nature of the provisions render ratification difficult, even for the most advanced countries, and the text reaffirms

There are also mechanisms other than standard-setting to help achieve the ILO's objectives. There are technical cooperation and consultative services which should not be subject to conditions such as the application of standards. Often these are the most suitable ways of effectively improving working conditions; their shortcomings are mostly due to technical incompetence and not to ill will.

When the ILO was created, some of its protagonists considered its task not as a simple progressive harmonization of social protection throughout the world, but rather as a means of eliminating the existence of inferior working conditions, and a legitimate way of promoting competition on an equal footing between enterprises and nations. This objective was overcome by the constituents of the ILO, because they found that persuasion is a better and more realistic way of achieving their goals.

It is true that the relation between social protection and equality of trade was one of the ideas which underlaid the inception of the ILO. There are still some signs of this in the Preamble of the Constitution and in the reports of the discussions that took place during the first decades of the ILO's existence. But we must recall that the Organization was made up at the time mainly by industrialized countries.

However, even at that time the Constitution provided that the ILO, in the performance of its mission, should "have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different". In this case, the modifications proposed in standards should meet the case of the specific conditions of such countries (article 19.3).

The wording the authors of the Constitution chose for voluntary ratification excludes any obligation in order to ensure a certain uniformity in social protection. Furthermore, the mass entry of the Third World into the ILO has introduced into its strategy the concept of unequal development, a concept which must be preserved in order to guarantee the efficiency of international labour standards.

Finally, and to end this brief review of the needs for modernization of the ILO, I consider of major importance the debates and conclusions concerning this subject adopted by the 81st Session of the International Labour Conference. I trust that the discussions will enable us to adopt the best programme of work to lead the ILO into the future.

Original Russian: Mr. GONCHARIK *(Workers' delegate, Belarus)* – May I join the congratulations to the President on his election to such a high office and wish him every success in his work.

On behalf of the Federation of Trade Unions of Belarus, I would also like cordially to congratulate the President and all the delegates at the Session of the Conference marking the 75th anniversary of the International Labour Organization. Taking a glance over the path it has followed, it would be not be an exaggeration to say that the ILO is, on the whole, fulfilling its vocation, namely helping to strengthen social justice in the world.

In this connection, the subject of the Director-General's Report in our opinion was a felicitous choice. The problem is indeed topical.

A quest for social justice is inherent in the very

doubt, as is the fact that the main condition for his or her social protection, development and well-being is the ability to earn a decent living. Defending this value by the means available to trade unions is what we believe is our main task. In the recently adopted Constitution of the Republic of Belarus an article was included at the behest of our trade union centre, under which the State guarantees the right to work as the most worthy means of self-assertion, and creates conditions for full employment. It also enshrines the right to strike.

Such an approach corresponds to the definition of the country in the Constitution as a social State.

Evidently it is a noble aim. Unfortunately so far things are different in real life: economic ties have been severed, the financial and credit system has collapsed, production has slumped and people's standard of living has fallen.

This year alone national income dropped by more than one-third. Inflation has risen, and many people have found themselves living below the breadline. Both open and concealed unemployment are on the increase. This is affecting young people and women in particular. As a consequence, social tension in society is increasing.

In supporting the creation of a socially oriented market economy we oppose the resolution of this task at the expense of workers, their health and well-being.

For this reason, we are raising the question of the immediate drafting and implementation of a new State social and economic policy – a policy carried out in the interests of people and intelligible to them. Its aims firstly should be to halt the impoverishment of the people and prevent mass unemployment while strengthening labour motivation through fair wages; secondly, it should protect the productive and scientific and technical potential which has been created and overcome the chaotic slump in output; thirdly, urgent measures should be taken with regard to structural adjustment in the economy, especially by stimulating the production of foodstuffs and consumer goods and services.

We advocate a sober reappraisal of the structure of state property, modifying it by raising economic efficiency, and not lining the pockets of certain categories of the population.

On the whole, movement along the path of reform should be socially secure. Thus, instead of illusions and euphoria over the deceptive proximity of the market there should be measured action.

There is an evident need to strengthen the protection of workers' rights. Above all, we have stepped up participation in the creation of a legal basis regulating the world of work. Thus we have managed to halt consideration in the Government of a draft labour code which in essence impaired workers' rights, the rights of trade unions, and indeed those of employers.

We are seeking to ensure that in national legislation and policy the necessary changes are introduced in order to guarantee compliance with the main demands of international standards. Of all the ILO Conventions, just 42 have been ratified in our country so far, but we are convinced that the most important point is not how many Conventions have been ratified but that they should actually be effec-

One of the urgent tasks for us at the moment is the creation and implementation of a mechanism for social partnership. Consultations with Government and employers' associations have become common practice, as have joint working groups which try to find consensus on differences which arise when signing collective, sectoral agreements. We see this as the product of rational compromise.

We have acquired a certain amount of experience in collective bargaining at the level of the enterprises. This right is enshrined in the Act on collective agreements which has been studied by experts from the ILO. We urge that consideration be given to equal rights in social dialogue and we count on further expert consultations and support from ILO specialists.

I would like to express heartfelt appreciation and gratitude to the Director-General, Mr. Hansenne, and the ILO staff for their assistance in solving the complex problems before us. The rich experience and practical assistance of the ILO has been most useful to us in resolving such fundamental problems facing workers as employment, vocational retraining and occupational safety and health.

Thus, on the basis of this, in my country for example, how would we like to see the ILO develop? We want it to increase its clout as an influential international organization and for this it is necessary for it to become more operational and more flexible in its work, including in the study of new problems in countries, especially those in the process of moving over to a market economy, and the development of specific recommendations which may provide a genuine source of information and model.

In the Report in principle a correct assessment of the Organization is given, namely that the ILO is the "social conscience of the world". For this purpose, priorities must be the guaranteeing of a balance of interests and consequently stimulae for all participants in labour relations: governments, employers and workers. Therefore, a downward revision of the strength of international standards would be a step backwards and might trigger further assaults on workers' rights.

Thus, it is extremely important to protect the tripartite nature of the ILO, the universality of its Conventions and Recommendations, and the supervisory mechanism, while improving them by taking into account new conditions in the world.

I hope that the work of this Session of the Conference will be fruitful and make it possible for constructive approaches and initiatives to be found on the path to democracy and progress, and hope.

Original Arabic: Mr ABOU RIZK *(Workers' delegate, Lebanon)* – I should first like to join previous speakers in congratulating the President on his election to the chair of this landmark Session of the International Labour Conference. This election is the fruit of lengthy efforts deployed within this Organization and in the world trade union movement as a whole.

Turning to the substance of the matter before us, may I say that, having read the Report of the Director-General carefully, I would have liked this special Session, which is being held on the occasion of the 75th anniversary of the establishment of this Organization and the 50th anniversary of the Declaration of Philadelphia, to engage in a special discussion of exceptional topics in addition to the important topics before us. In spite of the urgent nature of these topics, they are perhaps not on an equal footing with the major challenge facing the International Labour Organization and the international community as a whole on the eve of this twenty-first century.

On this anniversary, we feel the need to develop and invigorate our Organization. This by no means implies, nor can it ever be allowed to imply, that this great international institution has failed or that it is suffering from a basic imbalance that calls for a reappraisal of its constituent elements. Far from it. We believe that the International Labour Organization, despite occasional setbacks, has achieved important and tangible results and made a widespread and favourable impact, not only on labour markets but also on human relations and their economic and political results in general.

However, I should like to point out that political, economic and social circumstances today are quite different from those that prevailed when the International Labour Organization was created in 1919. They are also different from the general context that made the ILO so essential and prompted it to forge ahead with the Declaration of Philadelphia in 1944. We are therefore hoping for a solid new structure with flexible, fast and efficient mechanisms, a body capable of moving in tandem with the other organizations of the United Nations system; and the United Nations itself is certainly in need of new blood! We are aspiring for an Organization that can work together with the other international organizations to reaffirm the lofty principles for which it was created and towards which it has striven for many years – in particular justice and social peace – strengthening its tripartite working method involving governments, employers and workers in order to achieve these lofty shared objectives.

The twenty-first century is drawing nigh with momentous and dangerous new and complex challenges of great diversity: falling wages; increased aggression against the individual as a factor of production and a rational being, the squandering of resources and the widening gap in their distribution, and worsening and ever more diverse social problems.

The necessary development of this Organization calls for the strengthening of the existing machinery to ensure that Conventions do not remain "dead letters", trade union freedoms are strengthened and protected in practice and not just through lip-service, and effective institutional machinery is available for receiving complaints and responding quickly. We also hope for more effective quantitative and qualitative protection for labour and careful preparation for the World Summit for Social Development next year so that it produces the desired new departure.

We in the General Confederation of Lebanese Workers have additional cause for complaint in the area of efficiency, especially since we represent a people that is attached, nay addicted, to freedom, democracy and justice. A simple example of what I mean is the fact that more than 15 months ago, we lodged an urgent complaint against the Lebanese Government for its clear violation of democratic and trade union rights – but no decision has been taken to date in this connection. And when the decision is adopted, we may have to wait years for the means to proceed to implementation, enforcement and further processing in a country whose Government has ratified only 37 Conventions and which does not always implement those it has ratified.

Today, we believers in international law, are lodging an additional complaint against the Lebanese Government concerning a number of documented violations which may be summarized as follows: undermining of freedom of association; direct interference in our internal affairs and attempts to influence our decisions – not to mention the pursuit of a policy that has led to a decline in wages. In fact, what we earn today is 10 to 20 per cent of what we were earning in 1983. The share of wages in GDP, which was 55 per cent before the war, has dropped to 15 per cent today.

The Lebanese people as a whole are suffering from a general decline in their quality of life and standard of living, largely due to taxes, high inflation, unemployment which is running in some cases at 30 per cent, rapidly increasing public debt equivalent to close on 75 per cent of GDP, poor or non-existent public services, the destruction of infrastructure and the heavy burden on the society and the economy of many years of war and frequently misguided policies.

We are aware that after a war a resumption of activities requires sacrifices. We are ready to make those sacrifices but human beings are more important than stones. Reconstruction must not take place at the expense of workers and cannot be achieved through the destruction of human beings. Social and economic policies and wise financial policies must in no way undermine human dignity and fundamental freedoms.

We firmly believe that real peace and a healthy new society must be built upon freedom, social justice and democracy, and positive cooperation among all the social partners. We are also – and above all – attached to national sacred principles: first and foremost, to the struggle for the liberation of our territory from Israeli occupation so that the Lebanese authorities may extend their power throughout the entire territory; we also want to strengthen our brotherly relations with our other Arab brothers – particularly with the Syrian Arab Republic – within the framework of national unity, sovereignty of the State, independence, democracy and justice.

The Lebanese people, who are proud of their contribution to civilization, are worthy of the support of all their friends to help them overcome these hard times. The people of Lebanon deserve to live; they deserve life and support. Lebanon is the responsibility of its citizens; but it is also the responsibility of any human being who aspires to peace, freedom and justice throughout the world.

Mr. SUK-BUM *(Representative of the International Federation of Building and Woodworkers (IFBWW))* – I represent the IFBWW. I am also President of the Korean Federation of Construction Trade Unions (KFCTU) in the Republic of Korea. My federation is a member of the independent, democratic Korean Council of Trade Unions (KCTU) that is separate from the Federation of Korean Trade Unions (FKTU). I am honoured to address you on behalf of the independent, democratic unions in the Republic of Korea.

I would like to congratulate and offer my support to the President and Vice-Presidents on their election. I am convinced that this session of the Conference will be even more successful under their leadership, thanks to their efforts and outstanding experience.

First and foremost, I should like to emphasize that many countries are attempting to turn back the clock on working conditions or to restrict trade union rights by invoking difficult conditions of economic development or national interests and by conniving with government powers. I insist that the ILO should be changed into a stronger organization with more positive and substantial binding authority to work against the suppression of good conditions of work and the elimination of these rights.

This is the question we have to debate at this session.

Korea has achieved high economic growth thanks to the workers' efforts, but social discontent is growing because of the imbalance of wealth. The present civilian government in Korea has promised many things, such as the revision of labour laws and the reinstatement of the dismissed. But there has not been any change at all. Korea is one of the few countries that deprives workers of freedom of association.

The urgent issue of revision in Korea is focused on the repeal of the ban on a multi-trade union system and the restriction of the right to unite. The latter prohibits government employees and teachers from organizing. As for the ban on a multi-trade union system, the Korean Government has shown its will to revise it. In response to this problem the ILO Committee on Freedom of Association recommended in March of last year the revision of labour laws.

Unfortunately, the Federation of Korean Trade Unions, which considers itself representative, is strongly against revising the labour law. Their reason is that trade unions must be one. To be sure, I agree it is natural to unite in a single trade union. But a one-trade-union system should be established autonomously by democratic, independent procedures, and not by a forcible tool such as the physical, heteronomous methods of imposition by law and governing power. Such an approach contravenes the ILO Constitution. Therefore, we, the democratic trade unions, have jointly submitted a complaint to the ILO against the Government of Korea.

The democratic trade unions and the Federation of Korean Trade Unions cannot become one trade union. The biggest reason is suspicion that the activities of the Federation of Korean Trade Unions are too involved with the Government and with capital. After last year, the Federation of Korean Trade Unions and the employers unilaterally fixed the rate of wage increases for this year in the name of social consensus. That is preposterous. The rate of wage increase never matched the increases in prices. Nevertheless, the Federation of Korean Trade Unions demands that the workers obey it. I agree with social consensus, but I simply oppose imaginary social consensuses that ignore democratic procedures and the principle of equity. ...

Original French: The PRESIDENT (Mr. MATINCHEV) – You have started attacking Korea and we feel that this is unacceptable. We remind you that you should keep to the item on the agenda which is the subject of our debate, namely the Report of the Director-General.

Mr. SUK-BUM – I would like to make a serious appeal. There are about 3,600 workers imprisoned or

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dismissed for trade union activities under the past authoritarian regime in Korea. The new Government promised to reinstate them; no action has yet been taken. The workers have had hunger strikes lasting 38 days last year and 28 days this year. Among the dismissed, some have died of disease and the family members of others have even committed suicide because of the shock of their dismissal. I hope this session will be of historical significance, and that we will make a more concerned effort to fulfil the goals of the ILO than any other session. I hope some day to report the good news about the resolution of all labour problems in Korea.

Original French: The PRESIDENT (Mr. MATINCHEV) – I give the floor to Mr. Yantais, Government adviser, Greece, who would like to exercise his right of reply to a statement made on 7 June 1994 by Mr. Sabriu, Minister of Labour and Social Policy of the Former Yugoslav Republic of Macedonia.

Mr. YANTAIS *(Government adviser, Greece)* – On 7 June, at the third sitting of the Conference, the Minister of Labour of the former Yugoslav Republic of Macedonia, although not originally scheduled, participated in the debate. Having seen the text of his intervention in the *Provisional Record*, I wish to make use of my right of reply.

This regards, on the one hand, the incorrect denomination of the State in question, used in that statement. May I remind the Conference of Security Council Resolution 817 of 1993, according to which that State has been admitted to the United Nations "being provisionally referred to for all purposes within the United Nations as the former Yugoslav Republic of Macedonia, pending settlement of the difference that has arisen over the name of that State". The difference has not yet been settled.

On the other hand, a blockade imposed by Greece was mentioned as the cause of increased unemployment in that country. This cause and effect linkage is hard to imagine, let alone to evaluate over a four-month period. The measure mentioned was taken only in mid-February.

Original French: The PRESIDENT (Mr. MATINCHEV) – I give the floor to Mr. Freeman, Government delegate, United States, who wishes to exercise his right of reply to the statement made this morning by Mr. Linares Calvo, Minister of Labour and Social Security, Cuba.

Mr. FREEMAN *(Government delegate, United States)* – The economic sanctions to which the Cuban delegate alluded originated from a resolution of the Organization of American States in response to the regrettable lack of democracy and freedom which has prevailed in that country for 33 years and which have caused hundreds of thousands – no, I would say millions – of freedom-loving Cubans to flee that country and to seek asylum in my country and other countries of the western hemisphere.

(The Conference adjourned at 1 p.m.)

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Tenth sitting

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Presidents: Mr. Gray, Mr. Ould Sidi

FIRST REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

The PRESIDENT – The first item on our agenda is the first report of the Credentials Committee.

I give the floor to Mr. Spencer, Government delegate, Trinidad and Tobago, Chairman of the Credentials Committee, to submit the Committee's first report to the Conference.

Mr. SPENCER *(Government delegate, Trinidad and Tobago; Chairman of the Credentials Committee)* – I have the honour today to present the first report of the Credentials Committee, which you will find in *Provisional Record* No. 8.

The report sets out the position with regard to the composition of the Conference, as well as the quorum, as it was on 10 June when it was adopted by the Committee.

In the meantime, Armenia has accredited a tripartite delegation, bringing the number of member States present at the Conference to 158.

The report also contains a table setting out the statistical data of the delegations which had registered when the Committee's report was adopted. In this regard, I wish to draw attention to an error in the tables in the French and Spanish versions of the *Provisional Record*. While the final figures are correct, there are errors in the data for some countries. A corrigendum will appear in *Provisional Record* No. 10 rectifying the errors in those two versions. The English version of the *Provisional Record* is correct.

This year no countries nominated a Workers' delegate without also nominating an Employers' delegate, or vice versa. But six countries have sent exclusively governmental delegations. The report reminds governments of their obligation to comply with article 3 of the Constitution, which requires that a complete tripartite delegation be sent to the Conference, and urges them, when nominating delegations, to have due regard for an appropriate proportion in the tripartite composition of the Conference, as envisaged in the Constitution.

The Committee also reminds member States of their obligation to pay the travelling and subsistence expenses of their delegates and advisers, and trusts that this obligation will be respected for the entire duration of this session of the Conference.

I should also like draw your attention to the information contained in paragraph 7 of the report concerning the number of women among the accredited delegates and advisers further to the resolution adopted by the Conference in 1981.

The Committee was pleased to note that this year many more governments have submitted credentials within the time-limit laid down in the Standing Orders than in the past, and wishes to encourage governments to do so as it serves to facilitate the work of the Office. It is particularly important that governments provide precise information on the employers' and workers' organizations consulted concerning the appointment of delegates and advisers, as well as information on the organizations which have agreed to such appointments.

As this report was adopted unanimously by the Credentials Committee, the Conference is required only to take note of it.

The PRESIDENT – As Mr. Spencer has just noted, this report was adopted unanimously by the Credentials Committee and therefore I invite the Conference simply to take note of it. I would like to thank the Chairman and the Officers of the Committee for the excellent report that they have just presented to us.

(The report is noted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We will now resume our discussion of the Reports of the Governing Body and of the Director-General.

Mr. KROSS *(Minister of Labour, Suriname)* – It is a great honour for me to congratulate the President on behalf of my delegation, on his election to preside over this 81st Session of the International Labour Conference. We are convinced that under his expert guidance, in close cooperation with the other appointed delegates, our deliberations will be brought to a successful end.

May I take this opportunity to extend the congratulations and greetings of the people of the Republic of Suriname and my Government to the International Labour Organization on the memorable occasion of its 75th anniversary, as well as the 50th anniversary of the Declaration of Philadelphia and the 25th anniversary of the ILO Caribbean Office. We are proud to be part of this Organization as it still stands above all as one of the oldest international organizations dedicated to the ideal of promoting social justice in the world.

Furthermore I would like to take this opportunity to congratulate the Director-General on his Report which is of timely importance. This annual meeting offers us ample opportunity to reflect upon the many changes and challenges in today's world, as indicated in the Director-General's Report. In this framework, it should be noted that the Director-General has given full attention to today's values in promoting change and to the role of the ILO in international policy-making.

The principles and ideals of the ILO as laid down in its Constitution contribute to universal and lasting peace through the promotion and development of social justice. My Government is convinced that these ideals can only be realized on the basis of the fundamental principles of democratic societies. It is in this regard that my Government certainly gives wholehearted support to the principles and ideals of peace, security and democracy. We are convinced that only democratic principles can create the conditions for healthy and well-balanced social and economic development in all our countries. We hereby reaffirm our commitment to alleviate poverty and guarantee basic human rights.

However, owing to the globalization of the economic crisis and other external and internal factors, my country and my Government are now facing a crucial phase in the implementation of a structural adjustment programme. While looking for adequate solutions to overcome the adverse effects of the economic crisis, we have also become aware that our young and fragile democracy could be threatened by possible social eruptions as a result of the adjustment process.

At the same time, mention can be made of the fact that traditionally there are free and independent employers' and workers' organizations in my country. They now have to prepare themselves to play an effective role in the economic and social development of the country during the structural adjustment process.

We share the view of the founders of the ILO that the promotion of social justice in the field of labour can be achieved only if the social partners themselves are involved in seeking appropriate solutions, and that dialogue and negotiations between the social partners should be based on joint consultation and tripartism.

Aware of the need to reach consensus on the policy to overcome the current crisis, my Government very recently established a tripartite consultation mechanism at the national level. This institutional arrangement should be seen as an initiative on the part of the Government to arrive at policies on remuneration, employment and investment. Moreover, there is the labour advisory council which advises the Minister of Labour on matters relating to labour and employment issues.

Talking about the issue of laws brings us to the discussion on a review of the standard-setting activities of the ILO, as suggested in the Report by the Director-General. In view of the changing world and the creation of new conditions and new challenges we indeed share the opinion of the Director-General in questioning the relevance, effectiveness and suitability of the legislative function of our Organization. We agree with the recommended procedure to create new opportunities for standard setting, as long as it does not cause a weakening of the available social protection mechanism. In this respect, the need for standard setting and a better utilization of the available instruments are still imperative.

Hence, it is of great pleasure to me that, especially on the occasion of the ILO's 75th anniversary and being present at this session of the Conference, I am given the opportunity to inform you of the preliminary activities undertaken by my Government in order to arrive at the ratification of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and the Collective Bargaining Convention, 1981 (No. 154) later this year. In so doing, we are aware that we have committed ourselves to incorporating the provisions of these instruments in our national law and practice. This standard-setting action should be seen in the light of our contribution to social progress as an achievement of the ILO's objectives in order to improve the conditions of work at the workplace.

In strengthening the international effectiveness of standard-setting action, the Director-General has suggested in his Report that a link should be made between international labour standards and international trade. Especially in the world of today, owing to the globalization of the economy, the effectiveness of ILO standards as regulators of international trade is of significant importance to the world. The development of a global market-place creates new trading blocks which have far-reaching implications for the working people. Countries in the global market-place are looking worldwide for skilled labour and low-cost support services for knowledge-intensive industries, and we developing countries have to question whether we are interested or not in attracting them to our countries in the Third World. The emphasis on export, while it does create greater employment opportunities in industries such as electronic assembly and data entry, results in conditions of employment which make the available jobs temporary, low paid and precarious.

Reference made by the Director-General to the social clause in the context of the globalization of the economy, should indeed guarantee in international trade agreements that the liberalization of markets is accompanied by the elimination of exploitation and abuse at the workplace. This should be accomplished through persuasion and cooperation rather than coercion, building upon the voluntary commitment to social progress that is inherent to membership of the Organization. In this respect, we expect that the ILO will be prepared to deal effectively with all these subjects.

According to the Director-General's Report, the ILO has, in addition to the standard-setting activity, another essential function. This is the extension of technical assistance to its Members in dealing with issues of labour and development. My Government is convinced that the ILO has an important role to play in activities such as technical cooperation, advisory services and policy guidance. With the new approach of working in regional multidisciplinary teams, we hope that the wide range of services will be more integrated for the benefit of its constituents. We also stress and reaffirm more flexibility and changes of style, methods and procedures which will enhance the quality, relevance and practical utility of ILO technical programmes.

When we take into consideration flexibility and change, it implies that there is also a need to talk about modernization and streamlining the information and ideas which are of major concern for governments and social partners. We firmly endorse the Director-General's proposal to use the ILO as a forum for debate, offering opportunities for exchanging and sharing views and experiences as well as through regional and subregional meetings.

Finally, with respect to South Africa, I would like to extend the congratulations of the people of Suriname and my Government to the people of South Africa and its leaders on their successful struggle against apartheid. In the light of global democracy, this success could be seen as a victory for the whole world.

Original Spanish: Mr. CUSTER *(representative, World Confederation of Labour)* – Mr. President, in congratulating you on your election we would like to stress the importance of the fact that this session of the International Labour Conference has elected a Workers' representative to the chair, and we wish you every success.

We cannot fail to refer to the 75th anniversary of the ILO. Our association – World Confederation of Labour, which was founded virtually at the same time as the ILO, is also celebrating its almost 75 years of cooperation between the two organizations, and we repeat our hope and our commitment for joint efforts at the service of the fundamental objective of both institutions which is to serve and promote social justice throughout the world.

During this special celebration the presence of South Africa with a tripartite, multiracial delegation coming from a democratic country is perhaps the very best gift that could be given to the ILO and we reiterate our full and permanent solidarity with the workers of South Africa for the rebuilding of their country.

Despite these positive facts we must recall with great regret the tragedies that are affecting the people of Rwanda, Bosnia, Angola, Haiti and Yemen. The very serious situation of the workers in Palestine, and the continuing serious violations of human rights and trade union freedoms are to a large extent the responsibility of some of the member States of the United Nations and of the ILO.

The Report of the Director-General is an attempt to put forward important questions in order to stimulate serious debate. Although we do not share all of the assessments of the Report, we do fully share the main objective which is to seek ways to bring about the development of social justice. We feel this is a very useful Report that will be further complemented by the contributions of the Conference itself and other more dynamic work by the Governing Body.

At the end of 1993 our association held its 23rd Congress in Mauritius and the central topic for debate and that of the main resolution was precisely the urgent need to design and build an alternative world order. We believe that this should be the main subject of our concerns, and in particular should determine the role to be played by the ILO in view of the serious challenges that we face now and in the future.

As was indicated from this same podium by the Secretary-General of the United Nations Mr. Boutros Boutros-Ghali, "we have the task of reinventing a new mode of life in our societies, ... we must lay down a new social pact for the whole world". The President of the European Union Mr. Jacques Delors also recently said that we need to create bodies for economic coordination and rationality, despite those who quite wrongly believe that the market and free-reined competition alone can generate growth and development. Therefore, we consider that flexibility, deregulation, reduction of social protection and the cheapening of social costs are serious contradictions of the underlying concepts of the ILO and its objectives to promote human progress and social justice.

Distinguished economists – among them the very prestigious Professor John Kenneth Galbraith – have indicated that the liberal model which attempts are currently being made to impose globally is not only unjust, but will lead us to a downward spiral in social terms and to a recessionary spiral in economic terms, because given the increase in unemployment, poverty and marginality, the main objective is to increase demand and consumption; to establish minimally equitable relations in international trade; and to seek a development model with rational distribution that takes into account important social and ecological factors. The workers agree with the need for an efficient economy, the importance of the market and legitimate competition; but these are merely partial instruments that need to be integrated into a global development concept.

In his Report the Director-General speaks of the uneven distribution of international GNP where 20 per cent of the world population holds 83 per cent of wealth, and 80 per cent of the population – more than three-quarters of all humanity – participates in only 17 per cent of this wealth. This enormous inequality between the developed countries and the poor countries is truly a scandal, which together with growing unemployment in the wealthy countries reveals the dualism of the economic model; there is a subsequent increase in marginality and poverty, which is indeed a danger for democracy and peace.

We therefore denounce this economic, irrational and backward liberal model, which is also leaving its mark in the enormous injustices in North-South relations.

We are thus amazed at the recent conclusions of the Ministers of the OECD, whose labour ministry colleagues are present here at this Conference, when they insisted that attempts to reduce unemployment should be based on an anti-social policy of flexibility and labour deregulation, by reducing wages and social protection. It is quite regrettable that at this level there is no talk at all of redistribution of wealth (as was indicated here by the Secretary-General of the United Nations), even as a means of making the economy more dynamic, and that in global terms no attention is given to the increase in poverty and marginality; to the inequalities in international trade (which are increasing as a result of the devaluation of raw materials and protectionism in the developed countries); to the ravages caused to Third World countries, by the external debt, which together with international financial speculation and lack of any curbs on capital constitutes a situation which has now come to alarm even the International Monetary Fund.

The recent report of the UNDP (the United Nations Development Programme) confirms our analysis and indicates that worldwide military spending still represents the sum of the income of half of humanity. It is regrettable that the Finance Ministers of the wealthy countries insist on a suicidal policy of impoverishment and marginality, paid for by the workers and the poorest sectors; instead of attacking the very roots of injustice and current economic irrationality, dealing only with their dramatic consequences.

It is here that the ILO had a dynamic and innovative role to play. We believe first and foremost in the essential need for the support of the ILO to the United Nations, and its interaction with international economic and financial bodies. In this sense the statement made by the Secretary-General of the United Nations at this session of the Conference constitutes considerable support for such action. We would like to reiterate our full support for the document on *The ILO towards the twenty-first century* which was submitted by the Workers' group, with the support of the international trade union organizations. We would recall the "Resolution on the ILO" taken at the 23rd Congress of the WCL, both of which are specific proposals which I will not go into further.

We rigorously defend the need for international social legislation, which is essential in a globalized economy. In this respect, the ILO standards are fundamental and we also believe that the social clauses are very important, as part of well-defined criteria that will prevent any protectionist use, and with proper guarantees of multilateralism and objectivity, and here there is an essential role to be played by the ILO in developing appropriate mechanisms. Together with other organizations, such as the ICFTU and the European Trade Union Confederation we uphold this as a very useful instrument for social justice and international solidarity.

We also believe that the World Summit for Social Development is an important opportunity so that at the very highest level and with the appropriate preparation, the international community may deal with these serious challenges in order to achieve a model of sustained, rational, shared human development. The ILO has an important role to play at this Summit, and we believe that it is the most suitable and appropriate Organization in that its fundamental responsibility will be recognized in regard to the application of recommendations and the programme of action which will be drawn up by the World Summit for Social Development.

As workers we are also particularly interested in the Summit and we shall make every effort, requesting the member States of the ILO to mobilize participation in all of their countries of the social forces, with the participation of the trade unions in particular, to contribute to the preparatory work of the Summit at the national and regional levels.

As we said, the World Confederation of Labour (WCL) will have its 75th anniversary next year, and it reiterates its support for the ILO and its firm conviction in the strengthening of its work and its fundamental objectives: promoting human progress, harmony among peoples, and social justice.

Original French: Mr. FRISO *(General Secretary, International Confederation of Free Trade Unions)* – I would like first of all to congratulate most sincerely the President of this session on his election. No one will be astonished if as General Secretary of the ICFTU I am proud to see this important session chaired by a Workers' delegate.

The International Labour Organization is this year celebrating its 75th anniversary, and since its creation has become a true world labour parliament. During its 75 years of existence, the ILO has been able, through international tripartism, to establish a reference code which has provided the social partners with true legal instruments helping to promote consultation and social dialogue and therefore improve the lot of millions of human beings.

The ILO, in its time, has faced many challenges. Some people have tried to weaken its supervisory mechanisms, to cast doubt on the scope of its instruments, and to marginalize it in terms of other specialized agencies of the United Nations, of which it is, let us not forget, the senior member. The ILO has always risen to meet the challenges.

Even though we must acknowledge that much remains to be done, the numerous successes of the Organization in the pursuit of its mission are, I think, due to its loyalty to the principles on which it was created, and, I must stress, undoubtedly to the vigilance of the Workers' group and the trade union movement as a whole.

Today, the trade unions expect from the ILO the same tenacity to resist the pressures of those sectors which seem to be ready to sacrifice the very essence of the mission of the Organization in the name of what they call flexibility or deregulation. At a time when one-fifth of the population of the world lives in extreme poverty, with only the equivalent of one dollar a day to survive on, when 800 million workers throughout the world, a third of the economically active population of the world, are unemployed, when tens of millions of children are exploited shamefully, carrying out dangerous work in deplorable conditions, can we decently propose that the ILO's standard-setting activity be scaled down?

Will we create employment through measures making it easier to lay off staff?

Will we promote justice by reducing the scope of social protection?

Will we kick-start the world economy by reducing the influence of those who are responsible for negotiating improvements to conditions of work and whose activities will help create additional markets by assuring that populations can wield their purchasing power?

These are the questions we should be considering during the anniversary, we who are concerned about the future of this Organization. These questions are, I am pleased to see, referred to in the Report presented by the Director-General, Mr. Michel Hansenne.

Despite the scenario I have just described, the ICFTU remains convinced that the ILO has a leading role to play in a global initiative, devised at the international level, to combat poverty and unemployment.

We are equally convinced that this role can be played effectively only by focusing on the implementation of international labour standards. And we should not deceive ourselves, this is in the interests of countries of both the south and the north. Because, I stress, by contributing to the improvement of the situation of the two-thirds of the inhabitants of our planet, providing them with the means to defend their interests, to increase their purchasing power and benefit from the fruits of their labour and investment, whilst respecting the traditions, customs and different cultures that enrich the world, we are helping to kick-start the world economy.

Therefore, the standard-setting activity of the ILO must continue. The fate of millions of people and the Organization's credibility depend on it. For that reason the ICFTU now calls for the inclusion of basic ILO standards in a social charter at the world level, backed up by new supervisory mechanisms.

On the eve of the creation of the World Trade Organization the ILO must work actively for the inclusion of a social clause in international trade agreements.

In this regard my organization has formulated concrete proposals on the contents of the clause and how to implement it. For those still not convinced, I must stress that for the trade unions, the social clause is, and must remain, an anti-protectionist measure. I think that we have been very clear on this subject.

Firstly, the clause should be used to promote investment in developing countries and therein create for the investors a favourable climate for development and for the local population a just distribution of the fruits of investment. This can be done quite simply through the respect of the right of workers to create trade unions and the rights of the trade unions to negotiate with the employers, on the basis of national criteria for conditions of work.

Secondly, it would allow gradually, taking into account the local situation, to increase the purchasing power of the workers throughout the world and thus satisfy their essential needs, and also allow them to create markets for local consumption and, as a result, to increase overall demand, attract new investment and boost employment.

Thirdly, a multilateral approach involving the ILO will finally put a stop to unilateral protectionist measures which some countries would try to impose to monopolize a share of markets.

No one has ever challenged the role of the ILO in defining labour standards and the means of supervising their implementation. It is part of its mission. It is therefore essential, even natural, that it act now in conjunction with the World Trade Organization.

Mr. Hansenne quite rightly stresses the need to increase the influence of the ILO. This is certainly the case with regard to the Bretton Woods institutions and structural adjustment programmes. It is not by chance that in many countries these programmes have been shelved because their social effects were simply disastrous.

The impending World Summit for Social Development will help to test the political will of the governments in this regard. It is quite evident that the agenda of the Summit corresponds perfectly with the mandate of the ILO, as it will discuss issues such as poverty, employment and social exclusion. It is equally evident that if we want the Summit to have any impact on these burning issues, we must begin now to solicit the participation of the social actors in its preparation.

We must also ensure that the rich countries, whose governments are party to the decisions of the International Monetary Fund and the World Bank go beyond, in Copenhagen, merely mentioning the extent of social damage inflicted. They will have to give a firm commitment, along with the international financial institutions, to take effective and coordinated measures at the world level to solve the problems.

In conclusion, I would like once again to impress upon all the groups here the importance of the foundations of this Organization, namely tripartism, consultation and dialogue. They are not only important here at Geneva, once a year, for three weeks, but a daily necessity in every country.

There can be no real democracy without tripartism, and there can be no tripartism without real democracy. Because true tripartism is when every partner, confident of its autonomy and independence, can express itself freely in the defence of the interests of those it represents.

It is evident that the task before the ILO on the threshold of the twenty-first century will require some decisive work. But, we must all sign up to help. At any rate, the ICFTU is ready to play its part in the fray.

Original Spanish: Mr. BELTRÁN VALLEJO *(Workers' delegate, Venezuela)* – On behalf of the delegation of the workers of Venezuela, we warmly congratulate the President and the Vice-Presidents on their election. We are happy to note that for the second time in the Organisation's 75-year history a representative of the workers is presiding over the Conference. We are convinced that the election of Brother Charles Gray, International Director of our sister organization the AFL-CIO, is an expression of the will of the majority of the Members that the ILO should remain in the vanguard of international social law and that the internal changes in the Organization should be directed towards achieving that end.

I shall begin by presenting an economic and social overview of the situation in Venezuela. The crisis triggered by foreign debt and the implementation of neo-liberal policies, unemployment, spiralling inflation, alarming levels of poverty, with two-thirds of the population living in poverty and one-third of the latter in critical poverty, the trend towards greater flexibility and deregulation of labour standards, an inoperative social security institution are only some of the phenomena that are seriously undermining the quality of life and working conditions of our members.

The Venezuelan trade union sector is doing its best to coordinate efforts to alleviate the impact of the changes in our economy, but we cannot continue to be the only ones making sacrifices which jeopardize our social and economic gains and the social security system that provides the only guarantee of protection for our workers. Justice and equity require that those who have more should make greater sacrifices.

It should be borne in mind that unemployment and poverty are social tragedies that give rise to civil war – we have proof of that fact in our own region. The injustice and inequity in which Venezuelans live have created tensions that muddy the political atmosphere.

Democracy depends to a crucial extent on the universal application of international standards relating to trade union and workers' rights of the workers, such as those adopted within the ILO, since they guarantee the genuine exercise of human rights.

We would like to say that in Venezuela, as a result of the crisis and the application of distorted models, the informal sector of the economy has grown considerably. This indicator should not be taken as a pretext for calling into question the representative legitimacy of our trade union organizations, which have the necessary structure for organizing informal workers and protecting their interests.

We, the workers of Venezuela, have no alternative but to denounce the violation of our trade union rights as laid down in national and international instruments, particularly in the international labour Conventions on freedom of association and the right to organize, Nos. 87 and 98, ratified by Venezuela.

The introduction by the Venezuelan Congress of a so-called "Bill to protect the exercise of internal democracy in trade unions, federations and confederations", which contains provisions in flagrant breach of, inter alia, the right of trade union organizations to draft their statutes and elect their representatives freely, is further proof of a recent trend towards action designed to weaken the Venezuelan trade union movement for the benefit of other sectors.

But this is not an isolated phenomenon. Internationally, we have seen the pursuit of strategies aimed at destabilizing the trade union sector and even calling into question the tripartism of the ILO. There is no doubt, as the Director-General says in his Report, that social change is seriously undermining the foundations of our organizations and, in particular, of the ILO.

We stand firm in our view that the tripartite system is the appropriate instrument for adapting ourselves to the changes taking place in prevailing political, economic and social circumstances.

We do not share the Director-General's view that the standard-setting activities of the ILO should be reformulated or reorientated – no, not on any pretext. It is an illusion to suppose that the development of our countries depends on introducing flexibility and deregulating labour standards. On the contrary, we workers, confident that universal standards introduce equity into our working conditions, are committed to cooperating with a view to raising the slow and stagnant rate of ratification of international Conventions.

Of course we support what the Report says regarding the impossibility of reverting to the law of the jungle. The trade union movement represented in the ILO will also oppose the establishment of "framework Conventions" supplemented by a list of Recommendations or guidelines since this would simply result in a loss of the binding nature of international standards.

There should be a commitment to fulfilment by governments, employers and workers of their duties as laid down in the ILO Constitution.

Turning to other points in the Report, we must say that we feel deep concern at the obstacles that are preventing the ILO from carrying out its work at the present time. As on other occasions, the Organization will have to take vigorous action to address the current difficulties. The conviction that the ILO's basic mandate is more relevant than ever must be converted into a driving force that adds momentum to the quest for social justice.

We would like to emphasize that our trade union organizations are accustomed to overcoming the obstacles that we have encountered since our establishment in seeking to defend the interests of the workers. The unity and strength of workers in their efforts to achieve a higher standard of living and better working conditions under circumstances such as those now prevailing give us courage to defend this Organization, which we see as our own.

We reject the demand that other social act
should be brought into the ILO structure with a vi
to diminishing or reducing tripartism.

We welcome the launching of the active partn
ship policy and the creation of multidisciplina
teams in the region as a means of bringing the IL
closer to its constituents. However, it should
pointed out that this policy will not succeed unless
takes into account the interests and the proposals
the workers and adopts a tripartite approach to t
problems of labour. We take this opportunity to co
mend the important work being done by the ILO f
workers through the Bureau for Workers Activiti
and the Workers' Education Programme.

We urge the ILO, in its 75th anniversary year,
maintain its basic mandate of promoting social ju
tice through the strengthening of the rights of t
workers and the improvement of their working co
ditions and to offer stout resistance to any attem
to divert it from its basic mission.

We appeal to governments and representatives
organizations that negotiate trade privileges to esta
lish a social clause providing for respect for the ba
workers' rights laid down in the Conventions
working hours, protection of wages, social poli
forced labour, non-discrimination, freedom of asso
ation and others.

The Director-General is right when he says th
the changes sweeping through our societies – a pro
uct of the liberalization of international trade a
the globalization of production and markets – a
now beyond the control of national authorities. F
that reason, the International Labour Organizati
must fully discharge its constitutional mandate of e
amining and considering "all international econom
or financial policies and measures".

The Workers recommend to the ILO that it ta
action to overcome the obstacles facing the Org
nization, strengthen the research programmes, ca
out an analysis of the repercussions of econom
changes on the world of work and of their social i
pact, and put forward concrete policies to be imp
mented both nationally and internationally. Th
should be the new mission of the International L
bour Organization.

Finally, we Venezuelan workers urge the ILO
bring its influence to bear on the International Mo
etary Fund and the World Bank so that the process
of economic restructuring may be given a social
mension. The ILO should also take advantage of t
opportunity offered by the World Summit for Soc
Development in 1995 to play a fundamental role
the discussions there and to enhance the tripart
approach.

We reiterate our congratulations to Brother Gr
and trust that his conduct of the proceedings will
sure this Conference the success for which we all ho

Original Portuguese: Mr. PIMENTEL *(Minister*
State of Labour, Brazil) – It is a great privilege
me to take part in the International Labour Conf
ence marking the 75th anniversary of the creation
the ILO. Speaking on behalf of the Brazil
Government I should like to congratulate Mr. Gr
on his election as President of the Conference a
extend as well my congratulations to the Direct
General of the ILO, Mr. Michel Hansenne, with
sincerest wishes for every success in their many i
portant tasks.

On behalf of the Brazilian Government it is with great satisfaction that I witness South Africa's reintegration into the ILO and I congratulate the South African people on their success in their fight against apartheid and democratization of the country. I would also like to take this opportunity to welcome all of the new member States.

I would like to begin by expressing my congratulations to the Director-General on his Report and the treatment it gives to the questions of strengthening international standards in view of globalization of the economy. I was particularly impressed by the emphasis placed on the so-called "social clause" in international agreements recommending the adoption of social and political sanctions rather than commercial or economic ones.

Acknowledging the need to expand the scope of international rules, I applaud the strict position adopted against any intent to mandate equalization of social costs among nations. The ILO is based on the principle of cooperation, not coercion.

I praise the argument against the equalization of labour costs through regulation. Bearing in mind the political and social processes of each nation, a better approach would be to verify to what degree States are considering the possibility of ratifying and/or applying international standards in a manner compatible with their situation and means, and especially in relation to the degree of economic growth achieved as a result of liberalization of trade.

Brazil supports the statement contained in the Director-General's Report urging developed countries to promote more equitable economic and social conditions through enhanced international cooperation.

Regarding, however, the participation of representative organizations in internal decision-making processes, if such a recommendation was intended to include the entire domestic political processes of nations, it would imply a political concept of the State and of social organization which, in my view, exceeds the ILO's mandate.

I note that the political participation of workers as a "class" is becoming stronger even in my country, but I believe this is still quite far from justifying the adoption of a doctrine or a complete political model at an international level. We have no problem in this regard as we have always respected the principle of agreement in achieving final objectives.

The Report of the Director-General will surely have important implications for our nations. It is a daring initiative in its approach to the globalization of the economy and to the heightened struggle for markets and competition which will create new needs for international understanding regarding the degree to which the labour factor can be affected by such new and overwhelming competition.

In fact, the gap between the poor and the rich is becoming unacceptably large at a time when there is so much progress. We all believe that the world owes many of its inhabitants minimum living standards and dignity. However, the statistics on poverty and disease are so high that no one knows how to assist those who are suffering.

The ILO must play an important role during the World Summit for Social Development. It should thereby strengthen its role as promoter of workers' rights and the fundamental freedoms of the world of labour. The ILO must develop conditions to promote strong international cooperation between member States to assist those in greater difficulties to implement better working conditions.

A few years ago, Brazil experienced intermittent economic development with periods of stagnation, with economic "shocks" and the State intervening in various ways in the economy.

Many of those who visit our country are impressed by the development of some sectors of the economy, while others note the prevalence of high inflation rates and low wages. Critical remarks range from social discrimination to forced labour, emphasizing the unfair distribution of national income.

Inflation today is under control to a certain extent and it is expected that the new currency, the real, which will be adopted as of 1 July, together with important fiscal measures, will ensure the stability which the expanding Brazilian economy needs to forge ahead, free from the fear of constant innovations in legal and monetary conditions.

In the labour scenario, unemployment and underemployment have become chronic evils, whereas wages give rise to constant collective labour disputes. Development programmes are being studied and we believe that as inflation begins to fall progress will be resumed.

I am sure many of those who have spoken before me have expressed great confidence in the future, which I do not hesitate to repeat because we are a people who are constantly seeking progress despite the many unfavourable political and economic situations that we have experienced.

To put it briefly, I would like to say that we are fighting against discrimination of all kinds, particularly the sporadic acts of violence against workers caused by markedly different educational and family income levels.

We are quite far from being a country where forced labour prevails. All of the accusations that have been made in this respect are being strictly investigated and police investigations are being carried out and criminal actions filed whenever matters of this kind are brought before the authorities. However, it would be frivolous to say that there are no criminals of any kind in our country.

The child labour phenomenon is even more typical in less culturally adapted regions. A recent study carried out by an American professor for more than ten years on the causes of enhanced demographic growth in various regions of the world shows that education and economic development are much more effective in reducing population growth than birth control.

This is so for a reason that has been amply demonstrated, very much connected to the issue of child labour: the large number of children is part of subsistence planning by low-income families by which they promote the early entry of their under-age children into the labour market.

These comments are not being made to justify inertia but rather to illustrate the degree of difficulty that we face in attempting to prevent child labour within the family without a programme for re-education and economic progress.

We are making every effort to provide vocational training for Brazilian workers in order for them to always be qualified for jobs. Most of the countries represented here know the work carried out by our national apprentice system. We are responsive to the contemporary need for updating the skills of our workers so that new jobs when they are created will find new workers, that is workers who are constantly being trained.

But the generation of employment is crucial in this effort, without which all of our efforts would be merely begging the question. This is not a task to be carried out by the State alone, although many of the necessary incentives must come from the State, particularly those provided to small enterprises which are creating more jobs than any other sector. At present we are studying a national employment and income plan.

We are not simply taking refuge in generalities but rather trying to show that, given our geographic dimensions and huge cultural variations, our deficiencies are not to be blamed on the Brazilian nation as if it had the means to correct these social and economic problems and were simply refusing to do so through negligence or cruelty.

We are also taking measures to simplify our legal system, particularly the procedural system, so that the labour courts may more speedily decide on matters brought before them.

We know that our labour courts are among the most active in the world and are constantly incorporating more judges and courts. We are not saying this to brag, but we can hardly overlook the fact that in the last five-year period they have judged, on the average, 1,383,697 cases.

We are aware that this figure, on the one hand, reveals a high degree of dissatisfaction with individual and collective labour relations and that, on the other, it shows that our judiciary system is overloaded. Our system needs to be simplified, and this is what we expect the National Congress to do before this year is over.

The President of the Republic intends to encourage collective bargaining so that it can play a leading role in the solution of conflicts between capital and labour.

Brazil is assuming its responsibilities to its people and the nations of the world. It does not hide the truth, nor does it overemphasize its merits. It continues to hope and work hard to overcome the difficulties that stand in the way of its progress.

We thank the ILO for the excellent work that it is doing, inviting and urging us to improve labour relations throughout the world. We are here to acknowledge our mistakes, but also to ask for understanding and goodwill towards our efforts.

Original Arabic: Mr. ELAMAWY *(Minister of Manpower and Employment, Egypt)* – In the name of God, the Merciful, the Compassionate. I have pleasure in congratulating the President on his election to chair this 81st Session of the International Labour Conference which coincides with the 75th anniversary of our Organization and the 50th anniversary of the Declaration of Philadelphia. Our best wishes to him and to all the Officers for success in conducting the proceedings of this session.

We have read with great interest the Report of the Director-General entitled *Defending values, promoting change*. It is an in-depth analysis of the activities and principles of the ILO in the light of the major changes occurring in the world and of how best to develop the Organization to bring it into line with these changes. The Report contains specific proposals for extensive discussion at this Conference. We, for our part, will seek to participate in the dialogue on the proposals in the light of Egyptian experience and our view of recent international changes. There have indeed been radical and far-reaching changes since the last decade, foremost among them the fall of the Berlin wall, the transformation of the socialist States of Eastern Europe, the consolidation of the world trend towards democracy and market economies with their associated mechanisms, and the end of the Uruguay multilateral round of trade negotiations which gave birth to the World Trade Organization and laid the basis for increased liberalization of international trade. All of this has had a positive impact on social justice, which is the goal that our Organization has been pursuing since its inception.

The most recent development was the end of apartheid and racial discrimination in South Africa, through the holding of free elections, the consolidation of democracy and the election of President Nelson Mandela as President of the Republic. We would like to congratulate South Africa, its President, its Government and its people on these constructive developments, and Egypt welcomes and supports the return of South Africa to the ILO with tripartite representation – government, workers and employers.

We also welcome the Sultanate of Oman and the Republic of Tajikistan as new Members of our Organization.

Egypt appreciates the role of the Organization in setting standards and cooperates with it as fully as possible in the pursuit of its aims. Suffice it to note that Egypt has to date ratified 60 international Conventions within the framework of the ILO. In this connection, we wish to mention the fact that we have faced tremendous difficulties in fully implementing those Conventions inasmuch as a number of them were drawn up many years ago and are highly complex and detailed. Although we try as best we can to implement them, we feel that the time has come to update some international Conventions and Recommendations to bring them into line with international developments. The Conventions should contain broad general principles and the details should be left for the Recommendations. Were this to be decided, it would rationalize the Organization's strategy aimed at adjusting to the new world circumstances. We believe that flexible international standard-setting will enable States to ratify and implement these standards, ending the present stagnation in ratification. In this way, one of the main objectives of the Organization – improving working conditions, raising productivity and protecting human resources – can be achieved.

The Director-General said in his Report that we should everywhere encourage social dialogue, collective bargaining and, in particular, compromise solutions. Governments have an important role to play in the success of this social dialogue. The reorganization of the administrative structure of the State will help individual States to play their proper role in the face of the current changes.

In this connection, we should like to point out that last year in Egypt we began to reorganize governmental and administrative structures responsible for dealing with labour and workers' problems. The Ministry of Labour and Employment now has broader and more detailed responsibilities in addressing such problems. It works in coordination with intergovernmental and non-governmental organizations to reduce unemployment in Egypt. As the

Director-General said in his Report, unemployment is one of the most serious problems facing the world today, in both developing and developed countries.

The training of a productive work force has become one of the main responsibilities of policy-makers but the trend towards globalization of the economy has reduced the ability of national governments to control economic policy instruments that have a major impact, in terms of both quantity and quality, on the labour force and even on national policies aimed at achieving social progress.

In the face of the globalization of the economy, the ILO should not confine itself to standard-setting activities but should play a prominent role in increasing job opportunities, alleviating poverty and solving the problems confronting workers in all countries.

The Organization must play a more effective role in eradicating the various forms of exploitation of labour which unfortunately persist up to the present time. Suffice it to mention two basic problems to which the ILO should give absolute priority, namely child labour and equal treatment for immigrant workers and workers who are nationals of the country concerned. We believe that these are two of the most serious problems at present confronting developing countries and that they are key components of the ILO's mandate.

In Egypt we are prepared to host and support an integrated programme for the abolition of child labour in Africa, and we should be pleased to have its headquarters in Cairo.

With regard to the World Summit for Social Development to be held in Copenhagen in 1995, all United Nations bodies and specialized agencies are actively preparing for the event. We consider it vitally important for the ILO to engage in active preparations, especially since our Organization is unique in terms of its tripartite representation and its concern for the social dimension of development. We therefore trust that the results of the Summit will constitute a relevant response to the challenges to be addressed by the international community in the twenty-first century.

Having taken note of the report by the Secretary-General of the United Nations entitled *An agenda for development*, we consider it important that it should be included among the official documents of the 81st Session of the International Labour Conference so that we can take it into consideration in our discussions and in the resolutions adopted by this Conference so that the Governing Body may take them into account at its future sessions.

We are against any confusion of roles in the form of encroachment by another body on our Organization's mandate and we therefore reject demands coming from some quarters for the establishment of a relationship between international trade and international labour standards. While we agree with the Director-General's view that the ILO's role must be based on two basic rules that it has observed since its inception, namely the voluntary nature of a State's commitment to abide by international conventions and the fact that the commitments resulting from conventions directly concern the State that has ratified them, we consider that the implementation of these two rules calls for the separation of action to liberalize world trade from action to secure respect for labour standards and social protection. We cannot allow the question of labour standards to be used as a pretext by some advanced countries for introducing protective and restrictive measures in a disguised form in order to limit access to international markets for the products of developing countries on the grounds of "social dumping". This is why we reject the compulsory equalization of social costs in different countries because it is not the ILO's responsibility to organize world trade but that of the World Trade Organization, whose establishment was decided at the Uruguay Round. However, we support the provision of assistance to countries to encourage them to implement standards that are vital for social progress and also the provision of effective support, especially to developing countries, to help them to deal with the consequences of applying such standards in the framework of the ILO. We should also like to draw attention to Egypt's experience in structural adjustment and economic reform, which brought home to us the importance of framing structural adjustment policies with a social dimension. With that end in view, Egypt has set up a Social Fund for Development whose purpose is to develop employment, tackle unemployment by funding small industries and encourage investment in the projects concerned. In Egypt we consider that the achievement of social justice is vitally important and we are working towards that goal through active tripartite participation and the drafting of labour legislation conducive to an improvement in employment and working conditions.

We support the Director-General's proposal to prepare an annual report on the employment situation and the impact of economic and financial policies so as to be able to analyse the impact of economic developments on employment, to help countries to benefit from other countries' experience and to formulate policies and programmes that can reconcile economic development needs with rising employment and standards of living. In this connection, we agree with the inclusion of a permanent item in the Conference agenda entitled "World employment problems and standards of living". We also approve of the organization of high-level meetings during the March session of the Governing Body each year to consider the world employment situation and the main trends in the world economy that may influence the situation.

We have taken note of the Director-General's Report on the activities of the ILO in 1992 and 1993. While thanking the Director-General and his assistants for the activities conducted during the period, we are concerned to note the decline of 21 per cent in loans for technical cooperation projects in Africa, which represents a decline of about $16 million. The African region alone accounted for the entire reduction in credits for technical cooperation projects in 1992 and 1993. We hope that the ILO will resume the Organization's previous policy of supporting the African region and committing the requisite funds for technical cooperation projects in the region. The circumstances prevailing in Africa, which is suffering the ravages of poverty, desertification and drought, have led to increased emigration and massive cross-border migration. In addition, world economic trends have had a marked direct impact on the situation of the workers and peoples of the continent, and the problems of poverty and unemployment are even more acute than in the past, as noted by the Director-General in his Report to the Conference.

We also hope that credits to the Arab countries will be increased, since we expect an increase in the region's need for technical cooperation projects in response to the progress being made in the peace process, which has created the need for assistance on the part of various regional and international organizations since the signing of the Statement of Principles in September 1993 in Washington between the Israeli Government and the Palestine Liberation Organization and the signing of the agreement on the implementation of self-rule in Palestine, starting with the Gaza Strip and Jericho, in Cairo on 4 May 1994.

We agree with the Director-General on the importance of technical cooperation, which has become more essential than in the past because of the decline in development assistance in general and assistance through the United Nations in particular. We appreciate the Director-General's efforts to set up a new Development and Technical Cooperation Department responsible for establishing the forms, means and content of technical cooperation, adapting it to changing circumstances and the increased needs of member States and gearing it to the full achievement of tripartite participation in that field. We hope that these measures will have the desired impact and that the Organization will continue to seek additional sources of financing to meet increased needs, especially those of the regions in which favourable political developments are under way such as South Africa and Palestine, in order to enhance the national capabilities of those countries and help them to achieve self-sufficiency.

Original Spanish: Mrs. ROZAS VELÁSQUEZ (*Workers' delegate, Chile*) – Permit me to begin by congratulating the President of this session of the Conference on his election as a representative of the workers. At this 81st Session, held in the 75th anniversary year of the ILO, we must think hard about the Organization's future.

This analysis is of the utmost interest for workers. In our opinion, the ILO has been a successful and creative institution, which has made a significant contribution to the progress of humanity in general and to the well-being of workers in particular. From our point of view, if the ILO did not exist there is no doubt that it would be necessary to create it.

For this reason, we disagree with the mere suggestion that anything should be done to weaken this important and unique tripartite Organization.

The workers of Chile can testify to the usefulness of the ILO in the field of labour relations and, above all, for the promotion of principles and values which are of direct concern to workers and lie at the base of all social coexistence based on respect for the individual.

For a long time, Chilean workers saw the ILO as just one more international forum where money was spent to feed rhetoric and maintain a bureaucracy which had little to do with the day-to-day problems of peoples.

We had to undergo a harsh and bitter experience, to a large degree caused by our own mistakes, to experience first hand the effectiveness of the ILO as an institution protecting fundamental labour rights and, in the end, as the incarnation and reminder of an essential human message.

When many trade union and labour rights were violated in our country, the ILO acted promptly and effectively. Although many Conventions and Recommendations had not been ratified by Chile, the directors and the staff of the ILO had the will and the wisdom to find ways of carrying out their essential mission. It is no exaggeration to say that the work of the ILO saved the lives of many workers.

In the early days of the revival of democracy in our country, the ILO played a very important role in the promotion of social dialogue. Even under the military government, the ILO's representative in Chile at the time, Mr. Klaus Moll, succeeded in bringing together around the same table trade union and employers' leaders, who had until then lacked any channel of communication. He organized trips to this old continent, including to this Office, so that people could see for themselves how dialogues and conversation took place between employers and workers. This established human relationships which at that time were unprecedented and almost inconceivable.

We Chilean workers can testify on the basis of our own experience to the fact that the ILO, despite its limitations, plays a role of the utmost importance in defending fundamental values not only of concern to workers but to all of civilized mankind. This is particularly true in times of crisis, which often arise in our countries.

We can testify to the fact that the work of the ILO does not block the simultaneous achievement of sustained economic development and higher levels of justice and equity. In Chile we have been moving forward, maintaining sustained economic growth and at the same time overcoming the poverty which still afflicts many Chileans, albeit with difficulty and less rapidly than we would have liked.

In our country we have achieved considerable macroeconomic successes with a very important contribution on the part of the workers, but we still have far to go in achieving a fair distribution of the wealth thus generated.

We must state that on the way we have not encountered any obstacles in the standard-setting work or other activities of the ILO. On the contrary, these have helped our country to advance, albeit slowly, towards social equity. It is clear that mainly in the Chilean entrepreneurial sector voices have been heard suggesting that there should be flexibility in the number of standards which lay down basic rights, particularly as concerns job security, collective bargaining and the role of trade unions. But our experience is that, with sensitivity and creativity, it is possible to find ways of reconciling the challenges of economic growth in an increasingly competitive world with the need to preserve and promote the basic rights of the people involved.

Flexibility cannot be understood as merely deregulation which does away with acquired rights for workers, but rather as a re-regulation. Flexibility is a new agreement which makes it possible to reconcile the need for flexibility with proper guarantees for workers and their families. This makes it possible to strike a balance between the demands of the modern world and economic and social equity.

It also makes it possible to provide clear and stable standards for all involved. It is very important for both workers and employers that changes should not be associated with insecurity. Adaptation to new realities cannot mean doing away with standards. That would bring about resistance, which is avoidable if there is at the national level a real will to generate development conditions of justice and equity. We cannot agree in the name of increased employment that should be disregarded, labour standards and all the more so when the workers in our country have demonstrated the maturity of placing the most urgent needs of the country before our sectoral interests. This has been recognized by public opinion both nationally and internationally. Unfortunately the same cannot be said of employers in Chile, who in both associate the growth of the country with their own growth, without considering the economic and social sacrifices of Chilean workers.

We workers are not in favour of situations which prevent development. We understand that when the rights guaranteed by a standard have no backing in economic reality, those rights are a dead letter. But we also maintain that economics is a human science which in the long run has the objective of ensuring human happiness and not the accumulation of goods and services for a sacred few. Economic development achieved at the expense of the majority is therefore nonsensical.

On the contrary, it is becoming ever clearer in today's world that the reorganization of the structures and management of enterprises is aimed at ensuring high productivity. It seeks an active commitment of the workers to take up the challenges which we have to face. Clearly this commitment cannot be achieved at the expense of the basic rights of the workers. There is a need for a new agreement in which both parties adapt their positions to present-day realities, and in which a fair balance is sought which will satisfy the interests of both sides. This is a challenge for the ILO, but also for governments and employers' representatives, for it is we that make up the ILO.

It is ironic that just as the world is becoming more universal there are some who seek to weaken or undermine the work of an international forum like the ILO. Today, more than ever before, there is a need for places where these three participants in international life can get together and discuss matters which are of interest to all mankind as it becomes more universal.

The ILO is a fundamentally relevant relevance because of its tripartite nature. International life, particularly as concerns its political and economic aspects, is today becoming less a matter for the exclusive concern of governments. A significant part of it is opening up to the active intervention of both employers and trade unions. For this reason the ILO's tripartism is a comparative advantage which we must preserve and strengthen.

We understand that in today's world new forms of work have emerged which have to be taken into account, but there are also new forms of entrepreneurial activity which are different from the traditional ones. The world of work is undergoing change.

We call for a strengthening of the role of the ILO as a place of meeting. We Chileans, who for many years were isolated in our own country, can appreciate the tremendous importance of dialogue and of a frank and open exchange of views in advancing towards our objective of development with social justice.

The world expects much of us. Despite the impressive progress recently made in various spheres of human activity, there is still much poverty, injustice and inequality which we as human beings cannot accept. The call for equity is first of all a moral one, but it must also be understood as a basic precondition for political stability and thus as factor in economic integration.

The ILO's long experience in this field enables the Organization to make an important contribution to our thinking and the decision making of other international organizations, and especially those of the United Nations system. In particular, the ILO can give very important assistance to the IMF and the World Bank in the drawing up of policies which reconcile economic growth with justice and equity.

Against this background, the ILO will be called upon to play a very relevant role at the World Summit for Social Development to be held next year. It is of vital importance that a fresh impetus should be given by that Summit to efforts to show solidarity and to cooperate in favour of development. Those efforts should lead to real progress toward the creation of a more integrated, more human world.

That is also the workers' message concerning the social clause. We are not calling for situations of absolute equality, but rather for economic and social progress towards equity. We must revitalize the ILO's basic functions toward that end, although we understand that those functions must correspond to present realities. Let us revitalize the noble role of the ILO with a view to making labour relations more human. That is the basis upon which peaceful coexistence at the national and world levels must be founded.

For these reasons, we call for an open and frank discussion on the future prospects of the ILO not in order to weaken the Organization, but on the contrary, to strengthen its basic principles and its essential functions. We workers know about difficulties and how to overcome them. It is not at this occasion that we are going to be any less ready to tackle them . If our readiness is met with good faith by a commitment from governments and employers, then there is hope for the world of work.

(Mr. Ould Sidi takes the Chair.)

Original Spanish: Mr. REILLY SALAVERRY *(Minister of Labour and Social Security, Uruguay)* – The Government of Uruguay firmly supports the International Labour Organization's 75 years of vigorous activity. Together with the Director-General, we are aware of the many achievements, but also share his concerns in the face of the serious changes affecting the world to such an extent as to call the basis of this institution and its future work into question.

The fall of the Berlin Wall, the globalization of the world economy, the impact of far-reaching technological changes, new management practices in enterprises and many other factors – as set forth in the Report of the Director-General – place us in a world entirely different from of 1919, when the Organization was founded. These reasons lend legitimacy to our concerns and demand our reflection.

Some of the changes are to be found in the irresistible changes in all forms of communications. The world is shrinking in size, but improved communications are stimulating information interchange and boosting the regional blocs being set up worldwide. Uruguay belongs to MERCOSUR, a grouping that brings us together with Argentina, Brazil and Paraguay. The creation of more open economies in the region is a challenge but, in the same way as other countries faced with the task of government, we have, on many occasions, given thought to the reasons that led to the creation of the International Labour Organization. But we also have come to the conclusion that, over and beyond the changes through which we are living, there remains a number of major long-term truths.

Following the Industrial Revolution with its great social injustices in North America and Europe – the geographic and human heartland of capitalism and industrialization – it was realized that working conditions had to be humanized and advances made in key areas of social security. However, governments were reluctant to grant these benefits which they saw would raise labour costs and damage the competitiveness of labour-intensive industries on world markets. From this came the conclusion that what was needed was something more than a national solution. There had to be a supranational organization that would lay down universal standards establishing minimum conditions of life in all aspects of industrial relations.

Thanks, in large part, to the efforts of the North American and European trades unions, the Peace Treaty of Versailles in 1919 brought into existence, for the reasons just mentioned and as a contribution to tangible social justice, the International Labour Organization. Today, with a world that is growing ever smaller while trade is expanding and countries become increasingly interdependent, the lack of respect for minimum labour conditions in many countries is contributing to unequal and unfair competition. Consequently, we must ask ourselves – should we not redouble our efforts to extend social justice more effectively to all corners of the world? Our answer is a resounding "yes". Moreover, we believe that finding the right mechanisms to achieve this objective is part of the role that our era has traced out for the ILO.

In making these statements, Uruguay draws on many years of loyal ILO membership. The Republic of Uruguay is the Latin American country which has ratified the largest number of international labour Conventions; in fact, it holds fourth place in the league table worldwide. Added to this are our continuing efforts to ensure that these labour standards are applied. All this obviously leads to the concern we feel when we look at the inequalities scattered across the globe, indicating, if only fleetingly, the possibility that competitive success on the international market may be won by countries that promote precarious working conditions for its citizens. We may be battling through a storm of global change but there still remain certain everlasting truths.

The reasons which led to the creation of the International Labour Organization are still with us. However, at the beginning of this century there were but few industrialized countries; now, growing concerns about social equity and the hierarchical structuring of human labour are being projected at a more worldwide level.

In presenting the view of the Uruguayan Government to this august assembly, we realize our ideas are not very innovative. We wish merely to lend our support to the statements made in the Report of the Director-General. With so much already achieved and with new horizons before us, I should like to say, on behalf of the Government of Uruguay, that we will support the search for new instruments that can contribute to better working conditions and industrial relations throughout the world, and we express our confidence in the excellent work that is being done and still remains to be done by the ILO.

Original German: Mr. ENGLIS *(Workers' delegate, Slovakia)* – It is a particular honour for me to be able to address this Conference as a representative of the largest trade union organization in my country, that is the Confederation of Trade Union Associations of the Slovak Republic. I particularly value this opportunity because it is taking place in the 75th anniversary year of the International Labour Organization.

For us, the ILO is and remains the most important world organization which protects the rights of workers as well as those of trade unions. We therefore support the reaffirmation of the ILO's mandate as stated in the Director-General's Report.

I would like now to indicate the basic areas with which our Confederation is most closely concerned. In our country, we are undergoing a process of privatization. The trade unions are watching this process closely because the fate of workers in the privatized firms is not a matter of indifference to us. We are particularly paying heed to the preservation of employment, labour security and occupational health and collective bargaining and to the guarantee – or indeed the expansion – of social rights. This is no easy task because there we need to change a whole series of legal provisions, which were adopted under entirely different systems and which need to be adapted to present-day principles. We believe that ILO standards must be incorporated into new legislation in the social area.

We do not support "soft laws". We welcome the idea that ILO standards, such as those of the freedom of association, protection against discrimination and prohibition of child labour and forced labour should be declared in the World Charter of Workers' Rights. In connection with this, the ILO must play a leading role in integrating the social clause into the rules of international trade. This would bring the basic rights of workers in the World Charter of Workers' Rights in line with the documents of the World Trade Organization.

The transformations in the economy are accompanied by changes in the entire system of social and health care. In the social sphere, the protective role of the State is gradually being abandoned and we are moving towards a social insurance based on social solidarity and participation of citizens. The National Insurance Institution, which is responsible for old-age and health insurance, has been functioning for one year. However, it has not as yet proved to be entirely positive; in our view, it is necessary to change its working concept.

Last year, an employment fund was also set up which is developing its work on the basis of contributions by both employers and workers. The purpose of this fund is to make social provision for the unemployed.

Our Confederation is taking an active part in preparations to transform the system of social insurance and its accompanying legislation. We have also submitted our views on economic and social problems to a number of scientific institutions and sought their advice. Recently, we signed an agreement with the Economic University of Bratislava; and we can now be sure that any proposals we make to the Government and employers will have a scientific basis.

The Tripartite Council has only been operating in our country for a short time. We were behind its establishment, and believe it is vitally important. We fully support the idea that the solution of problems should be sought with all three social partners, as well as the idea that there should be closer involvement of the trade unions in this system.

We maintain this, although the trade unions have had to conduct very difficult negotiations this year on the conclusion of this year's general agreement with the social partners. After lengthy meetings with the Government, the latter finally decided to abandon wage controls and agreed to the establishment of a social fund. This fund is intended to promote the solution of social policies in firms and organizations and be constituted by all workers in this transitional period. The general agreement was finally signed. But then there was a change of government and the new Government refused to honour these two commitments. A few days ago, however, a law was adopted in the Slovak Parliament on the social fund. We regard this as a success.

As concerns the regulation of wages, the present Government has not yet submitted any official bill. Wage controls, together with other restrictions, constitute a threat to social peace.

Apart from measures which affect all workers, we are also concerning ourselves with measures which have repercussions – mostly negative – on certain individual groups. I might mention as an example the problems facing pensioned miners and miners' widows, namely the abolition of benefits and allowances in kind.

Trade unions also have to fend off attacks on their own rights. The tax authorities are trying to intervene in the internal organization of our Confederation. To cap it all, they tried to investigate our accounts for 1989 – when the so-called "revolutionary trade union movement" was in force and we, as a Confederation, did not even exist! Shortly before I left for Geneva, I received written information from the Minister of Finance concerning a proposed solution to this matter. If there is no improvement in the situation, we shall be obliged to call upon the ILO for help in finding a solution to this problem.

In this context, we are fortunate that we can look not only to our membership to help us in solving our problems with all social partners but also to the ILO. I would therefore welcome developing cooperation between our Confederation and the ILO – particularly in the field of education and training. We welcome the ILO's proposal to transform the institute for trade union training of the Slovak Republic into a training centre.

I am extremely pleased that the next tripartite meeting will be held in Slovakia. I hope that our debate on present tripartite issues will continue to be as constructive in Bratislava in September as it is here in Geneva at present.

Original Farsi: **Mr. ALIHOSSEINI** *(Deputy Minister for Cultural and International Affairs, Islamic Republic of Iran)* – In the Name of God, the Merciful, the Compassionate! I would first like to congratulate the President on his election to preside over this 81st Session of the International Labour Conference, as well as the Vice-Presidents on their election. I also welcome the dismantling of apartheid and the presence of a non-racial South Africa at our forum.

This year, special importance is being attached to the International Labour Conference. Special ceremonies are being held to mark the 75th anniversary of the ILO which, in its long history, has continuously strived to protect the rights of the workers and formulate international labour standards.

The 75th anniversary of the ILO indeed merits celebration. It is also time to review the role and position of this Organization. Fortunately, the Director-General has attended to this important task in his Report to the Conference entitled *Defending values, promoting change*. I congratulate the Director-General for choosing this theme. We agree that the values and principles of social justice, which are enshrined in the Constitution of the Organization, should be further protected and promoted. These principles should not fall victim to international political developments.

Some of the recent global changes are mentioned in the Report. We are in the last decade of a century which has seen the worst widespread crimes against humanity. The Cold War was one of the most harmful and useless conflicts imposed on humanity after the Second World War. The Cold War was the competition of powers for global dominance. People should never be made to suffer from such conflicts. The defeat of communism clearly indicates the incompatibility of that system with human nature. Political doctrines need to take all the material and spiritual dimensions of human beings into account. With the defeat of communism, one of the barriers for the material and spiritual progress of humanity has been dismantled, while the other barriers are still in place – and the masters of wealth, power and illusion continue to seek the imposition of their ambitions. Dangers of a bipolar or a unipolar world are clear enough. The end of the bipolar world can be celebrated only when injustice is replaced by justice in world affairs.

The Report has referred to the victory of the market economy. A distinction needs to be made between the market economy, which is a scientific and instrumental mechanism, and capitalism, which is a political, social and economic system. Capitalism, by giving the sovereignty to capital, is in contrast with human nature and interests – while the market mechanism as a scientific instrument can be used for the achievement of social and economic objectives. Democratization, too, should be discussed in the light of a proper understanding of human beings and their divine nature and interests – as well as their freedom from the domination of any individual, bureaucracy or power based on capital. Some have taken democracy as an ideology substituting any other ideology and even used it as a political instrument for global domination and imposition of their belief – even their traditions – on others. At times, they have even, in the name of democracy, rejected the wishes of the majority of people in particular areas of the world. Defence of basic values necessitates the defence of freedom and participation and the process of public decision-making of the people.

Turning to the globalization of the economy, it should be underlined that the division of the world into a rich North and a poor South is not only unjust and inhumane but also economically wasteful. The gap between North and South continues to expand. In the process of economic globalization, the political solidarity of the South will be decisive.

The Director-General has referred to the decline of Nation-States; this warrants hesitation and argument. Which authority would benefit from the decline in Nation-States? The United Nations and the Security Council, unfortunately, in several cases such as increasing regional conflicts – of which Bosnia and Herzegovina is a bloody and alarming example – have demonstrated their inability; and, with the right to veto, they have limited the decision-making to the interests of a few countries. In any event, they cannot fill the gap caused by the decline of Nation-States. Therefore, economic globalization should not weaken the political independence of the countries.

The Director-General has cited a few examples of increasing social problems. This is the right time and the right place to attend to the widening social gap. Other international organizations should also place social progress and justice amongst the most important items on their agendas. The ILO has been in the forefront in this field and should continue to be so.

The principles enshrined in the Constitution of the ILO that "labour is not a commodity" and "all human beings ... have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity", should continue to be the fundamental values of this Organization. Nevertheless, the Organization needs to change – and this is a real need.

The Organization should focus its attention on efficiency, its terms of reference, responsiveness to the needs of constituents and a continuous evaluation of activities. Cost should be reduced wherever possible and only those activities should be carried out which are really and urgently needed. A more effective organization is better than a larger organization.

Attention should also be given to the fair distribution of services and field activities of the Organization. All the Members and regions should benefit equally from the services of multidisciplinary teams and field coverage. The ILO should not miss opportunities. The important developing countries should receive the ILO's attention according to their needs and merits.

Standard-setting and supervision should continue to be the major tasks of the ILO and the member States should be assisted in the application of standards through training and technical cooperation.

Supervision should continue to be universal and include all the member States. Selective attitudes should be avoided at all costs. Fortunately, in the ILO, the application of standards in all the member States, whether developed or developing, is discussed in the Report of the Committee of Experts on the Application of Conventions and Recommendations and in the Conference Committee on the Application of Standards. This non-selective approach of the ILO is a value in itself and also an advantage over other international organizations. This is an example which the other international organizations should be encouraged to adopt for the next century. These values should be strengthened in any future revision of the Organization.

I would like to emphasize that any revision in the standard-setting and supervisory procedures should take place with great caution and after extensive discussion of each and every detail; and consensus should be reached after tripartite consultations with the member States. These reforms should be carried out in a gradual and transparent manner over a period of time.

Concerning the "social clause", we agree with other developing countries that, in view of the existing international environment, the social clause would be an instrument for the new and more complex forms of protectionism. International trade should facilitate development and therefore lead to the promotion of social conditions in developing countries.

Concerning technical cooperation, we support the active partnership policy. The full realization of an active partnership policy requires a fair coverage of member States and the presence of the ILO in the regions, as well as the coverage of multidisciplinary teams.

The Islamic Republic of Iran was a founder Member of the International Labour Organization in 1919. Recent years have witnessed the importance that we attach to the ILO. International labour standards are referred to in the Labour Code of the Islamic Republic of Iran. We have participated actively in all ILO activities and now as a titular member of the Governing Body, we support the defence of values and the promotion of change.

The Seminar on Employment and Development, which was held in Teheran in May 1994, was attended by the distinguished Deputy Ministers of Labour from the Republics of Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan. The Seminar discussed the issues of employment, privatization and tripartism and, on the occasion of the 75th anniversary of the ILO, strongly supported the social objectives and the role of the International Labour Organization. The participants of the Seminar also requested the expansion of subregional cooperation and the participation of the ILO in horizontal technical cooperation between the Islamic Republic of Iran and the countries in the region.

We hope that the ILO Office in Teheran will also receive further attention and that necessary steps for a revision of its activities will be undertaken. We would willingly cooperate as much as possible in this task.

Some pending problems on technical cooperation between the ILO and the Islamic Republic of Iran and the countries in the region need to be solved. In this respect we welcome the initiatives taken by the International Labour Office. We believe that more attention should be given to technical cooperation, advisory services, seminars, symposia and sectoral activities, and particularly ILO support for subregional activities.

Original French: Mr. PENDY-BOUYIKI *(Minister of Labour and Human Resources, Gabon)* – I am very happy to be able to head the Gabon delegation to this 81st Session of the International Labour Conference, during the course of which the ILO is celebrating its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia.

This important session under the leadership of its President is characterized by discussions of a notable character. My delegation is very satisfied by this and, having watched the way he has directed the work of the Conference until now, we have no doubts as to the final success to be achieved.

Allow me also to congratulate the Director-General who has, on this occasion, received various alarm signals from the constituents of our Organization and who has proposed that the Conference reflect on the future of the ILO and the role which it should currently play within the system of international organizations. We have given the Report which he presented on this subject the attention which it deserves. The historical particularity of the current session adds to the opportune character of this Report.

The ILO has reached a turning point in its history assisted by landmarks which should lead it to redefine its plans and means of action at each moment along the way. The most important of these landmarks will be the World Summit on Social Development to be held next year, organized by the United Nations, in Copenhagen. The objective which the ILO will work toward at that Summit is full employment. Full employment is hypothetical to the extent that it depends on the international economy, the stability of exchange rates and the expansion of international credit, particularly to the detriment of transition countries and developing countries. Full employment at the local level is aimed at a known objective, namely the reduction of poverty and the assurance of the social protection of workers through solidarity among all social groups. We appreciate, consequently, the quality of the document submitted to the Conference on this subject. It is an accurate cross-section of the phenomenon of unemployment and the various possible options whereby it may be overcome.

I should like to say, nevertheless, that the means proposed by this document are directed at eliminating unemployment and its consequences, but it does not insist sufficiently upon the necessity of preventing it in the future, in other words, by substantially revamping vocational training systems. This is an urgent matter calling for cooperation between the ILO and UNESCO, because we are aware that unemployment is not irreversible.

The success of the contribution of the ILO to the World Summit will depend upon its ability to shoulder the responsibilities entrusted to it by the United Nations, and particularly the indispensable reforms that must be carried out in accordance with this new orientation. These reforms should be undertaken within its structure, its functioning, its administration and its philosophy.

In terms of its structure, the contribution of multidisciplinary teams should be extended and the ILO should act decisively during the period of currency devaluation now taking place in the CFA free-trade zone.

We would like to see a voluntary contribution by the ILO to assist the meeting that the Ministers of Labour of French-speaking countries are planning to hold in Dakar at the end of this year.

In the field of administration the time has come to re-evaluate the criteria whereby positions are assigned within the ILO, a re-evaluation arising from the admission of new Members and the globalization of the economy.

Furthermore, a greater democratization of the bodies of the ILO should make it possible for the Organization to wield power equivalent to that of international financial organizations, as regards the establishment of rules for foreign trade and development policies.

One of the reforms pursued by the ILO is linked to improving the promotion of its standards. So far, two measures have been tried. The first consisted of linking technical cooperation and standards. The Report of the Director-General of the ILO recalls that in 1992 the Governing Body debated at length the question of strengthening the links between these two basic fields of our action.

The Report also stated and I quote "Although such an appeal may seem truistic, the ambiguity of the term £links' has, on the one hand, raised expectations and, on the other, caused a certain unease." Afterwards, "the two lines of ILO action moved separately and in parallel. It is time they converged. Action to bring them closer together does not imply, and has never implied, imposing a condition of ratification or application for extending technical cooperation, or for brandishing technical cooperation as a reward or punishment, or banning a member State." We take careful note of this.

The project was suspended by the Governing Body. Today the member States are facing a new problem, that of linking access to international markets to the ratification and the implementation of ILO standards. Certain of these countries have observed that under their current form too little preparation has gone into the means proposed to allow for the adaptation of action and standard-setting machinery of our Organization to the new social reality arising from the liberalization of international trade and the globalization of production and markets, which is not reassuring. However, the insistence upon social clauses in trade treaties for promoting the human dignity of workers and their families is a project which Gabon will support. My country has ratified the ILO Conventions considered as fundamental by most member States because they lead to abolition of forced labour, equality of treatment, minimum wage of access to employment, freedom of association and collective bargaining.

However, Gabon has reservations as to establishing a social clause so that we will not know: the nature of the social norms to be retained; the applicability of the reciprocal conditions; related provisions; and the surveillance and supervisory provisions.

Such prudence is not surprising, because if the economic growth of our States is conditioned by this clause, so too is development. And by the same token, it could compromise the growth of productive employment, seeing that employment has during this decade become a priority for both developing and developed countries.

In Gabon the rate of unemployment is close to 12 per cent. There is a beginning of a solution, with the implementation of special measures by the National Employment Office and the Assistance Funds for Employment and Redeployment.

This Office and these funds, entrusted with the promotion of employment, information on employment, and employment policy evaluation will make it possible to ensure a certain flexibility of the labour market and to encourage geographic and socio-professional mobility.

As to the substantive options, Gabonese policy tends to encourage the development of small and medium-sized enterprises and free-lance employment, as in most developing countries.

We have also noted that two diverging tendencies are emerging in the development of ILO member States: a tendency for a return to the human scale among developing countries, in contrast to a tendency toward globalization of the market economy among developed countries.

This is the dilemma of our economies. Is it time to ask whether liberalism might have its limits; and if globalization of the market economy should continue to generate unemployment, might not international solidarity signal the natural limit to this liberalism?

The International Labour Organization should distinguish itself by establishing and strengthening the rules for this international solidarity.

The ILO should occupy a select place in these international decision-taking centres, so that it may incessantly watch over the social capital of humanity. To this end, it should provide itself with human resources capable of carrying out this task.

It should listen to its constituents and their people, and to the voice that says "labour is not a commodity", and that there should be a quantitative and qualitative aspect to employment policies.

This is the mandate with which Gabon provides the ILO on the threshold of the twenty-first century. To the extent of its humble ability, my country will contribute to helping it obtain the means of carrying out this task.

I do not want to conclude without congratulating the Republic of South Africa for having thrown off the despicable system of apartheid, and for having rejoined the ILO.

My country hopes that the ILO, after supporting South Africa in winning its democracy, will provide it with moral and technical support in the years to come, in order to keep its democratic regime firmly in place.

I should like to reiterate to the age-old guarantor of social peace and prosperity for workers and their families, that being the International Labour Organization, my best wishes for longevity.

Original French: Mr. BAKEVYMUSAYA *(Minister of Labour and Vocational Training, Burundi)* – On behalf of the Republic of Burundi and my delegation, I would like to associate myself with the preceding speakers in congratulating warmly Mr. Charles Gray, President of this session of the Conference, and all the Officers of the Conference on the occasion of their brilliant election to their posts at the 81st Session of the International Labour Conference. Their experience, competence, and eminent personal qualities will help, I am sure, to ensure the success of our work.

I would like to take this opportunity, when our Organization is commemorating 75 years of existence and the 50th anniversary of the Declaration of Philadelphia, to express my gratitude to Mr. Michel Hansenne, the Director-General of the ILO and all those who have preceded him in this post for the excellent work carried out by the ILO, despite the various geopolitical upheavals it has had to face.

At this particular juncture we should take stock of our activities in order to renew our decisions and actions. The first part of the Report of the Director-General entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda* provides a clear view and in-depth analysis of the issues which must be addressed urgently by this session of the Conference.

We know that the International Labour Organization was created to contribute to world peace, through the promotion of social justice. It would therefore not be excessive to assess how far we have come in this regard and possibly realign our objectives with the situation as it stands or as we expect it to change.

The 81st Session of the International Labour Conference is taking place at a particular and critical moment in the history of Burundi.

My country is going through the most serious social and political crisis since independence.

This is due to an abortive *coup d'état* in October 1993 which resulted in the death of His Excellency Melchoir NDADAYE, the first democratically elected Civil President in our country and in the death of some of his closest colleagues, including the Vice-President of the National Assembly and the Minister of the Interior. This attempted onslaught on the democratic institutions set up after the elections of June 1993 led to ethnic and political massacres of the population in almost all the provinces of the country. The death count is estimated to be tens of thousands and the costs of rebuilding the decimated, and seriously damaged basic social infrastructures will be high for an economy already in the throes of adjustment.

Just over two months ago the new President elected by the National Assembly was killed in an air crash. This succession had had negative repercussions at the level of the economy as it was seen as applying the brakes to a machine moving in top gear towards democracy and development, aiming particularly to help the most vulnerable sectors, as they are known.

I would like to take this opportunity to launch an official appeal to our Organization and its Members to help my country in its reconstruction efforts.

The contribution of the delegation of Burundi to the discussion of the Report of the Director-General will of course focus particularly on the first part, *Defending values, promoting change – Social justice in a global economy: An ILO agenda.*

My delegation unhesitatingly supports the principles, objectives and strategies put forward in this Report.

History has shown us that the world is in a constant state of flux and the Report of the Director-General has confirmed this very well. Since the creation of the ILO after the end of the First World War, we have witnessed the opposition of the East to the West, the socialist bloc to the capitalist bloc, and the north to the south. Many leaders of the Third World were able to play upon this rivalry between the two blocs. Today, with an end to the adversarial relationship between East and West, a radical transformation of other elements of the international order is under way.

The triumph of the market economy over the planned economy, political and institutional democratization, and structural adjustment programmes have raised and highlighted the hopes that progress and well-being will embrace the working classes of several countries of the world, particularly the developing countries, including Burundi.

Most African countries have understood this. In view of this assessment, many studies have been carried out, and projects to help urban and rural populations have been set up with the support of the ILO or other foreign partners. Positive results have been achieved here and there, particularly at the level of creating and promoting productive employment.

Unfortunately, the economic growth consistent with this situation, registered in the 1970s, is now running into other increasingly serious problems. In this period of historic change, the prevailing wind, bringing the democratization of political systems and economic adjustment, has been too strong in several developing countries. The recognition of multipartism, and the holding of free elections subsequently claimed by opposition forces have not necessarily brought the results we expected.

In his Report to the 79th Session of the International Labour Conference, *Democratization and the ILO*, the Director-General quite rightly said that "the transition from authoritarianism to democracy is fraught with dangers: some countries have found it easier than others", however, some people feel "more destitute than ever before". Ethnic and social tension and conflict which were kept down under totalitarian or one-party regimes are flaring up and replacing ideological conflict.

These new forms of extreme nationalism and tribalism also raise the spectre of the disintegration of society as they hold peace to ransom often for a long time.

Nevertheless, my delegation welcomes and faithfully believes in the growing awareness engendered by the ILO of the need to establish and protect world peace, without which the promotion and development of social justice is impossible.

The ILO has its values and its structures. It also enjoys universal means of action which fortunately have weathered the storm of major changes and the vicissitudes of the world economic situation. Today these changes are multiplying, maybe under a different guise and with such unequal intensity that our Organization cannot afford to underestimate them. We therefore call on the ILO, in the year of its anniversary, to bring its standard-setting activities and technical cooperation back into line with this new social and political reality. We also pay tribute to and eagerly partake of the system of active partnership set up by the ILO since last year. We are truly convinced that if Members have recourse regularly to the multidisciplinary teams set up in all regions of the world, they will be able to find satisfactory solutions to a number of topical issues.

This session of the International Labour Conference coincides with South Africa's first forays into a new era of pluralist democracy under the leadership of Mr. Nelson Mandela, the first black President after more than three centuries of authoritarian power and white discrimination. We will always remember the major contribution made by our Organization to the eradication of apartheid and racism in South Africa. The ILO and all its member States must revel in the results now achieved in this African country.

Nevertheless, we must not lose sight of the fragility of the embryonic democracies, as can be seen from the experience of some developing countries. The ILO should therefore take due account of this in all its future work aimed specifically at the promotion of social justice and the strengthening of social dialogue through tripartism. Experience will have shown that consultation, negotiation and a search for consensus are the most efficient ways of re-establishing and consolidating peace.

Before concluding, I would like to voice the urgent appeal made by my country to the member States of our Organization, for an end to political, ethnic or racial conflicts in several areas of the world. The survival of universal peace depends on it.

With regard to Burundi and the subregion, I hope that the international community will not fail to support us as we move towards national reconciliation and reconstruction.

Finally, I would like to reiterate my hope that the work of this session will end in success and be to the satisfaction of the Members and all the delegations attending this session of the Conference.

I wish you all happy anniversary.

Long live the ILO and long live international solidarity.

Original Arabic: Mr. RAYESS *(Government delegate, Lebanon)* – I would like to congratulate the President on the confidence shown in him in his election to the presidency on the unique occasion of the 75th anniversary of the International Labour Organization. I would also like to congratulate the Director-General of the ILO, Mr. Michel Hansenne, for his excellent work and that of his collaborators in preparing for this Conference and for his excellent Report which is full of bold and sincere ideas for both the present and the future.

I have read the Report entitled *Defending values, promoting change* in which the Director-General presents the Organization on the occasion of its Diamond Anniversary, like a painting depicting serenity and *joie de vivre*. He has, however, adopted a rigorous scientific approach to define the role of the Organization until the end of the twentieth century and beyond.

We, the participants of the Conference are all like the Director-General: we have come here to celebrate an anniversary, leaving behind serious concerns. Every State today is looking for a lace in the sun in the stormy years ahead. Every State is today turning its back on ideological struggles and participating, whether they like it or not, in the struggle for civilization. We are living in a strange world. On the one hand we are dominated by economic blocs that have technological mastery and access to a vast array of information, which they use to impose their strategic balance on the new world market. On the other hand, we are experiencing the failure of countless bodies that are seeing their development hopes crumble like dust, be it due to debt, pollution, cultural invasion or the diffusion of a modern culture that classifies the world as a minority of inventors and producers and a majority of weak consumers with no possibilities of recourse.

In the framework of these materialistic, protected empires, the Director-General would like to draw up with us a new and fitting role for the ILO and a progressive concept of social justice which would satisfy both the leaders and those in their charge.

Like the Director-General, we are all seeking to redefine the role of Ministries of Labour and of tripartism, and we all aspire to a society of abundance in the context of social justice. But if we are not to wake up one day to find ourselves with a system of social justice without justice, with a form of democracy which is not all that it appears to be, or with governments in capable of governing, I would like to present my point of view, basing myself on three facts.

Firstly, we are living in a world that is evolving at a speed and in a manner to which we are completely unaccustomed. We need to develop our philosophy of labour so that it does not just concern employers, workers and administrations, but countries as a whole. We must create a trend of opinion and not limit ourselves to workers' education and training, but instead disseminate these ideas in each home, school, enterprise and organization, be it economically, socially or media oriented. It has become imperative that the voice of the workers be heard beyond its present narrow confines, and be expressed by all, irrespective of social status.

Secondly, States must restore the equilibrium in professional relations, so that the term "social partners" becomes more than just an expression. We must act with the conviction that the money we spend on the maintenance of machinery, the organization of trade fairs to promote products and the dissemination of these products, with the helping hand of the media, must correspond to equivalent sums used to protect workers and to safeguard their dignity.

Thirdly, it is indeed strange to see that there are countries spending billions of dollars to explore distant planets while they skimp on a planet so near. We are not opposed to science, but we live on this planet, Earth, and on Earth there is hunger, poverty, sickness and fear, and these are very real threats. To relieve the world of these ills is easy. For the cost of a nuclear submarine you could build a whole city. For the cost of an aircraft carrier you could build hospitals capable of treating tens of thousands of patients for 20 years. The cost of a squadron of fighter aircraft would suffice to provide education for a whole generation of poor and illiterate people, the latter of which number in the millions.

I say this because my country, and I myself, have suffered division and war. We continue to suffer, while negotiating for peace. We suffer from the havoc wreaked by Israel, which destroys houses, which burns crops, which blocks the employment cycle, which expels workers, which kills and kidnaps, claiming that by such terrorism it combats terrorism. For Israel, anyone who fights against the occupation, who defend his land, his home and his honour is a terrorist. This is the logic of force, with all the madness and arrogance it entails. Judge for yourselves.

In conclusion, let me say that I do not fear for the future of our Organization because an organization which carries the torch of freedom and social justice cannot grow old.

On my own behalf and on behalf of my country, I am proud to belong, as we have belonged since 1948, to this Organization. Notwithstanding its limited resources, it has given us material and technical assistance, particularly in the fields of vocational training, worker education, market studies and the development of work methods using computers.

As regards freedom of association and the rights of workers, there have been some doubts expressed. I would like to say the following:

First of all, a government which constructs a country on the vestiges of war and with a strongly devalued currency cannot allow wages to continue rising for fear that this may entail even worse inflation than in the past, with a loss of buying power. We are trying to calculate these increases to guarantee a fair rise in the standard of living.

Secondly, trade unions have been authorized in some sectors with many workers. They are sectors which were previously deprived of all representation. This is proof of the Government's desire to increase this representation and to support democracy.

Thirdly, a new trade union structure adapted to the new situation is now the subject of legislation drafted by the Government. This does not mean that we are going to impose our draft on anyone. We will consult the unions and hear their point of view in a democratic way so as to achieve our common objective of comprehensive and democratic representation.

Finally, you have heard that the regional office of the ILO has been set up again in Beirut. We have given modest assistance to the temporary headquarters there. But we have also provided a large site on which a permanent headquarters can be built. I would like to thank all the friends and governments who have supported this decision, including the Director-General, Mr Michel Hansenne, and our friend Mr Dajani. I hope that by the close of this 81st Session of the Conference all the workers in that office will be back in Beirut.

Original Spanish: Mr. MENDOZA *(Minister of Labour and Social Development, Venezuela)* – I would like to congratulate the International Labour Organization for all of the work done by its staff in cooperating with our countries to achieve peace throughout the world.

I would also like to congratulate the President of the Conference, Mr. Charles Gray, and wish him every success in his work. I view his election as recognition of his personal merits and also as homage to the workers of the world and social justice.

All Venezuela is celebrating the anniversary of the International Labour Organization.

Seventy-five years in the life of an institution indeed brings a time for reflection; but the same can be said of the first anniversary or for that matter any other anniversaries, even if we were not confronted by events that are redrawing the political map in many countries, and even if we were not witnessing changes in the world of labour brought about by advances in science and technology. In view of all this, the anniversary we are celebrating has special meaning for us.

As a delegate and Minister of Labour of Venezuela, I would like to take this opportunity to stress the bonds of friendship between my country and the International Labour Organization, and also the unshakeable faith of my country in the underlying principles of our Organization, especially its credo of social justice.

On 2 February of this year, when Dr. Rafael Caldera became the President of the Republic and head of Government. Dr. Caldera is known to most of you both as a statesman, as a professor of labour law and as a labour legislator. He is also known for his close connections with the International Labour Organization and those organizations which are affiliated to it.

The Government of Rafael Caldero has had to deal firmly with unemployment, inflation, falling purchasing power and the most serious crisis that our country's financial system has experienced. Only President Caldera's firm desire to protect crisis-hit workers' savings, wages and benefits has convinced him of the need to mortgage, for this important task, part of the very scarce resources available to him.

The situation I have described reflects what has been taking place in our country following transition from a government which turned a blind eye to corruption, condoned negligence on the part of high officials and undermined the motivation of essential public services. This situation is radically changing, and the hope of a better future lights the horizon. The Venezuelan workers' delegate – José Beltrán Vallejo – has, however, already given you a faithful account of this situation.

Maintaining democracy under these conditions, especially when certain workers and employers are openly, and for some unknown reason, opposing the Government's decisions, whereas others have given us their firm and conscientious support, has proved possible only because of our President's high moral stature and his ability to mobilize the resources necessary to overcome this crisis.

We are, thanks to God, beginning, little by little, to introduce social policies, some of which are designed to make up for the loss of real wages whilst others are intended to improve workers' social security and living and working conditions, and allow workers to benefit from their leisure time.

In addition to the work done by President Caldera, Venezuelan delegations have attended many general and regional conferences; more important still, we need to highlight the cooperation that has existed between the International Labour Office and Venezuela throughout its history.

The world today is undergoing many changes; it is, therefore, appropriate that during this meeting we should think carefully about the future of our Organization.

The disappearance of the Soviet Union as standard-bearer of Marxist ideology, and the recent appearance of new States supporting new concepts based on a growing faith in democracy as the value that can help us to deal with the uncertainties of the future, is one of the trends we need to look at. We should not forget that the poverty and hunger are the factors that rapidly eat away at this system, which means that we must continue to work together and spare no efforts to improve the well-being of all.

The last two revolutions in the world of labour have, like all others, and will continue to have, man as their victim. The social and economic crisis in the early decades of this century – inaptly called the industrial revolution by labour historians – placed the burden squarely on the shoulders of the workers. We can all remember unrestricted working hours, inadequate wages, lack of protection for workers, child labour and the very precarious situation of women.

The anniversary we are celebrating is taking place in the midst of the technological revolution. Automation, with robotization as its ultimate manifestation, is flooding the market with products that amaze by their efficiency and dull the worker's natural defence mechanisms. None of us can understand how, in times of such human progress and well-being for many individuals and families, we as politicians find ourselves at the edge of a precipice where we will have to either change our trade or increase our skills in order to keep going.

This reality is perplexing but from an historic and philosophical point of view, what we are seeing is that social theories are being overturned by the rebirth of individualism. The owners of capital do not hesitate to make the right to work conditional upon the elimination of workers' rights; and their strategy lies in convincing us of the virtues of flexibility in labour standards and of deregulation.

From the economic point of view, they are exploiting the crisis to call for a reduction in the role of the State and demand privatization. However, in every county, those benefiting from privatization stipulate as a condition for transferring goods from the State to the private sector, the disappearance of the workers' rights to full employment and to benefit from advantages laid down in the law.

We are convinced that the future of our Organization must be based on preserving existing values and maintaining the belief that social justice is the best way to re-establish a balance and harmony between those who have everything and can do anything and those who have nothing and can therefore do nothing.

I should like to take this opportunity to draw the attention of those who work for the International Labour Organization and of the world's true proponents of tripartism to the fact that, in all of our countries, unfair practices are becoming increasingly common and unscrupulous employers are making ever greater use of them. Using these practices, they establish fake trading and civil relationships to enrich themselves and erode the true nature of work that links them with wage-earners.

Therefore, both honest employers and workers who are suffering from the consequences, together with all those of us who are international and national civil servants, need to work together, multiplying our efforts in order to do away with these practices which are creating barriers to the work of the International Labour Organization, so that we can achieve our truly humane objectives.

There would be no point in proposing radical conclusions and rhetorical declarations at this memorable conference, if we were not convinced of the need to propose those ideas which we feel are actually feasible and to which we are firmly committed.

The labour crisis and, therefore, the workers' crisis is not unique to any one or number of countries. It is widespread as was pointed out here in this Conference by Mr. Boutros-Ghali, Secretary-General of the United Nations.

In our view, the social clauses are for some a way to ensure the future of the Organization. Their scope should be extended, beyond guaranteeing better working and living conditions for workers, to all types of international agreements and not merely trade agreements. They should be applied to any type of exchange.

The President of Venezuela, Dr. Caldera, had planned to attend this Conference but, for reasons beyond his control, he was unable to be with us and he asked me to present his apologies. However, he is here with us in thought and beside me when I propose that any decision adopted should not be protectionist with exaggerated social connotations, nor a result of a resurgence of individualism. Only if we maintain solidarity with workers can we ensure a future of peace and humanity for all.

Mrs. PUHAR *(Minister of Labour, Family and Social Affairs, Slovenia)* – Allow me first of all to congratulate the Officers of the Conference on their important roles at this session of the International Labour Conference which coincides with the celebration of the 75th anniversary of the ILO. I am convinced that this Conference will be a successful one.

May I express my congratulations also to the Director-General, Mr. Michel Hansenne, for his exceptional and inspiring presentation.

In his Report, the Director-General deals with a highly topical phenomenon which every day touches the countries in transition, Slovenia included. How can we at the same time protect our basic values, promote the needed change and safeguard social justice while experiencing globalization of the world economy? This is without doubt an extremely important question, especially for those of us who observe a crisis of values, rapid political change and economic deterioration for some groups in the population – highlighting the problem of social justice. At the same time we should, of course, like to participate fully in global economic trends and in general progress.

Taking Slovenia as an example, I should like to describe the relatively successful integration of economic and social policy which promoted economic development.

Following the proclamation of independence in June 1991, Slovenia developed towards a more open-market economy. Our country adopted numerous laws and other regulations bringing it closer to the standards and norms of western European countries and the European Community.

In 1992, Slovenia served a notice of accession to 65 ILO Conventions. At this moment, the process of ratification is beginning for several Conventions. I must underline that during Slovenia's political transition and the full implementation of the market economy, ILO Conventions, Recommendations and other documents provided steady orientation in the area of workers' rights and social justice. At the same time, they helped us to find an appropriate role for the State in these fields within the framework of a new economic and political system.

Due to political change and numerous unexpected events – the war in the Balkans, loss of our earlier markets, disruption in monetary and trade flows, and others – we were able to observe in Slovenia several developments with regard to the basic understanding of the role played in the economy by individuals, enterprises, social institutions and the State. Among some interest groups and political orientations which are fortunately a minority, there prevailed the opinion that financial success and corporate profits are the most important, regardless of the consequences for the individual. The welfare role of the State, in their opinion, ought to be reduced only to the support of the helpless and most needy. In my opinion, this model is inappropriate for small economies and industrially developed European countries. Fortunately, we have succeeded in preventing its application in Slovenia – at least up until now.

Despite worrying indicators regarding demographic trends and social dynamics in Slovenia (a relative decline of the active population and an increase in the number of retired persons, a relatively high rate of unemployment, an increase of so-called socially endangered groups, and a declining GDP per capita) we have, in my opinion, already passed the lowest point of our economic transition, and we have managed all this without major upheavals, general strikes or other forms of social conflict. A significant contributing factor to these achievements has undoubtedly been, the sensible labour and employment legislation and well-developed set of measures directly or indirectly influencing our labour market. These also include considerable state assistance to healthy and productive programmes promoting the restructuring of our economy and at the same time fuller employment.

In 1993, after several years of economic decline and stagnation Slovenia showed a modest increase in economic activities and in GDP. In 1994, we expect further economic growth at the rate of 2 to 2.5 per cent. At the same time, we also managed to control and to reduce inflation and to increase our monetary reserves. This year we have for the first time in four years witnessed a fall in the unemployment rate and since last year a substantial increase in labour demand. Several processes in Slovenia have still not developed to the full. The socially negative effects of the monetarist economic policy, of the corresponding new legislation and of stiffer external competition are still to be expected.

Nevertheless, all this cannot overshadow the positive results which we have already achieved by paying close attention to the social aspects of development. This approach ought to be present in state economic and social policies. A partial guarantee for these developments in the future is provided by the newly established Economic and Social Council of the social partners in Slovenia.

Our case confirms the basic idea expressed in the Director-General's Report. The promotion of change is compatible with a high level of social justice and protection, allowing for reasonable solutions, reached through consensus by the social partners. They also facilitate economic and financial viability while remaining within the limits of social acceptability. I believe that the social clause should be linked with economic considerations, taking into account the globalization and liberalization of world trade. At the same time, I would like to underline the importance of efforts aimed at enhancing and modernizing the labour standards which were mentioned in the Director-General's Report. I believe that these standards – hence, the substance of the social clause – should create a flexible system applicable to different levels of development and promoting justice in the distribution of gains from economic growth. Such a system would stimulate social and economic development and contribute to defining general labour and social standards for mankind.

The Slovenian Government supports the present orientation by the ILO and the conclusions of the Director-General's Report. We expect that the ILO will continue to strongly support economic progress and social justice on the national and global levels.

Mr. ARAGON *(Government delegate, Belize)* – On behalf of the Government and people of Belize, I want to congratulate the President and the Vice-Presidents on their election. I wish them all understanding and success in these deliberations.

I would also like to express my gratitude and thanks to the International Labour Organization and its regional office for all the assistance it has given to the country of Belize, especially in the area of training and advice.

Permit me also to congratulate the Director-General of the International Labour Organization for his excellent Report, which I have read very carefully. The theme *Defending values, promoting change – Social justice in a global economy: An ILO agenda* is a most timely and appropriate one.

The disintegration of the former Communist bloc and the formation of new trading blocs have created a new, challenging role for the ILO. Belize supports the view that while the ILO must continue to defend the principles embodied 50 years ago in the Declaration of Philadelphia, it must now take on a new role in the light of the constantly changing economic environment.

It is evident that the First World nations have embarked on a new world order with a view to amassing more wealth, and this has created a disturbing situation which could be disastrous to small, poor and developing nations. There is no doubt that these developed nations will continue to lead, and that developing countries will find it harder to rise above their present status. The hope is that the voices of developing countries will come together and let it be known loud and clear that there are values that must be respected and that social justice must shine on everyone. This is yet another reason why the ILO agenda is a most needed and welcome one.

On a more positive note, Belize welcomes the new worldwide trend towards democracy, particularly the abolition of apartheid and the emergence of a new South Africa. We are also happy to learn that the ILO has resumed technical aid to this country.

Belize attended the 48th Session of the United Nations General Assembly, and on that occasion Belize's Deputy Prime Minister outlined the country's position on a number of important regional and world issues.

On the subject of international development and economic relations, he stated that countries in the South, such as ours, were acutely aware of the shift in world trading patterns brought on by the formation of new trading blocs, the most recent and prominent of which are NAFTA and the single European market.

We recognize the fact, that our economies are threatened by these developments as our preferential access to markets steadily erodes and our terms of trade consistently worsen. We are hard pressed to find the resources required for comprehensive research, development and promotion programmes.

I therefore urge the countries of the Organization for Economic Cooperation and Development to identify and dedicate significant financial and technical resources to assist small countries in developing and commercializing alternative products.

Recently, Belize participated in the Seventh Meeting of Ministers of Labour for Central America, Panama, Belize and the Dominican Republic, which was held in El Salvador in April of this year. At the conclusion of this meeting Belize signed the Declaration of San Salvador, which called for cooperation in the fields of employment, the informal sector, labour legislation, social security, professional training, persons with disabilities and child labour.

I wish to state that my Government is committed to the following: revision and modernization of the labour laws in order properly to address the needs, working conditions and benefits of workers; setting up of an industrial tribunal by which matters relating to workers will be dealt with in a knowledgeable, practical and expeditious manner; setting up, through a revision of the law, a fair and readily accessible mechanism for the recognition of trade unions in the workplace.

My Government, will do its best to assure its workers a fair share of the nation's wealth and the social justice that comes from living in a nation that believes in a free, democratic and just way of life.

There is no doubt that in the best of democracies, there will be labour conflicts. These conflicts must not be viewed as problems, but rather as challenges that will make us rise to higher levels of understanding and also as an expression of the true democratic spirit that allows people the freedom to exercise their rights whenever they believe they are right. The greatness of democracy is best kept alive and vibrant when tested from time to time, so that its strengths and weaknesses can be evaluated and improved upon.

Let me take this opportunity to point out that where there is wealth along with oppression, where there is security for some and hope for none, where the rich get richer and the poor get poorer, there is no progress but rather human tragedy, because in the long run people will end up hating one another. The world, on the whole, can only speak of progress and development if humanity as a whole is moving towards peace and harmony. Our progress must never be measured by the wealth we have accumulated, but rather by the peace that we have achieved in learning to live with one another in a spirit of brotherhood. Together we save or we destroy this beautiful world of ours.

In conclusion, I would like to express my Government's fullest support for the efforts of the International Labour Organization to contribute to a better working environment, which is safe and equally secure for the social and economic well-being of all workers. It is our earnest hope that the deliberations of this 81st Session of the International Labour Conference will be most successful, and that when we depart for our respective countries we will do so with a greater understanding, respect and concern for humanity on the whole.

I wish the ILO a happy 75th birthday. To everyone gathered here, I wish you the best of luck, and God's blessing to you all.

Mr. DIRIA *(Minister for Labour and Youth Development, United Republic of Tanzania)* – On behalf of the Tanzanian delegation, and on my personal behalf, permit me at the outset to sincerely congratulate Mr. Gray upon his assumption of the presidency of this important assembly, and assure him of our full cooperation in the discharge of his demanding tasks. I am fully confident that with his distinguished professional profile and diplomatic experience and skill, he will steer the deliberations of this Conference to a most successful conclusion.

This occasion is made more auspicious and honorable by the fact that it coincides with the commemoration of the 75th anniversary of the International Labour Organization, and the 50th anniversary of the Declaration of Philadelphia. In this regard allow me to pay tribute to the Director-General of the

ILO, Mr. Michel Hansenne, for his exemplary and diligent leadership as chief executive of the ILO at this critical juncture. In the same vein, I would like to express our appreciation to his predecessor and his staff, for their excellent support and services, ensuring over the years the smooth running of the International Labour Organization.

The celebration of the 75th anniversary has come with further good tidings. After more than 300 years of arduous struggle against the obnoxious system of apartheid, last April the world bore witness to the dawning of a new era of a democratically elected non-racial Government in South Africa, under the leadership of President Nelson Mandela. We reiterate our warmest and most sincere congratulations to the people of South Africa for hammering the final nail into the coffin of apartheid.

We should like to pay tribute to the role played by the ILO in supporting the South African struggle, particularly in the period after the adoption of the Declaration concerning the policy of apartheid. The success achieved in South Africa is a triumph of the principles of social justice which are central to the existence of the ILO itself.

I believe that there could be no better occasion to cap the ILO's 75th anniversary this year than that of giving a very warm welcome to the Republic of South Africa as it joins the ranks of the ILO membership.

In the same context, we should also wish to express our unreserved support for the admission of Tajikistan, Slovakia and Oman into the family of the ILO.

The subject of social justice in a global economy, as discussed in the Report of the Director-General before us, has indeed far-reaching implications for the ILO's future. We are pleased to note that this subject and a number of other important social issues will be discussed further at the World Summit for Social Development next year. The liberalization of the world economy, including the introduction of technology intensive methods of production and a shift to the services sector, have caused serious and seemingly intractable problems of unemployment, particularly in the industrialized countries. These technological changes have also meant a loss of comparative advantage for developing countries in labour-intensive production processes, thus affecting a number of their traditional exports, particularly in agriculture and manufacturing.

Apart from the problem of unemployment associated with technological change and general recession, there is a subtle pressure from some industrialized countries to compel the developing countries to raise existing labour standards, particularly in the area of wages. It is acknowledged that labour standards and workers' rights are critical issues in developing countries, involving the fair distribution of development benefits and social justice. Hence, the fight for better wages and working conditions is a legitimate one. However, it should be realized that the low wages paid to workers in the non-industrialized countries are mainly due to the prevailing low levels of income and living standards of their general population, the majority of which lives and works in the rural agricultural sector. Imposing higher standards which do not correspond to the level of economic development and growth of a particular country may prove untenable.

However, such flexibility should not imply laxity in making genuine efforts to implement the existing standards in accordance with the prevailing conditions in each country. For example the International Labour Organization should continue to promote the rights of the child. This should include the strengthening of the ILO's established standards on child labour.

It is therefore advisable for the ILO to continue its mandate of working with the governments, workers' unions and public organizations in the usual tripartite practice, with a view to improving working conditions, including measures to upgrade wages, social security, and terms of employment.

It is clear from the aforesaid that the improvement of workers' conditions is intrinsically related to economic growth. In this regard, we are deeply concerned about the retrogression in the economic and social plight of the least developed countries. In particular, the economic situation in the African LDCs has continued to deteriorate, with virtually all the major economic indicators reflecting poor performance. The export receipts from primary commodities continue to fall and the debt burden is increasing. These countries need urgent assistance in their search for more effective mobilization of domestic and external resources for their development.

It remains a fact that the global economy has registered very little success, if any at all, in improving social justice, not only in Tanzania but also in most developing countries. This fact has been aggravated by economic policies that have been deliberately designed to exclude from their ambits the social costs entailed in their application.

These economic policies, otherwise known as structural adjustment programmes, have created a climate of economic recession wherever they have been applied, and escalating social inequality which is the source of so many conflicts and frictions among our social groups.

It is opportune at this juncture for the ILO to pursue its responsibility of examining and considering with more vigour all international economic and financial policies and measures in the light of the fundamental objective of social justice. For no form of social adherence can be expected from citizens for a public programme of economic and social restructuring if such a programme does not respond to their social aspirations, and contribute to the improvement of the whole community. This objective is fully acknowledged in the Declaration of Philadelphia.

In this regard it would be necessary for the Director-General of the ILO to pursue closer collaboration with the Bretten Woods institutions in the immediate future in making the Declaration of Philadelphia a reality. Otherwise there is the risk of many poor countries, especially in the Sub-Saharan Africa, being increasingly relegated to the fringes of the world economy.

It has often been argued that the negative impact of current structural adjustment policies on our fragile economies and citizens is due to the limited participation, if any, of those directly affected. Moreover, it is a universal truism that the restructuring of the economic and social apparatus amongst our countries so as to meet today's challenges of development, debt, balance of payments, employment, cannot rise out of a single economic policy measure to which a country can either adhere or not adhere.

We welcome the agenda item regarding safety and health in mines for its objective of protecting miners in this risky business. Tanzania is no exception in as far as the calamities in the mining sector are concerned.

As pointed out in the Director-General's Report, the world has been transformed from a situation in which the State was in charge, overall, of economic activities. Tanzania has swum with this tide and in this sense we have embarked on a programme in which the private sector is given a more prominent role.

To conclude, greater official development assistance should be channelled through the United Nations system. The ILO has provided the forum where many prominent thinkers of our time have launched innovative and constructive ideas on how the world of work could further be improved.

My delegation therefore looks forward to a closer cooperation with the ILO in its endeavours to carry out its mandate as stipulated, inter alia, in its Constitution, the Declaration of Philadephia and various Conference resolutions.

(The Conference adjourned at 1.15 p.m.)

Eleventh sitting

Monday, 13 June 1994, 3. p.m.

Presidents: Mr. Gray, Mr Mendoza

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We now resume our discussion of the Reports of the Governing Body and of the Director-General.

Original Russian: Mr. KRAVCHENKO *(Government delegate, Tajikistan)* – First of all, on behalf of the Republic of Tajikistan, I would like to congratulate the President on his election to this lofty post. We would like to express our gratitude to the leaders of the United Nations and the ILO, and personally to Mr. Michel Hansenne, for the possibility given to our delegation to attend and to speak at this 81st Session of the Conference of the ILO.

The Republic of Tajikistan, with rich natural resources and raw materials and an inexpensive labour force, is attracting the attention of many foreign countries.

At the same time, in view of its high level of demographic growth and the dismissal of workers as a result of the transition to a market economy, the republic is facing difficulties in providing jobs for the population. This also slows the country's economic development.

The legacy of the past division of labour in the former USSR has meant that Tajikistan, which was basically a supplier of raw materials, has been disadvantaged in starting up a market economy in comparison with other countries in the region.

This situation has been aggravated by natural disasters, civil war and the presence of large numbers of refugees.

The civil war in Tajikistan killed tens of thousands of people and displaced about 700,000 inside the Republic and more than 100,000 in other countries. A great many specialists and workers left the country. In the last two years alone about 80,000 skilled specialists have emigrated.

Supervisory staff are still being trained for a limited number of badly-needed occupations, but the training is far from consistent with international standard.

Without the help of international intermediaries, we are bound to encounter serious problems. We do not have enough experience and knowledge of international standards and rules.

We need time to establish a basis not only for new economic relations, but also for a new class of businessmen with an entrepreneurial way of thinking.

The Republic has drafted a concept and programme for the economic transfer to a socially-oriented market economy. The legal basis and infrastructure are now being established.

But any beginning is a difficult time. In the past, the "great silk road" united many countries of the region. The transfer to a market economy is not a silk road; it is in fact quite a rocky one. After all, socially oriented economics cannot be limited in time or space.

Our leader declared from the rostrum at the United Nations that the Republic of Tajikistan has, true to its Constitution, committed itself to being a democratic, non-sectarian state with a socially oriented economy.

In 1991 we adopted an Act on employment. This gives some social guarantees to the unemployment and establishes the principle of a fund for employment. The Government has drafted an employment programme.

While trying to solve internal problems, we are now also studying the international labour market.

Directors and staff of the Ministry of Labour have been sent to participate in a number of international events held by the ILO and the IOM in Geneva and in Turkey, Italy, Poland and other countries.

In the autumn we will discuss unemployment and current questions relating to the export of labour resources at a special international seminar to be held with ILO participation.

An analysis of the international labour market has shown that we can count on Arab countries in the Gulf for cooperation in employment and the export of our labour resources.

The Ministry has established working contacts with embassies and missions in Dushanbe, and in particular with those of Russia, the United States, Turkey, Germany, Iran and others, to discuss mutually beneficial cooperation, including the occupational training of our youth in accordance with international standards and their subsequent export to other countries.

The Republic of Tajikistan counts on obtaining assistance from the ILO in order to make access to the foreign markets possible.

The present political, social and economic situation in the country has become interlinked with the interests of other countries, not only in Asia but also on other continents. We are on the dividing line between religious fundamentalism and the basis of non-sectarian government. The scope of our problems goes well beyond our borders. They affect the whole world.

We can only state that if these problems are not solved we could face a major catastrophe even greater than the ones in both Karabakh and Yugoslavia.

At the same time, if we solve these problems, together with you, including the problem of employment, we will demonstrate the importance and the role of international organizations in maintaining peace to the international community, to the new generation, and to the independent States of our planet.

For our Republic, admission to the ILO was an event of great importance. We have now begun ratifying Conventions and Recommendations, and we have started bringing our legislation into line with them.

Along this road we have committed many errors and we have many shortcomings. But with the wealth of the ILO's experience we hope to overcome these difficulties.

Tajikistan urgently requires the help of the international community and the ILO in particular to deal with the following: the establishment of training centres for supervisory staff capable of working in a market environment, and above all for the training of directors of enterprises and of government public servants. They need training in computer technology and financial and banking matters; the establishment of inter-regional employment programmes and the creation of jobs for the unemployed and for returnees and refugees, and assistance in implementing the "self-employment" programme; the establishment of social protection programmes for especially vulnerable groups such as mothers with numerous children, pensioners, the elderly and students; and assistance in exporting Tajikistan's workforce onto the international labour market.

We are fervently hoping that the ILO will establish a representative body in central Asia. This will undoubtedly make it possible to solve labour problems in the region in a more functional manner, in particular in the Republic of Tajikistan.

Bearing in mind the difficult economic situation of the Republic of Tajikistan, we would like to call on member States of the International Labour Organization to become donors and to pay our initial and subsequent contributions for the first two to four years.

We are convinced that the emergency of our Republic from the serious economic crisis will be possible through the experience of and cooperation with many developed countries and various international organizations, and the International Labour Organization in particular.

Original Azeri: Mr. AGAMALY *(Acting Minister of Labour and Social Protection of the Population, Azerbaijan)* – On behalf of the Republic of Azerbaijan, I am honoured to congratulate all the member States of the ILO on this great event, the 75th anniversary of the International Labour Organization, and express my hope for the success of the work of this session.

At the moment we are rethinking and reassessing many principles which seemed so entrenched a short time ago concerning the present, past and future of the social life of mankind. In these conditions the Report of the Director-General of the ILO, Mr. Michel Hansenne, is particularly relevant to today and to the future. The new concept for development and the new policy of the ILO seem to be in line with these changes which have been taking place in the international community over the last few years.

These changes require major efforts at all levels. The Republic of Azerbaijan has opted for a democratic system and a market economy based primarily on the principles of social justice. In this connection, the new thrust of the ILO is as never before close to and important for us. The solution of many existing problems and of those which have cropped up as a result of economic reforms of social problems is the area in which to step up cooperation with the ILO.

Over a period of more than two years of cooperation between the Republic of Azerbaijan and the ILO, we have signed seven basic ILO Conventions relating to human rights and whose provisións have formed the basis of new legislative instruments on labour, labour relations and employment. Many draft texts have been checked by the ILO, and the leaders of various departments and technical experts of the Organization have visited the Republic and become acquainted with the situation on the ground and shared their experience and knowledge with us in order to solve social and labour problems. As a result of these meetings a protocol on technical assistance to the Republic has been concluded to help improve the system of labour statistics.

With the help of material assistance from the ILO, we are at the moment translating the 54 Conventions and 32 Recommendations we have ratified into the Azeri language so that we can then publish them in a handbook.

In the area of mutual relations with the ILO, of particular importance is assistance in improving the qualifications of specialists through courses, seminars and special practical training periods in the Turin Centre, and elsewhere.

However, we hope that on the basis of active partnership the ILO will be able to provide further effective technical assistance to Azerbaijan. This desire is related above all to the fact that the Republic of Azerbaijan is the only country of the international community which is implementing political and economic reforms against the backdrop of a six-year aggression waged against us by Armenia. Mr. Michel Hansenne underlined the fact in his Report that the changes going on in the international community can indeed give rise to an outbreak of regional conflicts.

As a result of the war to which I refer, more than 20 per cent of Azerbaijan's territory has been occupied and approximately 1 million people, mostly elderly people, women and children, have been forced to flee from various cities and villages of the Republic to areas where war is not being waged.

The PRESIDENT – May I ask the speaker please to stick to the topics that are under discussion. This is not one of them.

Original Azeri: Mr. AGAMALY – In these conditions Azerbaijan is implementing social and economic reforms and is trying to find the best possible model for its social structure. The transition to a market economy means major changes in the mechanisms of employment and causes many social problems, to solve which we must find a new approach to defining state social policy. There is now a need to create a new economic, legal and organization mechanism capable of motivating the people and helping them to become involved in socially-useful activity and then redistributing them throughout the national economy in a way which will provide economically and socially effective employment for the population, and correspond with the changes in nature of a relationship to property, economic mechanisms and management. Particular importance is being accorded to the preparation of a new employment policy and the mechanisms for its implementation.

This is based on the fact that, as a result of the reform of employment relationships, a very difficult situation faces Azerbaijan at the moment. More than 600,000 members of the economically active population are unemployed, the vast proportion of whom are women and young people. The sectoral structure of set up by employment in the former USSR is no longer rational and has been the cause of a lengthy period of stagnation. Our new employment policy is directed primarily at achieving productive employment, which is the prerequisite for us to find a way out of the economic crisis.

An analysis of the social processes occurring in our Republic shows that during the transition to a market economy social problems are being exacerbated. The living standard of the most vulnerable groups in the population including elderly people, large families and the disabled has worsened. We have a situation whereby increases in the cost of living outweigh any increase in income for most of the population.

At present the State is preparing a package of legislative instruments which should provide basic social and labour rights to all citizens. National legislation on the social system is constantly being developed and is gradually extending coverage to new situations and new sectors of the population, to achieve its aim of universal coverage.

Drastic changes in and improvement of the economic situation in Azerbaijan is the basis for development and building a social system. We are trying to take all possible measures to improve the social and economic situation of the country and solve the financial problems related to offering social protection to the population. However, war, together with the transition to a market economy, greatly complicates the attempt to solve these problems.

In the search for an optimum social instrument to reflect the needs of the population of Azerbaijan, we are trying to use the experience of the countries with developed market economies. We hope this will work.

Original French: Mrs. OSSENI *(Government delegate, Benin)* – I have great pleasure in joining in the tributes which have already been paid to the President upon his brilliant election to steer the deliberations of this 81st Session of the International Labour Conference. On behalf of the Government of my country, the Republic of Benin, and on behalf of the delegation which I have the honour of heading at this Conference – and on my own behalf would like to extend to him and to the Officers of this Conference my warm congratulations. I am quite certain that under their enlightened guidance our work will be crowned with success.

We meet once again, as we do every year, to reflect together upon the serious problems with which humanity is confronted in the fields of labour, the application of standards, social security, employment, trade union rights, freedom of association and labour.

As is our tradition, and in accordance with the Standing Orders of the Conference, the Director-General of the International Labour Office has submitted for our benefit an excellent Report entitled *Defending values, promoting change.*

I would like to thank him for the very relevant analysis he has made in this Report and congratulate him upon his attachment to this Organization in pursuit of peace and social progress throughout the world.

The choice of the theme for the Director-General's Report is in perfect harmony with the objectives underlying the celebrations to mark the 75th anniversary of the inception of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia.

A fresh look at international labour standards, the disappearance of the communist bloc, the globalization of the economy, the appearance of new inequalities, tripartism and social justice as values to be preserved, the role of the ILO on the international scene today and tomorrow – all these are crucial points raised and analysed in the Report by the Director-General of the ILO.

I agree with all the opinions set out in this Report. However, I believe that after 75 years of work, the time has come for the main protagonists in the life of this Organization to pause and look back over the past in order to be able to confront the future with determination and hope.

Indeed, the activities so painstakingly developed by the ILO, including the programmes and strategies for technical cooperation, are worthy of the interest and praise of all persons who are anxious to promote the well-being of human beings and nations, as well as the universal good embodied by our Organization.

Faced with this new challenge, this Organization of ours must stand firm and robust to avoid being swallowed up by the waves of the international political crisis which besets us.

The Organization must draw strength from its universality, its competence and its ability to take on board many divergent tendencies and turn them into the genuine expression of the world's social conscience.

As far as I am concerned, the task at hand is not only to transform international economic relations so that social progress may be preserved in spite of the globalization of the economy, but – and above all – to strive for the common good of mankind; in other words, we must reject privileges and fundamental inequalities.

If we take this as a premise, the cooperation between ILO member States becomes of prime importance.

This cooperation is necessary – even vital – to the extent that it not only allows countries in the process of democratization to take up the challenge but also to develop a new concept of development based on collective self-sufficiency to change the lives of millions of men, women and children, now suffering because of war, poverty and hunger.

In addition to our celebrations to mark the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, these are the new terms in which we must see the social equation.

In other words, has the ILO finished battling against racial discrimination, has it finished standing up for minorities, freedom of expression and freedom of association?

Have we found an appropriate legal framework to control the exploitation of children and adolescents in factories and in regional and ethnic conflicts?

Has the rule of law, for which we all yearn, already been achieved? How will the developing countries, especially the African countries, be able to solve the problems of employment for young graduates, the civil servants who have left public service and social marginalization, when they are confronted with the burden of debt and the globalization of the economy?

More than ever today we must take up the challenge, in these times of deep crisis, to give hope to coming generations.

And that is why the problem of employment must be one of the main lines of endeavour within this Organization.

National and international strategies, as well as the classical tools for analysing the labour market, have to be rethought; for there can be no lasting development, no genuine economic growth, as long as the main tendency in the labour market is that supply and demand are out of kilter.

In this context, I should like to mention that my country felt it appropriate to organize a national employment forum from 31 May to 2 June 1994. The conclusions drawn at this forum, which brought together representatives of the Administration, employers, workers, non-governmental organizations and the international institutions with offices in Benin, will be put to good use.

Confronted with the extent of this problem, Mr. Michel Hansenne, the Director-General of the ILO, at the time Minister for Employment and Labour in Belgium, was moved to say at the 70th Session of the International Labour Conference on Tuesday, 19 June 1984: "The employment crisis is a crisis within a crisis"; and he went on to say that "economic revival, however vigorous, will never in itself have enough impact on industrial activity to guarantee work to all those seeking it in the years ahead".

I believe that his reflections are still very topical. That is why, in the light of what I have just said, I would suggest that the international community adopt a global approach and focus all its technical and financial support on the primacy of technical and vocational training rather than a conventional educational system, which is no longer adapted to current and future needs in the labour market, in particular in developing countries, and more specifically in the African countries.

Similarly, the ILO should conduct more thorough studies on the factors which impede independent employment and self-employment and also study the reasons for the failure of production and service cooperatives in most of the African countries.

It is important to stress in this context that regional centres for labour administration be given greater financial and technical resources so that they can perform their role of research and vocational training centres.

Apart from these measures, I belong to the school of thought of those who believe that tripartism as an intrinsic value, should not only be preserved but further consolidated, as it is the unique driving force within this Organization.

None of these measures, however, can work without political stability in our countries where social consensus must be the cornerstone of democracy.

Although we need the press to serve as a link between the rulers in our countries and the general public, it must revert to ethical methods if it is to serve the cause of development in our different countries.

I should like to take this opportunity once again, to thank the Director-General of the ILO and his staff and experts for the technical and financial assistance which has been extended to my country over the past three years in the field of labour administration, employment, vocational training, social security and international labour standards.

Benin places very high hopes in the activities of ILO in pursuit of its noble objectives, that is to say peace and freedom.

These are a few of the thoughts which occurred to me when thinking about the future role of this Organization on the occasion of this double anniversary, celebrated on 1 June 1994 in my country.

I am convinced that the ILO will find ways of accommodating all these concerns in its programme of action and will continue to promote peace and social justice for the benefit of mankind.

Mr. JONZON *(Government delegate, Sweden)* – On behalf of my entire delegation I want to congratulate the President and the other Officers upon their election.

The world of work has changed profoundly since the ILO was established, and perhaps even since the beginning of the current decade. The speed of change is increasing.

Globalization and technological processes, rising competition and powerful market forces are impacting on jobs and work organization, and on the entire institutional framework in our economies, be it legislation policy, institutional relations and security arrangements.

While all these changes promise greater efficiency, higher growth, employment creation, and ultimately enhanced social welfare, it will not happen automatically.

In addition, these processes lead to new forms of – and risks for – social vulnerability and exclusion, and they threaten to widen even further the gap between the rich and the poor – people and nations.

These are new challenges for the ILO and for its constituents – and we must all be able to adapt existing paradigms in accordance with new realities.

The ILO has a clear and important new role to play in the international arena to respond to these changes. Therefore, the Office – but also you and I as participants in the Conference and the Governing Body – have a responsibility to define and to design this new role. We have to ask ourselves: can the ILO can play this role with its present structure? Is the direction right? Are the methods and procedures the most relevant ones?

But the new role has to be based upon the major principles which always have been the foundation of the Organization. And here I refer to workers' basic rights; tripartism; justice; equality and solidarity.

How do we translate these values into social reality?

The driving forces behind the changes make it clear that we must find mechanisms for increased cooperation between the ILO and the international bodies dealing with economic, financial and trade policies, in order to create the integrated and coherent policy framework and approach necessary to be able to assist vulnerable groups of people and vulnerable nations. The Social Summit is a crucial event to reach this purpose, and the responsibility lies mainly with governments.

We need also to adapt and to reinforce the institutional framework for ensuring social justice, which will have an impact on standard-setting, on our discussions and efforts regarding standards and development, the social clause, human rights and poverty, etc.

Human rights are not to be seen in a legal context only. Human rights are a powerful force for development, for reducing poverty and empowering the poor. In fact, they are a precondition for making growth benefit the poor, and for education and social policies to take real effect.

I will raise a few further issues where reforms perhaps are possible, and I begin with standards-related matters.

This year's Report of the Director-General calls for a more rigorous procedure for the choice of subjects for new standards, for more emphasis on the evaluation of existing standards, and for efforts to improve compliance with Conventions relating to fundamental rights. My delegation fully supports these considerations.

I would like to add a few practical things only.

When texts are discussed in Conference Committee, controversial issues – often due to time constraints – are put to the vote; in view of the rules, this provides scope for strategic manoeuvring. Then the near-stochastic nature of majorities can lead to inconsistencies, mixture of principles, details and exceptions making the final instrument weak and hard to monitor. A bulldozed party feels no commitment to implementation. Ballot victories can prove pyrrhic.

Therefore, to the extent possible, we should try to avoid votes in Conference Committees; but if we have to vote, delegates should be informed of the real consequences of the voting and of the voting rules.

The simplified voting procedure I suggested some years ago has begun to be implemented, but a more consistent application on simple matters would give time for more thorough discussions on crucial questions.

Most important though, is that there must be an opportunity for thoroughly pondering the meaning, implications and interpretations of instruments before they are finally adopted. Therefore, a third year's processing should be considered.

We are highly sceptical of the idea of a "soft law". The status of various documents, other than the instruments, is already hard enough to pin down.

Also related to standards is the issue of trade and fair competition. We have to make sure that measures considered in this context will have the desired practical results, because good intentions do not always have good consequences.

We also have to reflect on the implications of allowing other bodies, which are not tripartite and which have other priorities, to gain influence over ILO standards. Will our standards be strengthened or weakened?

It is important that the ILO takes its own stand before others – organizations or ministries – confront us with a *fait accompli*, and the thoughts of the Director-General therefore merit consideration.

My second subject area concerns the work of the Office.

All I can do as an outsider is to give vent to a feeling I have, and to point to opportunities for improvements – should any be needed. And the reason is that I support and care for the ILO.

To my delegation, the organization structure, administration and management functions of the Office seem old fashioned. Meanwhile, the staff are being called upon to intervene in more and more areas with dwindling resources.

The personnel is the main asset of the ILO, and the return on that asset depends on its competence, but even more so on the way in which the capability is used, and the team spirit. Leadership is not decision-making hierarchies or reporting channels. Results cannot be obtained to order.

To make full use of the ILO's resources, the Office must be allowed to work with greater autonomy, liberty and with more scope for developing even controversial ideas which may be contrary to prevailing paradigms.

Not doing so, would be a denial of all the knowledge and experience present within the Office, and could condemn the ILO to impotence. The development of an original analysis of outstandingly complex economic and social problems demands bold new approaches, powers of initiative, confidence and the right to make mistakes.

A position as centre of excellence is not to be had for the asking. It can only be gained through competence and results and – something not to be forgotten – through the marketing of these. However, a change of focus will make new demands on the staff, and to some extent even require different people. These are very difficult questions, but they have to be faced. Much responsibility devolves also on the Conference and the Governing Body. And that is my third point. The marshalling of details, that at present often characterizes the budgeting process, seems somewhat inefficient. The focus of endeavour seems sometimes to be more on one's own share, than on the complete fabric, making the calls for action as dubiously efficacious as a rain dance. The Governing Body ought to be concerned even more with objectives, principles and guidelines, and with making demands and following up performance and expenditure. It is time also to consider the question: how to improve the technical substance in the work of the Governing Body, and in particular in its committees, and to find the innovative mechanisms to address – in a substantive way – the new world economic problems and the growing interconnection between various policy fields. When it comes to the application of standards, a specific Committee of Experts examines the cases and makes recommendations before they are brought to the Conference Committee. Perhaps that is a direction worth considering.

Finally, the developed and the developing worlds share many problems and challenges and it is a tragedy to note that mass murder and genocide have not come to an end. Now as ever, extreme political movements exploit miserable situations and offer seductively easy answers. Everything is the fault of the others – most of the time minorities or foreigners. If we together can create a new vision – something young people can get enthusiastic about – we might, through the ILO, be able to make human rights the ideology of the next century.

Mr. WITBOOI *(Minister, Labour and Human Resources Development, Namibia)* – Allow me to join the previous speakers in extending, on behalf of my delegation and on my own behalf, heartfelt congratulations to the President and Vice-Presidents on their election to steer the work of the 81st Session of the International Labour Conference.

This 81st Session is indeed a historic occasion because this year we are celebrating the 75th anniversary of the ILO and the 50th anniversary of the Philadelphia Declaration. I therefore take this opportunity to congratulate the ILO on the memorable occasion of its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia.

My delegation has noted that the Report of the Director-General to the Conference entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda*, is indeed very topical and relevant. We find the Report both proactive and thought-provoking. It surely forms the basis for further fruitful discussions.

Today, the world is experiencing twin problems of unemployment and poverty. Formal employment in Namibia is incapable of accommodating new entrants to the labour market due to the poor economic growth and the lack of required skills. Having said that, Namibia in its fourth year of independence for all practical reasons relies on the ILO's technical assistance programmes, especially in the field of human resources development and sectoral activities, including the development of our labour market information system. Connected with this is the ever-increasing cost of living and decline in living standards in general, which is indeed a challenge to all of us. As correctly stated in the Philadephia Declaration, this constitutes a danger to prosperity everywhere.

It is against this background that we should defend our values and promote change for the better. In this context, I refer to the positive changes taking place in our southern African subregion, particularly after the liberation and democratization of Namibia; the potential positive changes in Mozambique and even the recent changes of multiparty democratic general elections in Malawi; and more importantly the eradication of apartheid and the establishment of a non-racial democratic South Africa, are a most promising catalyst of positive change. It is only in Angola where very slow progress is being made in this war-torn country, burdened with the loss of life of innocent civilians and destruction of social and economic infrastructure.

In light of the above, we believe that the promotion of social justice in a global economy always has been an agenda item of the ILO. I therefore call upon all Members here to do their utmost to promote peace, democracy and social justice in every small way possible so that Africa and the world may once again experience the true taste of freedom and prosperity.

Social justice is always a focal point in Namibia and it is reflected in the changes our Government has made since independence. Although the Namibian Constitution is applauded as one of the most democratic and liberal constitutions in the world, our labour legislation has gone further in promoting and strengthening the spirit of tripartism, freedom of association and collective bargaining. That is why the celebration of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia is the basis of our discussion this year, enabling us to take stock of our past activities and streamline new strategies for the future.

Furthermore, our Government's efforts to uphold the democratic process appear to be working satisfactorily. Our parliamentary system is effectively functioning though government agencies have the right to initiate policy formulation in their field of competence. Thus the Labour and Human Resources Ministry in collaboration with social partners helped the Labour Act to be promulgated. It provides for the Labour Advisory Council, which is now fully functioning, while the Labour Court and district labour courts are fully functioning on a tripartite basis. All these achievements have come as a result of assistance from the International Labour Office.

Some of the critical issues confronting Namibia today are the following: firstly, the extent to which it can preserve and stabilize its much-praised democratic process and the truly transparent Government; secondly, the issue of the extreme inequality in the living standards and opportunities for employment and income that exist between different social groups in our society; thirdly, the frightening situation of unemployment; fourthly, people with high expectations for radical and rapid social change in the distribution of income, wealth, land, etc.

I would fail in my duty if I did not use this opportunity to hail the positive changes which have taken place in South Africa. In this connection I must also express my deepest gratitude for the part the ILO's Committee on Apartheid played in dismantling apartheid in South Africa. At the same time, we heartily welcome the non-racial democratic South Africa to resume her seat amongst the democratic family of the ILO.

Allow me to make a few remarks about the African Regional Labour Administration Centre (ARLAC) which is an autonomous regional body, comprised of governments of English-speaking African countries and has as its objectives to provide the following: training in labour administration; consultancy and advisory services; to carry out studies and research and publication of research findings; industrial relations, including social security, workers' education and assistance to employers' organizations. As an institution, ARLAC supplements and strengthens the functions and services of the ILO in Africa.

Having said that, though we are acutely aware of the budgetary constraints of the ILO, we believe that ARLAC is beneficial to member States of our region and I therefore solicit the continued technical and financial support of the International Labour Office in order to strengthen the technical capacity of ARLAC.

With these few words I would like to conclude by expressing my appreciation for this opportunity to address this august House. I also offer my warmest thanks on behalf of my Government for the continued technical assistance provided by the ILO to our young nation in particular, and the sub-region in general.

It is indeed true that tripartism has a major role among ILO constituents. In fact, sound labour relations and increased productivity are prerequisites for economic growth and socio-economic advancement of our people, particularly disadvantaged groups such as women, disabled persons and children. With this in mind, I wish this 81st Session of the International Labour Conference a major success and look forward to an expansion and continuation of our usual good relationship, cooperation and friendship in the future.

Long live peace, friendship and solidarity among the nations of the world.

Mr. MAUNG *(Workers' delegate, Myanmar)* – It is my great honour and pleasure to have the opportunity to make this statement at this auspicious 81st Session of the International Labour Conference. This Conference is opportune to commemorate the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia.

In particular, I would like to convey my heartfelt congratulations to the President on his unanimous election to the presidency. I have every confidence that his able guidance and leadership will positively influence on the success of this august assembly.

I would like to take this opportunity to praise the Governing Body and the Director-General for their fine and comprehensive Reports which include very encouraging and valuable proposals. Moreover, the Director-General is to be commended for his frank views and his courage to analyze critically the various situations currently challenging the Organization. Unexpected drastic changes have taken place in the world during the past few years and the Director-General has therefore paved the way to explore necessary improvements and changes, both in the strategy and tactics of the Organization. I am hopeful that this Conference will be able to embark upon these important issues by laying down future programmes.

Myanmar regained her independence on 4 January 1948 and promptly joined the Organization in the same year, she has thus been a Member for over 46 years. During this time Myanmar has experienced different political, economic and social environments.

In the early days of independence, the system of parliamentary democracy was in place along with capitalist economic structures under which Myanmar workers were given the right to freedom of association and the right to organize. These fundamental rights of workers had been misused by some political parties and politicians, and the workers' organizations in those days were cleverly manipulated by the political parties for their own political ends. The unity among workers that prevailed during the time of the national struggle for independence faded away and confrontation developed among birds of the same feather on the basis of personality, religion, political belief and partisan spirit. The workers therefore lost their opportunity to work together for the national good.

Several years passed and by 1962 the Union had come to the brink of disintegration due to the self-centred motives of the political parties. Hence, the nation resorted to a one-party political system combined with socialist economic practices. Under this system, unity among unionists, including workers and peasants, was re-established. Both workers and peasants enjoyed the right to organize for their own well-being under the umbrella of the respective central body.

In 1988, having experienced the one-party system for over two decades, people showed their aspirations for a multi-party democratic system. Since then, the State Law and Order Restoration Council has been shouldering state responsibilities and striving for the three main national causes, namely: non-disintegration of the unions; non-disintegration of national solidarity; consolidation of national sovereignty. In response to the aspirations of the people, efforts have been made towards the establishment of a new political and economic framework for Myanmar. The national Convention is now being convened to adopt basic principles for framing the new State Constitution. Workers' delegates are actively participating as a separate group in the national Convention. Thanks to the strenuous efforts of 700 delegates of different strata, a total of 104 basic principles for the new Constitution have recently been adopted. There have been clear indications for the protection of workers' rights and privileges in the coming new democratic State to which we aspire. Hence, there shall be no doubt of new developments in the field of labour with the emergence of the new State Constitution.

Even at this juncture, with the drafting of the new Constitution still under way, Myanmar workers are being well protected by the present Government. The privileges of the workers prescribed under the existing labour laws are not inferior to those of the international labour standards. In fact, this is a time of transition and yet the present Government has provided the right of association to the extent that workers' welfare associations have been formed in various industries and establishments. Matters concerning workers are being coordinated between workers' representatives and management. In addition, there are also several professional and art and craft associations which are now functioning well in Myanmar. We are, therefore, fully confident that the right to freedom of association will prevail in a much broader sense in the near future as prescribed under the new State Constitution.

We the workers are the basic resource for national development and we must therefore be vigilant that our actions will not hinder the momentum of national development endeavours. In this regard, past experiences should be taken into consideration as valuable lessons for our present and future actions. It is our firm belief that the status and quality of life of the entire workforce will be fully achieved only when the State becomes stable, peaceful and prosperous. As the Myanmar saying goes: "The elegance of the lotus is proportionate to the rise of the water level in the pond". We therefore reaffirm our determination to render full support for all national development endeavours in Myanmar.

In conclusion, I should like to sincerely wish this Conference every success.

Original Arabic: Mr. DJEMAM *(Representative, International Confederation of Arab Trade Unions)* – In the name of God, the Merciful, the Compassionate! I should first like to congratulate the President and the Vice-Presidents and to thank the Director-General, the Governing Body and the staff of this Organization who have again presented us with a Report which shows us clearly the path we have to follow, whether our views concur or differ.

This session coincides with the 75th anniversary of the setting up of the first international tripartite Organization, the first Organization established in response to the bitter struggle waged by the working class and which has now become a forum for dialogue between the social partners.

This Organization has defended such basic workers' rights as freedom of association and collective bargaining, has promoted tripartite consultations and has spearheaded the struggle against discrimination and forced labour. It has thus defended democracy and human rights, in particular, freedom of association which has been denied in many countries, giving rise to domestic strife in the form of violence, terrorism, murder and retrogression in all aspects of life.

The ILO has played an important role in drawing attention to the concerns and aspirations of workers. The discussions that have taken place here have dealt with the problems of all social groups, but we still feel that the ILO should give priority to the development of tripartism, going beyond consultations on standard-setting to discuss all aspects of life, also at the national level, so that workers are given a major role in decision-making on matters relating to their own lives and those of future generations. We need to establish an appropriate framework with a view to compelling governments to respect international standards and workers' rights, enhancing the means at their disposal in recognition of their contribution to the progress of mankind.

I shall not review the content of the Director-General's Report or the document issued by the Workers' group in the Governing Body, for we have all taken note of it and endorse its conclusions. We reaffirm our adherence to the principle of tripartite representation and our view that the ILO should be given the role and status it deserves in the various international bodies and that workers' representatives should also play a role in those bodies, particularly international bodies dealing with economic and social concerns.

We trust that the ILO will study the best way of achieving this aim. I should also like to state that the representatives of the trade union movement are determined to play a part in the World Summit for Social Development next year. We further hope that the workers will have a say in the World Trade Organization, which should not join the International Monetary Fund and the World Bank as a third promoter of a policy of subjugation of the peoples of the Third World.

At the beginning of this year our Confederation held its ninth conference in Tunisia under the slogan "Freedom, unity, development, democracy, social justice: the keywords of the Arab workers' struggle". The conference was attended by Arab organizations and high-level delegations representing Arab, regional and international bodies. It discussed a variety of trade union, social and economic topics and agreed to reinvigorate the trade union movement and to enhance its unity to achieve the goals it pursues. It was a forward-looking conference in which solidarity and unity prevailed, a labour conference working for progress, development, independence and democracy in the Arab trade union movement.

The conference gave special attention to human rights and freedom of association, which are still being violated in many Arab countries or are even nonexistent, and to the Arab trade union movement, democracy and all aspects of human rights, social justice and independent development in the Arab world. It decided to strengthen the Arab Centre for Trade Union Rights and Freedoms and published a charter of trade union rights and freedoms and economic and social demands for Arab workers.

The conference also decided to step up action in defence of immigrant workers within and outside the Arab world and attached considerable importance to the matter of working women.

The conference held lengthy discussions on international economic changes and their impact on the working class and its trade union movement. It stressed the importance of unity and solidarity in dealing with the onslaught of capitalism and with social collapse and the adverse impact of restructuring policies, privatization, the globalization of the economy and the undermining of the public sector.

After the international system that came into being following the Second World War dashed the hopes of so many peoples and after the upheavals in the world that have undermined ideas and beliefs, swept away regimes and alliances and led to imbalance in international relations, a new international order has emerged in which the West and capitalist institutions imposing harsh conditions reign supreme. As a result, there has been a widening of the gap between North and South, a worsening of unemployment, a slump in purchasing power, a massive increase in emigration, an increase in indebtedness and a succession of economic and social crises.

In this context, the Arab nation has in recent years been the scene of momentous events that have greatly harmed Arab workers and hundreds of thousands of foreign workers employed in Arab countries. The impact of the Gulf crisis and the embargo imposed on Iraq continue to weigh heavily on Iraqi workers and the embargo imposed on the Libyan Arab Jamahiriya compounds the problems and the harsh existence of Libyan workers. We call for a lifting of these unjust embargoes and we reaffirm the right of workers to live in peace in their countries.

It is naive to suppose that what is happening in the Arab world is the result of chance or some form of misunderstanding. It is actually the result of supremacist policies aimed at controlling world resources, subjugating peoples and seizing their wealth so that it can be used to serve the interests of the rich countries. The recently concluded GATT forms part of this policy, which seeks to promote consumption, open frontiers to the products of the major industrialized countries and escalate competition between the powerful and the weak.

In the course of our discussions with our fellow trade unionists of various persuasions and beliefs we have noted a desire to cooperate with the International Labour Office and to exercise solidarity with a view to meeting common challenges and a determination to prevent workers from having to pay the price of adverse change, from becoming a commodity in international trade and from bearing the brunt of the policies of big multinational monopolies. We have also noted a resolve to preserve basic human rights, the right to freedom, to democracy, to self-determination and to social justice, a commitment to defend trade union rights and freedoms and a devotion to the principles of the ILO, the spirit of its Constitution and the content of its Conventions.

We feel that there are major points of convergence that call for concerted efforts to establish an international trade union front based on solidarity and respect for the distinctive features of individual cultures.

We commend the activities of the ILO and its international standards, which are being violently attacked by some countries and some employers' organizations which resist all trends towards progress and development. We reaffirm the need for the Organization to continue providing technical assistance, specialized studies and technical advice and to pursue its defence of the freedom of association, putting pressure on the governments of certain Arab countries to end their breaches of trade union freedoms, human rights and workers' rights. We expect a great deal from the ILO and we aspire to wide-ranging cooperation with its organs, taking into account the needs of our regions and workers and the aims of the Organization.

We wish to thank the ILO and the Regional Office for the Arab States for their support for economic and social development in the Arab region and for the Arab trade union movement. We all hope that this cooperation will be intensified to meet the urgent and growing needs of our workers.

I should like to take this opportunity to extend greetings on behalf of all Arab workers to the workers and people of South Africa, whose struggle has been a fine example for the world as a whole, an example of sacrifice, devotion, self-denial and determination to secure respect for the principles of freedom, justice and equality.

Original Turkish: Mr. MERAL *(Workers' delegate, Turkey)* – At the outset of my speech as the Workers' delegate of Turkey, I congratulate the President on the occasion of his unanimous election to the chair of the 81st Session of the International Labour Conference as a Workers' delegate. Knowing of his successful activities in the past and his vast experience, I believe that this year's Conference under his competent chairmanship will bear fruitful results for the workers, all the working people and our world. I greet with respect the new South African Government and the working people of South Africa who played the leading role in democratizing that country. I also welcome the countries of Oman, Turkmenistan and Tajikistan.

The world is going through a globalization process under the control, and in line with the interests, of capital. Inequalities among and within States are increasing every single day. Unemployment and poverty are spreading. The working peoples of the developing world live through these difficulties even more intensively, especially due to foreign debt and the austerity programmes imposed by the International Monetary Fund and the World Bank. The high rate of population increase further aggravates poverty and unemployment.

Today, we face a very systematic assault all around the world on protective labour legislation, the concept of the social welfare state and trade union rights and freedoms. Privatization, subcontracting, deregulation, precarious forms of employment and the requirement of "flexibility" in the implementation of ILO Conventions and domestic legislation are all practices and attempts aiming to increase the oppression on and the exploitation of the workers. The great transformation in the Central and Eastern European countries is presented as the success of the free market economy, and it is asserted that "the importance of the ILO has decreased with the fall of communism". It is democracy that has won in the Central and Eastern European countries. If this attack on workers' rights that has intensified with the termination of the Cold War continues, it is possible that new problems will arise. The precondition for social peace is the procurement of humane living and working conditions and of jobs for all working people. There can be no consensus and social peace in the absence of democracy, social justice, bread, peace and freedom.

I believe that this year's session of the Conference will emphasize once more the importance of the ILO Conventions and the supervisory mechanism in the eradication of poverty and the achievement of full employment and social justice. We do not agree with any "lax" legislation, which is in line with the "flexibility" requirements of the employers.

We hope that the resolutions to be adopted at this Conference under our able president will not be left only as words, that campaigns will be launched for their extensive ratification and implementation, that social clauses guaranteeing basic trade union rights and the rights of the working people will be included in international trade agreements, that the complaint mechanisms developed in case of the violation of the freedom of association will also be extended to other Conventions, as well. I also agree that the declaration of a World Charter of Workers' Rights would be appropriate.

The precondition for the realization of the ILO's ideals is peace. However, racism, spreading in various forms today, is the greatest enemy of peace. Racism is developing in the form of xenophobia in some European countries and in the form of promoting attempts to establish new States based on a specific race in some of the Middle Eastern countries or fuelling ethnic rivalries in many regions.

Within this context, we regret that our citizens who have settled in European countries, whose respect for human rights is above controversy, face treatment as second-class humans. We hope that the ILO will accept international instruments that would guarantee basic civil rights to migrant workers who have resided and worked in a host country for more than a specific period of time.

Whatever the motive might be, terror and all other forms of force and oppression are enemies of democracy, and are being used as pretexts to destroy democracy, trade union rights and freedoms and the rights of the working people. We are sure that all countries that believe in democracy will take action, being conscious of the fact that various separatist organizations committing acts of terror in Turkey are enemies of democracy.

The precondition for democracy is secularism. I would also like to draw your attention to the dangers for democracy, the rights of working people and trade union rights and freedoms to be perceived in the strengthening of anti-secular tendencies in various countries.

At a time when the Cold War is over and the hopes of humanity for lasting peace have strengthened, the insufficiencies of the United Nations in the face of the inhuman massacres continuing in Bosnia and Herzegovina for years, and the attacks on Azerbaijan, are worth consideration and are sources of regret.

In Turkey, the problems of the working people have been further aggravated by the new austerity programme.

This new austerity programme that was prepared solely in accordance with the request of, and in line with, the interests of the International Monetary Fund and the employers in our country, without previous consultation with the trade unions, is anti-democratic, and it aims to put the main burden of the crisis on the working people.

There was no consultation with the trade unions in establishing the new austerity programme. The Republic of Turkey continuously violates Conventions Nos. 2, 26, 81, 88, 94, 95, 100, 105, 111 and 122.

The 1982 Constitution and the legislation promulgated in the military period, and its aftermath as a whole, violate Convention No. 98, especially the restrictions and prohibitions on the right of public employees to bargain collectively and to strike. These are still in force.

Public employees face administrative obstacles, anti-union discrimination and various forms of oppression when they exercise their most basic democratic and trade union rights.

We live with great regret in a situation in which trade unionists are being taken into custody, arrested and even deprived of their trade union rights, and by being convicted as a consequence of the preservation of the anti-democratic legislation in Turkey.

Conventions Nos. 59, 87, 135, 142, 144 and 151, which will enter within the scope of the supervisory functions of the ILO on 12 July 1994, are also being violated.

The amendments envisaged in the Turkish Trade Unions Act and the Act concerning Collective Labour Agreements, Strikes and Lock-outs do not have the content and the scope to eradicate the traces of military rule and to bring the legislation into harmony with the international standards.

As a radical solution to this problem, I propose bringing the labour legislation in Turkey as a whole into line with Conventions Nos. 87, 98 and 151, with the technical assistance of the ILO.

Our Government is also attempting to evade some of the economic obligations of collective agreements.

In the case of the continuation of these violations, TÜRK-ISË, (the Confederation of Turkish Trade Unions), while continuing its legitimate and democratic struggle at home, will also take the necessary steps at the ILO.

Original French: Mr. OGBAMI *(Government delegate, Central African Republic)* – It is a great honour and a privilege for me to take the floor following the distinguished delegates who preceded me.

From this rostrum, my first thought goes to the Swiss people, and in particular to the population of the Canton of Geneva. I would like to acknowledge their warm hospitality and thank them for being our hosts in this land of gatherings where men and women who contribute to the promotion of social justice in the world can meet. That is the central objective of the ILO, the 75th anniversary of which we are celebrating this year.

On behalf of the Central African people and of His Excellency, Mr. Ange-Félix Patassé, the President of the Republic and Head of State democratically elected on 27 September 1993, I address my warm greetings to the distinguished delegates present at this session of our Organization's Conference.

On behalf of my delegation and on my own behalf, it is a great pleasure for me to present my warm congratulations to Mr. Charles Gray on his brilliant election to the presidency of the 1994 Session of the International Labour Conference.

I also congratulate the two Vice-Presidents, whose invaluable assistance will help us fulfil our expectations and ensure the full success of our work.

The re-election of the Director-General to head the International Labour Office bears witness to his deep commitment to the ideals of our venerable Organization and to the mission which its founding fathers assigned to it in 1919; a mission supplemented and enhanced by the Declaration of Philadelphia in 1944.

So on this special occasion I would like on behalf of my delegation to extend to him and to his staff my congratulations for your extremely valuable Report, which calls upon all the constituents of the ILO to reflect conscientiously on the new responsibilities which we will have to assume tomorrow.

Two major events in the life of our Organization give us the opportunity to celebrate two events this year: the 75th anniversary of the ILO, set up in 1919 following the First World War, and the 50th anniversary of the Declaration of Philadelphia, adopted just before the Second World War came to an end.

In addition to these great events in the life of our Organization, we should add another in 1963, when the ILO showed its desire to adapt to the evolution taking place in the world. This moment was marked by the consolidation of the communist bloc and an anti-colonial revolution which freed peoples and led to the independence of new States, which then joined the ranks of the Members of the ILO. The ideal of promoting social justice in the world as the basis for universal and lasting peace was thus strengthened.

The 75 years of experience of the ILO and the 50 years since the Declaration of Philadelphia have discredited the ideas underlying the old dictatorships and set back or eliminated the policies of separation and exclusion.

The ILO has chosen this double anniversary to carry out a general analysis of its objectives and its means of action. Its ability to rethink its role is a sign of our Organization's vitality.

This is why my delegation is happy to see the Democratic Republic of South Africa returning to the great family of the ILO after more than 30 years of exclusion which were brought about by the scourge of apartheid that afflicted this great people. On behalf of my country, it is a pleasure for me to welcome the presence of their tripartite delegation at this great temple of human fraternity, freedom, justice and equality.

Even as we express our happiness as we recognize and reunite with our brothers from South Africa, we must express deep regret at what is happening in Rwanda, which is becoming involved in a hellish cycle of genocide. We would also like to encourage the process which is taking place in Burundi in quest of a peaceful solution to the tragedy which has thrown this sister country into mourning.

Faced with these events, the Governing Body of the ILO has decided decisively to turn to the future, and we must reflect on the responsibilities which we need to assume in the days to come.

Our institutions have now undergone profound changes. We see an abrupt acceleration of the process of globalization of the world market economy. This situation was made worse for the countries of the CFA franc zone on 12 January 1994.

The working world has been profoundly transformed. Its social dimension has been torn apart. In their programmes for the future some institutions have given full priority to economic development at the expense of social development. Poverty is spreading and destitution is taking hold for some, while wealth and fortune are accumulating for others. The gap is widening between both people and countries. Selfishness is winning the day and injustice is on the rise. International solidarity is waning, sapping human brotherhood.

Faced with this new political, economic and social situation, what strategy should we adopt? What changes should we make to international cooperation? Are we ready to have North-South relations based on solidarity and justice?

It is in search of solutions to these momentous questions that we must try to work in order to face the challenges of the years to come.

The period of transition which our Organization is experiencing coincides with another, which the Central African Republic is undergoing. Our country, after more than 30 years of dictatorship, has now begun an era of changes that have been dearly paid for. I am referring to the establishment of a free, pluralistic and participatory democracy which resulted from the uncontested elections of September 1993.

These changes are a source of hope for the valiant working people of the Central African Republic. However, the changes have been severely tested by the devaluation of the CFA franc. The devaluation was a brutal decision with extremely adverse consequences. It had the effect of a bomb shell on the people's confidence coming as it did after a traumatic past which left behind a cumbersome legacy of debt.

Faced with the speeded globalization of the market economy and the devaluation of the CFA franc with all the difficulties it entails, the Central African people have not given in to discouragement. They have shown great maturity and a high sense of responsibility and solidarity thanks to the understanding of employers and workers and of their respective organizations who have participated in active partnership with the Government to avoid catastrophe.

Instead of dwelling on the past, we have decided to take courage and do everything we can to build anew on the ruins of the past, although this means working in a context lacking rules, and in one which is frequently hostile to our full development.

My delegation is convinced that the main instrument to cancel the negative consequences of the accelerated globalization of the world economy, and the devaluation ot the CFA franc, is concertation and dialogue. We support the proposals made by the Director-General for new orientations and principles for technical cooperation.

The Government of the Central African Republic concurs with the three themes highlighted by the Director-General in the presentation of his excellent Report. The 75th anniversary of the founding of the ILO is indeed an opportunity for the international community to reiterate its support for social justice as one of the central values and its will to contribute to development; its confidence in an active and mobilizing form of tripartism; and its will to adapt the Organization and its secretariat to the tasks to come.

This is the commitment which our delegation undertakes and on the basis of which we follow the principle which says that development is a fundamental right of human beings, and there can be no peace without development.

My delegation hopes that this message will be heard, so that the new approaches and the new principles for the action of the ILO will make it possible to give it the means to help us meet the challenges of the future.

Original Spanish: Mr. BERNAL CAMERO *(Workers' delegate, Cuba)* – I would like to ask the President to accept my congratulations on his election.

In the introduction to the interesting Report by the Director-General, we are told that "the ILO does not just represent a field of competence, or a social goal. It stands above all, for an ideal, that of promoting social justice in the world".

In this sense, the ILO deserves respect and the active contribution of everyone to assist it in achieving success in such a noble mission.

A constant source of social injustice in the world is capitalism, currently rampant across the planet. Such a system has not been, nor ever will be, capable of promoting true social justice or accepting it in any part of the world, because that would imply its own disappearance.

Having said that, I would like to reiterate to the international community our belief in social justice as one of its fundamental values, and one in which we are actively engaged in trying to enhance.

I believe that tripartism is a valuable instrument in the labour world which contributes most to social justice and to social peace.

The ILO like the rest of the United Nations system requires in-depth restructuring which will make it possible to achieve equal participation for each and every one of its constituents, without excessive predominance by international bodies which in many cases have been created in the name of freedom, democracy and human rights as well as justice, but which have been manipulated by powerful interests which are alien to those same values.

In the first part of his Report, the Director-General talks to us about "a changing world", the "disappearance of the communist bloc", the "end of the bipolar world", and the "triumph of the market economy", and under the heading "A chance for democracy" he says to us: "We can only welcome this development, given the obvious convergence between the basic principles of democratic societies and the values espoused by the ILO". In my modest opinion, and with all due respect, I believe that this statement is indicative of a lack of in-depth analysis and realism, when looking at the facts which have brought the peoples and nations of the world under the virtually absolute domination of the most powerful nations, thus endangering the hard-won achievements by workers in our day.

I welcome the worthy intentions and determination expressed by the Director-General when he says, and I quote: "Our mission is to help [the new democracies] to grow into States genuinely governed by the rule of law, and able to guarantee basic human rights, and the rights of workers in particular. Our task in many countries – and particularly in the countries in transition to a market economy – is to facilitate the growth of free and independent employers' and workers' organizations, and prepare them to play an effective role in economic and social development". This appears to extend the functions of the ILO beyond their limits, and it might encourage unacceptable action by certain organizations which have repeatedly considered themselves to be in a position to determine which trade unions are independent and which are not. By saying this, I am not opposing technical cooperation which the ILO can and should give to all countries.

The Director-General says that the "globalization of the economy has speeded up immensely in the past few years". There is no doubt of that, but there is doubt when he adds that "It will have a long-lasting effect on the progress and well-being of all ILO member States." The Director-General himself has since given us information showing that this is not the case. We of course need to define more clearly, and in greater detail what exactly the "progress and well-being" of countries means, because we must be very careful not to associate global, economic growth with the progress and well-being of all nations.

Although support should be given to any initiative which would make it possible for the ILO to be recognized as a co-participant in negotiating processes in the world economy, as far as the social clause is concerned, we should bear in mind that we live in a uni-polar world with economic, financial and commercial dominance by a wide range of transnational corporations. We are running the risk of falling into a trap which will affect the legitimate interests of workers, nations and/or groups of nations.

The ILO should continue its efforts directed at development cooperation. The fight against the phenomenon of social marginalization, the elimination of poverty and unemployment, the rights of migrant workers, the eradication of the exploitation of children, the improvement of social security, working conditions and the working environment, concern for wage issues, freedom of association and non-discrimination in employment, as well as the eradication of forced labour, inter alia, are all important with respect to labour and international standards in the form of Conventions and Recommendations.

When the Director-General says that *It would be dangerous indeed if the ILO were to appear to be serving the interests of certain countries or certain segments of society and ignoring the legitimate concerns of the others*, I would say to him that this impression, although it is dangerous and although I have not looked into who might hold it, is virtually a certainty for me. I wish I were wrong, but I believe that the ILO is, irrespective of the goodwill which I am sure the Director-General has, closely linked to groups, governments and interests which do not always coincide with the legitimate interests in support of dignity, freedom, democracy and humane working conditions.

I believe that the Organization could be more efficient without essential changes which would make it different from what it has been up until now. The Organization prepares standards which member States can ratify or not, as they see fit. The Organization monitors compliance and makes observations, and I think that is more than sufficient so that the international community can participate in achieving common objectives. Increasing the scope of the Organization and giving it more powers for applying sanctions does not seem fair if we above all bear in mind the wide differences and inequalities between its member States. There is no doubt that in the future the basis for such changes might be solidly laid down and then the Organization will perhaps be able to undergo changes of this kind.

There are many things in the world which have not changed and which are not exactly contributing to bringing about justice, equality, respect and the trust which should exist between nations and peoples. This is a good time to refer to the unfair economic, commercial and financial blockade which the people and workers of Cuba are still subjected to. Although this has been condemned by the United Nations General Assembly and millions of workers throughout the world, the country which imposed it more than 30 years ago has once again ignored the opinion of the international community and not only continues to blockade Cuba but is interfering with the trade of other nations through extra-territorial laws which call for sanctions against other countries trading with my country.

In such conditions, when no international organization is able to deal with the fact that part of Cuba is still occupied by a military base of a foreign country against the clearly expressed will of the people, and when the list of hostilities against Cuba since the triumph of the revolution is much longer than that of all the international conventions of any type signed in the world – and nobody appears to be able to prevent it – one can understand why we justifiably mistrust the effectiveness of international instruments while having doubts as to the changes which might be introduced to them.

I would like to express my greetings from this rostrum, particularly to South Africa's workers and to their leader, President Nelson Mandela.

Original Russian: Mr. GOMBOJAV *(Minister for Population Policy and Labour, Mongolia)* – May I join with preceding speakers, on behalf of the Government delegation of Mongolia, and congratulate the President and the Vice-Presidents very warmly on their unanimous election to their posts at this session of the Conference, and express our conviction that, under their skilful leadership, the Conference will be a success.

Taking advantage of this opportunity, I would also like to congratulate the new Members of this Organization.

The 81st Session of the International Labour Conference is of particular importance. It coincides with a very important period, the 75th anniversary of the establishment of the Organization and the 50th anniversary of the adoption of the Declaration of Philadelphia. It is a great honour for me and a great pleasure to transmit to the Director-General of the ILO, Mr. Michel Hansenne, and to all the participants at this 81st Session of the International Labour Conference, on behalf of the Government of Mongolia, my most heartfelt congratulations and good wishes in connection with these momentous events.

The Government of Mongolia fully supports the activities of the International Labour Organization. It is one of the most important and authoritative specialized organizations of the United Nations system based on the fundamental principle of universal and lasting peace born of cooperation and social justice, and tries to improve labour and social justice for the workers of the world.

The important role of the ILO in creating and supporting economic stability in the international community and its contribution to the preparation and adoption of international labour standards covering almost all aspects of labour activity and protection of the interests of the workers are valued highly by my Government.

The Report of the Director-General to the Conference, *Defending values, promoting change*, is highly topical and deserves our full support and approval. This Report mentions very important aspects of the present economic and social situation in a changing world, assesses the work of the ILO with regard to new decisions and actions and considers its future responsibilities.

An exhaustive discussion of this Report should make it possible to find new approaches to the future thrust and activity of the ILO. The Report rightly points out that labour problems are a cause for concern in many countries of the world, including Mongolia. During the transition to the market economy, as capital investments made under the planned economy dry up, and it becomes impossible to create new jobs, the volume of production falls due to a lack of raw materials and financial resources, and unemployment rises. At the beginning of 1994, unemployment stood at 8.5 per cent. Most of those without jobs are women and young people. The Government is adopting a series of measures intended to increase the employment opportunities. A great deal of attention is being given to the development of small and medium-sized enterprises, self-employment and on-the-job training. An employment fund has been set up, financed out of the State budget, offering credit on favourable terms to the unemployed, and mothers with large families to give them a head start with regard to employment. There are plans to draw up and implement a national employment programme.

However, given the priority accorded to the problem of employment, I would like to support the proposal made by the Director-General that a standing item on world employment and living conditions be included on the agenda of all session of the Conference.

As regards the standard-setting activities of the ILO, we support the idea that international standards must be adapted to the reality and needs of member States and open up new horizons in respect of promoting the basic and social rights of workers. We therefore support the Director-General's view that "the ILO's normative work is an ongoing process, fuelled by its primary role of responding to a constantly changing environment and realities".

The technical assistance programme is another very important aspect of the ILO's work. We can but agree with the Director-General's view that "if the ILO's standard-setting activity gave the ILO its initial prestige and established the Organization on the international scene, its technical cooperation activities enhanced that prestige". The new reforms introduced by the ILO are helping to raise the effectiveness of technical assistance. The multidisciplinary teams have already demonstrated how quickly they can respond to help member States. A group of technical experts from a multidisciplinary team from the ILO Regional Office for Asia and the Pacific was sent to Mongolia early this year at the request of my Government in order to study provisions relating to employment, labour statistics, vocational training and the development of small and medium-sized enterprises, so that they can be included in a national programme to eradicate poverty.

We are pleased to be able to point out that in recent years technical cooperation between my country and the ILO has increased significantly and taken on new form and content. On behalf of my Government, I would like to take this opportunity to thank the ILO and its Regional Office for Asia and the Pacific for their assistance and support at this difficult time.

It is a very great pleasure for me to state that at the national level Mongolia has been carrying out a range of measures to coincide with the ILO's anniversary. We hope to be able to ratify a number of ILO Conventions.

In conclusion, I would like to express to the ILO our hopes for the future of its laudable and responsible tasks, and wish all participants in this session of the Conference every success.

Original French: Mr. ATSAIN *(Minister of Employment and Public Service, Côte d'Ivoire)* – It is a great pleasure for me to be able to congratulate the President most warmly on behalf of my delegation and myself on his brilliant election to the presidency of the 81st Session of the International Labour Conference. His long and varied experience, first as Director for International Affairs of the American Federation of Labor and Congress of Industrial Organizations, and also as a Worker's member of the ILO Governing Body, provide, in my delegation's opinion, the best possible guarantee for the success of our work.

The Report of the Director-General of the International Labour Office reviews many burning issues which our world has been facing for over a decade. We support all instances of social development which preserve human dignity in all its forms, since we believe that man is the alpha and omega of all development.

No country can remain impervious to practices which debase human beings, and that is why my country, Côte d'Ivoire, lends its full support to the International Labour Organization in its quest for a world of justice, solidarity and equity, which gives utmost priority to respect for fundamental freedoms such as those enshrined in the Universal Declaration of Human Rights and in all the other Conventions which have been ratified in this connection.

My country also lends its support to the ILO's current efforts in preparing the World Summit for Social Development which, like the Rio Summit and the Uruguay Round, will develop a new context of social relations with human beings as the focal point, rather than material matters; a new social context which will point the way towards social progress, and which will protect and ensure the fulfilment of our children who, after all, are our reason for forging ahead on all continents – America, Europe, Africa, Asia and Australasia.

During the two weeks of our deliberations, my delegation will be taking part in the work of all the Committees at this Conference and we will be adopting the important resolutions resulting from their work. We will be learning and sharing our experience in the field of employment policy.

The employment crisis caused by the current recession is far from over. Since the end of the 1980s unemployment has reached alarming proportions all over the world. Today there are tens of millions of unemployed persons in the OECD countries, in spite of efforts being made to promote employment.

The situation is particularly worrying in the developing countries of Sub-Saharan Africa. Since these countries essentially rely on their income from the sale of raw materials, the drop in prices of their export products, compounded by heavy foreign debt, has pushed up unemployment levels to alarming proportions in most of these countries.

In Côte d'Ivoire the very high level of population growth, as well as the increasing rate of immigration on the one hand, the rapid changes occurring on the labour market which our education system cannot keep pace with, and the structural adjustments which have now been implemented for several years: on the other, have reduced the ability of our economy to satisfy the demands of a growing working population which is becoming more and more demanding in terms of employment.

There is no doubt that structural adjustment programmes have had a major impact on the labour market in Côte d'Ivoire, on paid employment in the modern sector, the employment of women and young graduates, and on remuneration levels and training. Changes in these areas reflect at worst, a substantial decline and at best, stagnation. After taking a few sectoral measures the Government finally resolutely addressed the problem of unemployment and underemployment by framing a national employment programme in 1990.

In addition to specific job creation measures, this national plan has just been reviewed and adjusted to incorporate a set of new measures which will lead to the increased efficiency of systems for collecting information on statistics and training, to the enhancement of the institutional, legal and regulatory framework, and to the promotion of the private sector.

This new programme is currently under discussion with a view to developing a system of coordination and follow-up for the action taken under the terms of this employment plan. The effective implementation of a good system to coordinate employment policy and an efficient labour market information system, on the one hand, and improvement of the institutional and regulatory framework on the other, are the crucial elements in the implementation of this national employment plan.

Côte d'Ivoire sees itself as one of the countries in the CFA franc area which has the best chances of actually implementing its programme. The adjustment in the parity of the CFA franc places my country in a competitive position as a result of the cost of labour having been reduced by more than half and of substantial reductions to the other conventional factors of production.

My Government is particularly concerned about improving its institutional capacity and its management techniques and, above all, it is concerned with availing itself of the financial support which has been made available to us by the international community.

Devaluation, supported by this substantial financial aid extended to us by our partners to help reduce the weight of our domestic and foreign debt will help to create jobs. On behalf of our President, Henri Konan Bedié and of the Government of the Republic of Côte d'Ivoire, I would like to thank the countries which are members of the Paris Club, some of which very early on in 1994 were good enough to grant us substantial debt rescheduling or reductions.

Côte d'Ivoire has great pleasure in reiterating its attachment to economic liberalism as a development model and also to political liberalism as a form of economic and social management. But my country does not want to introduce any form of liberalism which would hamper our industrialization and modernization efforts. We do not want a form of liberalism which, by encouraging the importation of foodstuffs which are nearly always subsidized, would compromise the development of our own agriculture.

On the contrary, Côte d'Ivoire is in favour of a liberalism which would raise or maintain the prices of our main export products at acceptable levels. A liberalism which would preserve or create employment and which would improve income levels and income distribution.

I would like to close, by expressing the hope that the work of the 81st Session of the International Labour Conference will help us find some solutions to the problems of unemployment and poverty, particularly in developing countries, and I wish to reaffirm the total commitment of my country to international cooperation centred on peace, stability and social progress.

(Mr. MENDOZA takes the Chair)

Mr. HARRIS *(representative, Education International)* – I have had the privilege of speaking in the plenary session several times over recent years, and I am glad that these interventions, and those of my union colleagues, have been regarded as thoughtful and thought-provoking.

Education International certainly wants to make constructive contributions to ILO debates.

But today I am angry. The time has come for some plain speaking.

You should understand that the anger I express in this august chamber is not just my personal anger, although that is real enough.

My voice today expresses an anger that is felt among our 19 million members in 130 countries. It is an anger that is palpable, that we feel tangibly as we talk with our colleagues in country after country, as we sit with them in seminars, work with them in union offices, visit them in their schools and universities and technical colleges and pre-school centres, respond to their appeals for solidarity and join them in strike rallies.

What is the problem? The problem is this: everyone is paying lip-service to the importance of education. But the morale of teachers – around the world – has never been so low. Why is this? Well, I will tell you why. Teachers' morale has reached an all-time low because we are confronted daily with the enormous gap between the rhetoric from governments and employers about the importance of education for the future of our economies and the future of our societies, and the reality of cuts in education budgets, combined with deliberate policies to destabilize the profession by introducing so-called market techniques into public services.

And we know that this gap between rhetoric and reality extends well beyond the education sector. We have only to look at the resolution presented at this Conference by the ASEAN Government delegations. The rhetoric of economic growth and employment creation, of economic and social well-being, is presented to oppose measures which would tackle the harsh reality suffered by workers in those countries and in many others. What a parody to talk suavely of economic well-being while opposing a social clause.

We know that we are not alone in feeling and expressing this anger and in regarding the resolution just mentioned as tantamount to provocation. We know our fellow trade unionists in other sectors feel the same way. Many have already told you of the consequences of such a resolution for the workers they represent, and I refer particularly to the statement by Mr. Kearney *(representative, International Textile, Garment and Leather Workers' Federation)* on Wednesday

There is one issue on which our anger and that of the members of other unions reaches boiling point – and that is the issue of child labour. Every delegate at this Conference knows that phrases such as, and I quote from the resolution: "the different economic, cultural and social conditions of developing countries and their divergent needs" are coded justifications for continued inaction over the exploitation of young children, the degradation of young bodies and minds, and the deprivation of childrens' right to education.

It is disgusting that the modulated formulations of a resolution in any United Nations forum, let alone the International Labour Conference, should be employed in order to rebut a measure aimed at ending this indecency. It is unacceptable for the sophistry of United Nations diplomacy to be used in this way.

I speak for people working in education, from preschool through to university. What I am about to say now will be provocative, but the time has come to say it. The politicians and the departmental officials and diplomats who play these games have generally benefited from the best kind of education, often in the best universities in the world. These very same people use their sophisticated education to develop arguments for the continued denial of basic education opportunities for millions of poor youngsters. That is the reality which sickens me, which sickens many of my fellow teachers and workers in education and many fellow trade unionists.

Provocative this statement is intended to be, because my trade union colleagues and I want you to sit up and take notice, to register the enormity of this thing. But the statement is not intended to be "holier than thou". We are not trying to suggest that trade union officials are better than the politicians or the government officials, or the employer representatives. Quite simply, our trade union role requires us to sense what is happening, on the ground, across all the productive sectors of society. Something is happening out there, and it is profound, and you have got to understand that. The ILO has sensed that "something". It comes through in the Report *Defending values, promoting change*. The Report's ambiguity and uncertainty probably reflect that sense, that fact.

The ILO was born from the chaos of revolution and war. And it has become a cliché to say that the changes shaking the world today – economic, technological, cultural and political – are as profound as those of the Industrial Revolution which gave rise to the idea of an International Labour Organization in the first place. One hundred years after the Conferences of Berlin, Brussels and Paris the same argument of economic disadvantage, which is displayed in the ASEAN government resolution, is being used to worsen working conditions and to roll back the hard-won gains of the past. And the case for international agreement – not national protection – international agreement which today means social clauses in international trade is essentially the same as it was in the 1890s.

The ILO was born from the chaos of revolution and war and became a solid institution for the pursuit of peace through social justice. The Institution has stood the test of time. While defending the values from which it was founded, it will have to adapt to and indeed promote change.

But you have to understand what is happening out there. The anger that is real, that I am trying to convey to you may well sweep away institutions. The Director-General is right to say at the beginning of his Report, and I quote "the ILO does not just represent a field of competence of social goal. It stands above all for an ideal: that of promoting social justice in the world." But if that ideal is undermined – and the employers and some governments are doing just that – this institution could also be one that is swept away.

Now Education International will, together with our fellow trade unionists, continue to work with this institution. We will do our best to work even more effectively. We believe in the ideal of the International Labour Organization.

We will continue to cooperate with the Freedom of Association Committee and the Committee of Experts on the Application of the Recommendation on Teachers, both of which are documenting objectively what I have attempted to convey today. We will work closely with the Secretariat to prepare the next Technical Committee Meeting on Teachers together with the government and employer representatives, and we hope the employers' organization will not try to sabotage the meeting as they attempted unsuccessfully to do last time. We insist on the importance of sectoral activities because they enable the ILO to respond to the rapid changes under way in society in a way which is concrete, specific and meaningful. This is especially true for services. We will cooperate with ILO technical assistance which is so important for our members in developing countries. We will certainly continue to work with ILO for equality for women and the elimination of child labour, and we will support ILO playing a stronger role – a much stronger role – in relation to the World Bank and the United Nations Social Summit. I would like to say particularly that we respect and appreciate the excellent work of the ILO staff with whom we have frequent contact.

But, in conclusion, all this excellent work, all the traditions of the past and the potential of the future – not to overlook the well-oiled machinery of this somewhat ritualistic gathering – all of this can be undermined by apparently sophisticated, but ultimately stupid tactics.

There are lessons to be learned from history. And one of the most important lessons is the need to recognize and to respond to the genuine and justified anger of the people. That is what I have tried to convey today.

Mr. ROY *(Workers' delegate, Mauritius)* – On behalf of the Mauritius Labour Congress (MLC) and on my own behalf, I wish to extend my sincere congratulations to the President upon his election as President of the 81st Session of the International Labour Conference.

I am confident that his long experience in labour matters will enable him to discharge his responsibilities smoothly and that under his able leadership and guidance the proceedings of the Conference will be brought to a successful conclusion.

I should first of all like to congratulate the Director-General for his constant effort to keep the ILO involved in the struggle for the safeguard and promotion of human rights and labour standards in the world. We also appreciate the dedication of the ILO to promote development in the developing countries.

I shall now turn to the issue of part-time work which is on the agenda of the Conference. This issue has been discussed among the social partners in our country. The MLC approved the decision of the ILO to come forward with a Convention on part-time work. In our own country we are experiencing a shortage of labour and we believe that part-time work could partially resolve this problem. In spite of the fact that a high percentage of women are employed in the export-processing zone (EPZ) and manufacturing sectors, there is still a significant percentage of women who continue to stay at home. We believe that the Convention of the ILO and proper legislation in our own country will incite women to join the labour force.

The MLC also appreciates the ILO's decision to consider the issue of private employment agencies in the functioning of labour markets. In my own country such agencies are gaining foothold in important sectors. The proposals continued in Report VI will surely serve as a basis for Government to lay down the necessary and basic legal framework within which employment agencies will have to operate.

As regards post-apartheid South Africa, the international community should extend all facilities to Mr. Nelson Mandela's Government to allow it to attain the goals already fixed. Every effort should be made to stimulate investment in South Africa, which is indispensable for the economic and social progress of the country; and there is no doubt that the ILO can be of help in this connection.

The MLC has on several occasions raised the issue of regional cooperation and we have cited countries such as Madagascar, Réunion, Comoros, Seychelles and Maldives. Post-apartheid South Africa can play a vital role today to give a more solid shape to this regional grouping and we will have to work together in this direction.

Coming to the local context in Mauritius, it is gratifying to note that the Government has already announced its intention to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

We appreciate this initiative, but at the same time deplore its blunt refusal to ratify the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), in spite of the Director-General's observations made at the Eighth African Regional Conference held in Mauritius in January of this year, when he invited all member States to consider ratification of Conventions No. 87 and No. 144 – two fundamental instruments which are in no way contrary to the pursuit of development strategies.

The issue that preoccupies all workers at this moment in my country is the new Trade Union and Labour Relations Bill, which is being proposed for a second reading next month in the National Assembly. The trade union movement in my country has fought tooth and nail during the last 21 years to amend the Industrial Relations Act which has many repressive aspects.

The new bill being introduced by Government is even more repressive and undemocratic for trade unions. What is more paradoxical is that the Minister of Labour has made a statement to the effect that the ILO has approved this most repressive and undemocratic legislation.

There is an unprecedented consensus among unions in our country on this matter: we are all requesting the Government to withdraw the new legislation, which practically renders all strike action impossible.

As a national centre we had expected Government to discuss the report of the Law Review Committee instituted to work on amendments to the Industrial Relations Act. To our great surprise the Government has chosen to modify the report of the Committee unilaterally. At the same time, it is proposing a new bill to institute a National Pay and Productivity Council and, in so doing, the Pay Research Bureau and the National Remuneration Board – two bodies responsible for salary revisions in the public and private sectors – are being made redundant. Concurrently the Tripartite Committee for the determination of the annual salary compensation is also being declared redundant.

We strongly feel that our acquired rights are being withdrawn and it is clear that the new institutions being created will not have the same room for manoeuvre as the Pay Research Bureau and the National Remuneration Board.

It is clear that the Mauritian Government is espousing the wage restraint policy dictated by the IMF and the World Bank. Its liberalization and privatization policy is particularly painful to workers and advantageous to the employers and the private sector. Not only does it aim to maintain salary at low levels, but also results in the laying off of workers; this happened in the case of the Central Housing Authority (CHA), when 850 workers lost their employment last year.

Mauritius has undeniably made headway in the economic field: but it is not true to say that this success occurred exclusively under the structural adjustment programme. Workers' organizations struggled hard to maintain subsidies on rice and flour for many years. We opposed all attempts to lay off workers in para-statal bodies and, at the same time, categorically denounced the proposal to devalue our local currency. The trade union movement has contributed and supported alternative measures for the development of the country.

The importation of labour in the country is another source of great anxiety for us these days. This phenomenon not only decreases our bargaining it gives employers the opportunity to abuse workers' rights; indeed, employers have on many occasions been accused of ill-treating foreign workers. We welcome the fact that the Government has tried to intervene to check abuses and infringement of the law.

We appreciated the fact that the ILO sent an expert to Mauritius to advise the Government on the elaboration of comprehensive legislation to deal with all aspects of health and safety. The Government, for its part, has shown much concern on the issue and an Act has already been enacted.

As a social partner we have always shown our willingness to collaborate with the Government to sustain economic growth and development. But we believe that the social aspect of development is very important. Workers have to be treated as reliable partners in development and the process of development should in no way affect their rights.

We hope that our Government will be attentive to the aspiration of workers and bring about constructive changes to preserve the sound industrial climate in the country.

In concluding, I reaffirm the MLC's support for the objectives of the ILO. We believe that the ILO will continue its standard-setting activities which have contributed to the social and economic development of many member States. I also reiterate our support and solidarity to our brothers and sisters in South Africa and firmly believe that their Government, under the leadership of Mr. Nelson Mandela, will give new and real meaning to their lives and a flourishing society to future generations.

Mr. ZHARIKOV *(representative of the World Federation of Trade Unions)* – It is a pleasure for me to congratulate the President and his colleagues for conducting such important sessions of the Conference and also to congratulate him and all participants of the Conference on the occasion of the 75th anniversary of the ILO's foundation and 50th birthday of the Declaration of Philadelphia. This celebration provides an excellent opportunity for coming back to the values of our Organization and for looking at its ability to realize them today and in the future.

The document *The ILO towards the 21st century*, submitted to the Office in November 1993 by the Workers' group of the ILO Governing Body, is a contribution to the preparation of this session, and adequately highlights the irreplaceable role played by the ILO in promoting social justice and in improving the working and living conditions of the workers in all countries. And we associate ourselves with this assessment.

We also consider the Report of the Director-General to be a document of great significance, marking a turning-point for the ILO.

From all that we have observed, read and heard, it seems that we are all agreed that the world today is facing tremendous challenges. The World Federation of Trade Unions, preparing for its World Trade Union Congress, to be held in Damascus towards the end of this year, is also making its own analysis of the current situation, particularly in the social field and in the field of labour.

And what do we see around us? I do not need to repeat what has been said in the Director-General's Report and which we all know. Thirty years ago the list of the least developed countries comprised 25 names. Today, there are more than 50 and the list is by no means closed. One-fifth of the world's population is living in extreme poverty. Unemployment is growing rapidly, embracing about 30 per cent of the working population. All this does not apply only to the developing countries. In many developed countries, social exclusion is growing rapidly, and the public health and education sectors are in ruins. It will be no mistake to say that, owing to the current situation, the majority of the populations of Eastern Europe have started to think that they were much better off in the past than now. Everywhere, trade union rights and freedoms are sharply endangered. What are the reasons for is? Why have we not been successful in promoting social justice? Why do the working people find themselves in such dangerous and unstable situations?

The Report of the Director-General touches the political and economic sides of such a development. In our analysis, we see that the main reasons are to be found in the fact that the dominant powers have taken advantage of the really brutal changes which have occurred recently in the world to impose upon all countries a new world order, a unipolar world based upon their concept, and directed toward satisfying, first and foremost, the needs of "big business". In this order, schemes are aimed to achieve greater profits by imposing economic and political conditions and options which undermine the sovereignty, independence and security of nations against the will and aspirations of their workers and people.

This pressure is exerted at every level of decision-making, be it at the national level, within economic or regional structures, or even in international institutions. In the economic field it is being realized under neo-liberal policies and massive privatization. This system, which could have different names, is the basic source of exploitation and inequality – accumulation on the one side and exploitation and poverty on the other. For the workers, for the trade union movement, such aggressive policies mean undermining the social progress won by a century of hard struggle by generations of workers. For the ILO, it means an attempt to eliminate the results of 75 years of our work.

And the real question and the challenge are: will we be able to continue to successfully defend our values, or are we accepting the recent conditions of crisis the world has been brought to by these policies of international corporations? For the World Federation of Trade Unions, the answer is perfectly clear. We do not have to adapt to the crisis, but we must adapt to the new conditions, to go on the offensive, to fight back. For the trade union movement, we need to find new approaches, more cooperation. But dangers are being posed not only to trade unions, but to all constituent parts of the ILO, to the whole world.

The real change the world needs today, is a social change. And for the ILO to be or to continue to be a "social conscience" for the world and for the United Nations is to contribute to the promotion of such a change. For this, we expect the ILO to adhere to and defend its values and not to go about dismantling its, and our, achievements in which the scope and the universal character of its Conventions and Recommendations are most crucial.

The world has changed drastically, economics have changed. True, the world is becoming more and more interdependent, but the internationalization of the economy should not become a transnationalization where everything will be concentrated in the hands of a few transnational companies, or a few governments, or a few States. In this respect, we fully endorse and support the ILO's increasing role in policy-making asked for by the Director-General: first of all, in the preparations and follow-up of the World Social Summit to which the trade union organizations in all countries attach great importance. We expect the preparations for and deliberations of the Summit to create conditions for the active participation of trade unions first of all at the national level but also at regional and international levels. In this respect, we considered the statement by the Secretary-General of the United Nations – Mr. Boutros-Ghali – at this Conference to be very promising. We welcome the readiness of the ILO and of all its constituents to be more engaged in promoting a freer interplay of ideas, a willingness to examine problems without preconditions and exclusions from the House. This should become practice because we agree that intellectual sterility can lead only to irrelevance.

At the beginning of the last century, the abolition of slavery was unthinkable. It happened. This century brought us the abolition of colonialism. Today, we are welcoming among us a delegation of South Africa as a sign of the abolition of apartheid.

Sometimes, what today seems to be difficult, even impossible, as in the case of the achievement of social justice, the elimination of unemployment, poverty and exploitation, we believe will be achieved through devoted struggle. I can assure you that, in this struggle, you will find the active and responsible contribution of the World Federation of Trade Unions.

Mr. EJALU *(Minister of Labour and Social Affairs, Uganda)* – On behalf of the Ugandan delegation I wish to congratulate the President and the Officers of the Conference on their deserved election to preside over this 81st Session of the International Labour Conference. The manner in which they have so far guided the deliberations is an assurance that they will lead us to successful and practical conclusions.

We are also pleased to be here to join other nations on this memorable occasion, which marks a very important landmark in the 75-year history of the International Labour Organization and 50 years of the Declaration of Philadelphia.

The Director-General's Report, *Defending values, promoting change*, focuses on the very objectives and mandate of the ILO since its establishment.

Anniversaries are a time for reflection – a time for examining the past, assessing our achievements and looking tentatively into the future for new directions. Looking back, we cannot but marvel at how much the ILO has done of which it can be proud. In Africa, for example, we think of the various employment advisory missions carried out by the Jobs and Skills Programme for Africa (JASPA) which for the first time defined "the employment problem" of our continent in terms of low incomes and agricultural self-employment. Recently, we have been the beneficiaries of missions, seminars and research on problems of structural adjustment – which all African countries are undergoing. Some of this research has been published in very scholarly books under the World Employment Programme. I want to mention one such publication: *Africa misunderstood* or *Whatever happened to the rural-urban gap?* However, the World Bank in its policy research report entitled: *Adjustment in Africa* asserts that the road ahead for adjustment programmes in Africa involves: first, getting macroeconomic policies right; second, encouraging competition; and, third, using scarce institutional capacity wisely. Is that all the medicine?

The World Bank report also blames most of the failed adjustment measures on lack of good governance by Africa. It also urges Africa to put "exports first". However, the authors of the ILO's *Africa misunderstood* clearly apportion equal responsibility for the African crisis to external factors as well; for example, declining export prices and the burden of obligatory external debts. I thank the Director-General for promoting and supporting this kind of research.

Still looking back, let me say how honoured we were to welcome the Deputy Director-General, Mrs. Chinery-Hesse, in April as part of the ILO's 75th anniversary celebrations in Uganda. The Deputy Director-General made substantive inputs into our programme for the celebrations. She made a keynote address to the sub-regional seminar on the poverty alleviation through the promotion of employment in the informal sector in East Africa. In this respect, I would like to pay tribute to my colleagues who were co-sponsors and present at the seminar: the Ministers of Labour of Kenya and the United Republic of Tanzania. The climax of the celebrations was Mrs. Chinery-Hesse's address to a tripartite national rally.

Looking ahead, we note with satisfaction the new structures that have been created in the ILO in furtherance of the Director-General's "active partnership" policy. This will facilitate technical collaboration and speed up policy advice and practical support to member States.

Let me now turn to the present. First, let me say what a joy it is to see attending this august forum the tripartite delegation from the Republic of South Africa. We salute our illustrious African brother, Mr. Nelson Mandela, and recall Uganda's modest contribution to the ANC efforts during its protracted liberation struggle. President Yoweri Kaguta Museveni recently presided over a national ceremony where Ugandans said farewell to thousands of ANC and PAC students, taken in by Uganda when the then apartheid regime in South Africa demanded their removal from Angola as a condition for Namibia's independence.

We equally salute our other African brother, Mr. Frederik de Klerk, whose courage and vision in the ending of apartheid cannot be overstated. The entry of a democratic South Africa on the African scene cannot but be beneficial to the African continent.

Unfortunately, our continent is still in crisis. The argument over the advantages and disadvantages of devaluations and stabilization is long over, but now we expect to see some results. And these as yet have not been too encouraging for Africa as a whole. Speaking for Uganda, let me assure you that we have been steadfast in applying very stringent adjustment programmes. Yet, our economy is still dependent on agriculture and that means, in practical terms, a few cash crops such as cotton and coffee. Until very recently the prices of these commodities were falling rapidly; consequently we now need to export three times as much to buy back our basic agricultural tools as 20 years ago.

Hence, along with stabilization, we also expect to see measures in the international arena to stabilize our commodity prices. Apart from this, there is no hiding from the fact that stabilization is not painless. Over 150,000 public servants in Uganda will be retrenched over the next three years as part of these measures and our employment problem is bound to worsen. As we have often argued, we need to incorporate issues of "social dimensions of adjustment" right at the inception of adjustment programmes, rather than as an "add-on" once they begin to bite and hurt. I cannot urge strongly enough the need to include all the social partners in the design of equitable adjustment programmes.

In his Report, the Director-General refers to the globalization process – the integration of world economies through trade and technology transfers. I wish we could say this of Africa. As has been remarked often Africa is in fact being marginalized and its share of world income and world trade is falling. None of our countries has been able to join the movement of progressive industrialization. The ILO research literature shows that today, the share in economic activity of the United States and the former western Europe has declined, and that of Japan and the rest of the Asian region has grown. This is the scenario which has given rise again to the concept of globalization and introduced the social clause. For marginalized Africa, we must rely on and ensure that the ILO does not abandon its responsibility for social justice.

In Uganda, for example, liberalization is the reigning paradigm but let us not forget that long-term development will depend upon a foundation of industries. Hence in the quest for short-term stabilization I trust we are not sacrificing long-term development. The international community has a role to play in ensuring a smooth transition from the short-term to the long-term concerns. Questions of appropriate industrial policy for Africa will have to be addressed sooner rather than later. The organization and promotion of the informal sector as a major player in African economies must be given concerted support.

Finally, these have been difficult days for my country Uganda. But peace has now been restored in my country and most of the local distortions in the economy have been removed. We have taken a giant step towards democratization. All this bodes well for economic growth and development. We have no doubt that given the necessary external support we shall continue to fare even better in the future. I am sure we can count upon the ILO to continue to be our partner in progress.

Mr. FASSA *(Workers' adviser, Israel)* – Allow me to start by congratulating Mr. Gray on his unanimous election as President of this particularly important session of the International Labour Conference. In the name of the working people of Israel, the Histadrut, the General Federation of Workers in Israel, I would like to express my special pride and pleasure at the President's inspiring and effective conduct of the proceedings of the Conference, and associate this with the Vice-Presidents and other Officers of the Conference.

The occasion of the 75th anniversary of the International Labour Organization and the 50th anniversary of the adoption of the Declaration of Philadelphia is an auspicious date and few of the special agencies of the United Nations can boast a similar anniversary. The ILO is a special organization from the point of view of its structure, as we all know. The representation of each country is made up of representatives not only of governments but also of workers and employers. This structure is quite appropriate to the most significant socio-economic organization in the international community.

It was, it is and must continue to be, a vital and constructive model in the permanent struggle to build a better, more humane, just and free society, in a changing world, full of dangers and problems, but also of opportunities and hope.

Because of the special character of this session, it would also be appropriate to recall the conditions and background which led to the founding of the Organization. Those were the days following the First World War when the nations which were involved began to reconstruct from the ruins. A large number of new States were formed after the fall of the three great pre-War empires: the Austrio-Hungarian Empire, the Ottoman Empire and Czarist Russia. Many wanted to build healthy economies and create new values of freedom and welfare.

On the other hand, a social revolution was taking place in Russia, sowing the seeds of communism all over Europe, and threatening to destroy the prevailing social systems.

The ILO was born in those circumstances. Its basic concept was: Let us create better labour relations and gradually improve the workers' situation, also in order to reduce the momentum of the revolutionary storm.

The social ideas which were at the root of the Soviet revolution were rapidly trampled under foot by the authoritarian regime which, following the Second World War, also dominated the peoples of Eastern and Central Europe.

Today, after the dramatic fall of this regime, it is with great interest, preoccupation and deep solidarity that we follow the struggle of the working people of Eastern and Central European countries who are trying to overcome the difficult period of transition from a totalitarian centralized society to a democratic society, with a human face.

Thus, the extreme conservatives of the world which the ILO strove to restrain suddenly feel as free of any threat of revolutionary wind as they were at the end of the First World War. They have forgotten nothing and they have learned nothing. Together with their so-called neo-liberal partners, they espouse radical free-market forces, free from all social restraints and concern for the welfare of the masses of their people. They are trying to fashion a new-old regime, which will place restrictions on the freedom of workers' organizations and trade union rights that will be detrimental to occupational safety and health standards and result in lower wages.

The destruction of the bipolar political structure resulted in a situation where the very same extreme conservative circles see themselves as free of the balancing power of the opposite pole. Many multinational companies, denying the workers' right to organize, are trying to establish the power of the strong. The globalization of the economy also increases the trend towards delocalization of labour by transferring it to countries with cheap labour forces. One of the strangest expressions in this respect is that representatives of several developing countries, in this very forum, raised a suggestion aimed at relieving them of some of their commitments towards the ILO, as if these interfered with their prospects of achieving higher levels of development and progress.

We in Israel, representatives of the organized workers, believe that especially now the principles established in the Preamble of the ILO Constitution are as valid as on the day they were adopted. For example, two months ago we signed a landmark agreement with Manpower, one of the two largest human resources companies operating in Israel, which ensures workers' rights to fair wages and pensions. Now we are negotiating a similar agreement with the other company. Thus, the ILO's raising of the problem of private employment agencies at this session comes exactly at the right time, and we are more than ready to share our experience in this new development.

A second example is that, two months ago, we also entered another sphere which had previously remained outside the territory of organized labour: it is the world of small garages employing between three and 15 workers. Prior to this date, these workers were not allowed to constitute workers' committees and the employers paid minimum wages with great reluctance, even though these were granted by law. The collective labour agreement for the entire branch recently signed with the employers' organizations is a significant achievement and source of pride to us.

Another important and essential subject discussed at this session is the topic of part-time work since this affects another aspect of the fluctuations taking place in the labour market. The reduction in the number of large factories which, because of their size, give workers the opportunity to organize themselves, constitutes a threat to the future of workers' organizations. Hi-tech developments allow part-time working as well as working at home, and women are particularly concerned. The danger is that small plants may avoid applying collective agreements and paying fair wages, thus harming the weakest and most sensitive workers: women. The situation is new, but concern for the workers' welfare must continue and lead us towards accepting the legal instruments discussed at this Conference.

I will not comment on the third subject under discussion: the topic of mines. To our deep regret there are no mines in Israel. Our only mine, the Timna Copper Mine, discovered in the days of King Solomon, is no longer active and is used only as a tourist attraction. I remain convinced, however, that the subject is most important for the workers, particularly the miners who are always the *avant-garde* in democratic struggles.

Let us hope that, when the ILO reaches 100 years of age, representatives of governments, workers and employers will come together here and look back on the achievements and the progress of social justice in a freer world in which human beings will be able to smile, free of fear, of wants and of the horrors of war.

Original Portuguese: Mr. DA COSTA NETO *(Minister of Public Administration, Employment and Social Security, Angola)* – First of all, on behalf of the Government of Angola, on behalf of my delegation and on my own behalf, may I express my satisfaction at Mr Gray's election to the presidency of the 81st Session of the annual Conference, taking place at a time when we are commemorating the 75th anniversary of the foundation of the ILO and the 50th anniversary of the Declaration of Philadelphia.

In a world in transformation, full of challenges, uncertainties, failures and other problems, there is nevertheless, hope because we can look at what has been done and what is being done by the Organization. At the moment, we are thinking about its current role and about its future – all these are essential tasks for a future which will be more effective and where the action of the Organization will be more credible.

Social peace, stability, democracy and development have not only become absolute values for the life of each State, but are being affirmed as vital parts of the world structure in relations between States, regions and economic organizations from various parts of the world as well as of the democratic vocation of international organizations.

Nowadays, democracy should be a way of life for citizens, States and the international system as a whole.

As far as States are concerned, democracy cannot be separated from development. Democracy is an essential factor in development and it should be the driving force behind the consolidation and enrichment of that same democracy. The success of the "democracy-development" tandem depends to a great extent upon respect for human rights, the rules and criteria of a democratic environment, transparency and civic pride in the functioning of institutions, and upon balance and harmony in the production and distribution of national wealth, the internalizing of new social and ethical values, the expansion of local bodies and their action, and the legitimate exercise of authority in promoting democracy.

We are convinced that in this year of the 75th anniversary of the ILO these are the objectives and challenges which our Organization is committed to achieving and meeting in the specific areas of its action. We believe that it will continue to support and assist member States in meeting their needs.

The major subjects brought before this Conference are extremely timely and should be considered by the majority of the member States of our Organization.

In Angola, despite the brutal and inhumane war which has been going on since UNITA rejected the results of the democratic elections supported by the United Nations held in 1992, a structural programme is under way aimed at stabilizing the economy and promoting the development of the country after the war.

Of course, the situation is exacerbating the already difficult living conditions for the people of the country at a time when the Government is implementing its programme.

My Government is making major efforts in order to ensure that the social agenda is included in the programmes which it is implementing.

In this new legal framework, the Council of Ministers has recently approved a diploma for the social security, hygiene and occupational health system.

Legal and institutional measures are also being taken so as to activate and strengthen the role of employment agencies and centres while promoting employment generation and placing particular emphasis on local employment initiatives.

We are also aiming at consolidating, extending and decentralizing the social security system so as to broaden our network of vocational training schools in accordance with the needs of the employment market.

We also urgently need to work to provide access to vocational training for people who have been uprooted by the war and for demobilized soldiers.

In the area of economic and social policy being implemented in Angola, even during the time of war, my Government would be appreciative if the ILO could intensify its support to public and private organizations to allow them, as a result of their activity, to propose new jobs and to give greater emphasis to programmes which would contribute to enhancing the role of employment agencies and their operations in order to meet needs and market potential while continually increasing occupational training activities.

We are convinced that such actions will contribute fully to consolidating democracy in Angola as well as to the social and economic stability which the country so greatly needs.

The economic and social reality which Angola is undergoing at the moment is extremely critical despite the efforts being made to deal with it.

The exercise and practice of democracy, social stability and economic development are totally incompatible with war. In Angola, hundreds of children, young people, workers and elderly people are starving because of this vicious war.

In Angola, hope and the benefits of democracy have given way to despair following the first free and democratic elections and the ensuing civil strife.

On behalf of the Government of Angola I would, speaking to this assembly, like to make an urgent appeal for all member States of the ILO to assist the people of Angola so that they may work and so that our employers can manage their affairs and the country's children can study. You must help the society of Angola to build a better and dignified life for everyone under conditions of peace, stability and democracy.

I urge you to do all you possibly can so that UNITA will stop waging war in Angola. Please help Angola to live in peace, unity and democracy.

Original Spanish: Mr. NEGRON TEJADA *(Workers' delegate, Dominican Republic)* – I would like to start by congratulating Mr. Gray on his unanimous election to the presidency of the 81st Session of the International Labour Conference. I am sure that under his leadership, this session of the Conference will achieve fruitful results.

As a representative of the workers of the Dominican Republic at this Conference, I would like, in the most succinct manner possible, to give you a report on the situation of workers in my country. However, first of all, I should like to make a few pertinent comments on a matter that none of us present here today can ignore. The new liberal policy of unbridled capitalism which is being applied virtually throughout the world, and which has the definite support of a wide-ranging sector of employers and governments, is gathering strength, and it is becoming a threat to the existence of our movement and is, at the same time, trying to tie the hands of, or even sweep aside, the ILO.

Whilst the structural adjustment programmes implemented by the International Monetary Fund and the World Bank can perhaps boast of having achieved success in their macroeconomic objectives, they cannot deny that they have intensified poverty and even destitution on the American continent.

In most Latin American and Caribbean countries the minimum wage which was supposed to guarantee the maintenance of maintaining an average family, i.e. of five people, is not even enough for one person to be able to live decently.

In 1993 the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) came to the conclusion that half of the population of the continent, some 400 million inhabitants, were living on the poverty line, whilst a further 90 million were destitute.

It is this very economic policy which is introducing a series of proposals first of all limiting, and subsequently annihilating the trade union movement. I would like to give several examples of this being done in my own country.

Without paying much attention to the demands of the trade union movement concerning a 50 per cent increase in wages, the National Wage Committee, after almost a year's struggle, agreed to increase wages by about 15 per cent or 1,456 pesos per month, on a selective and exclusive basis. This was only for large enterprises, while for small ones the increase was the equivalent of about 10 dollars in local currency. There was a similar increase in export processing zones and tourism, and we hope the same will be true for those working in the sugar industry.

We are continuing in my country, like in almost all other countries in the area, to follow the erroneous policy of wages being dependent upon prices. The cost of supporting a family in the capital, Santo Domingo, is 7,397 pesos, that is about 564 dollars. The national level is 3,700 pesos, about half of what it is in Santo Domingo. However, wages cover no more than between 18 and 20 per cent of the real cost of maintaining a family.

Hence the increase in poverty and marginalization, despite the fact that the Government boasts of macroeconomic achievements, of which the population feels only the negative effects.

The trade union movement in my country has amongst its immediate plans, the intention to continue its struggle for an increase in the real value of wages, as a way of counteracting the effects of the adjustment policy which have so greatly harmed our population.

On the subject of social insurance I must point out that the revised social insurance law is still quietly resting in the archives of the President's office. He has refused, as a result of pressure from employers, to promulgate this new law, which would extend coverage of services to the family members of those assured. At the request of the three sectors involved – employers, workers and the Government – we hired a firm of economic and social consultants to prepare a bill which would change the functional and organic structures of the current Dominican Social Insurance Institute and set up the Dominican Social Security Institute, of a tripartite nature.

This new institution would compete with respect to quality of services to achieve preventive, therapeutic and rehabilitative coverage.

The proposal indicates that family members of those covered by such insurance in the private sector would be covered immediately, those in the public sector would be covered two years later and gradually workers in the informal sector, along with their families, would be covered as well, so that in five years 70 per cent of the Dominican population would be covered by these services.

This bill for the creation of a social security system is another of the priorities of the Dominican trade union movement.

With regard to the Labour Code, in June 1992, and with the assistance of technical specialists from the ILO, we finally managed to obtain a new Labour Code. One of its major achievements is to provide for freedom of association, which protects anyone involved in trade union activities at their workplace.

However, this has been the most vulnerable aspect of this legislation in public and private enterprises, and particularly in the industrial export processing zones, which, rather than workplaces, are more like turn-of-the-century enterprises in that workers there are denied their most elementary rights.

The organization of labour tribunals and the presence of trade union spokesmen may be considered as being a step in the right direction in a country like ours where the weakness of the institutions makes it possible for the Head of State or the social sector having economic power to do whatever they like with laws, under the protection of a legal system that is becoming increasingly weak and corrupt as a result of influence and money.

So the current Labour Code is floundering around in this morass, and whilst it does constitute a difference vis-à-vis the past (it was born of an era of political dictatorship) its non-compliance reduces and lessens the conquest on paper.

The trade union movement has made, and continues to make, specific proposals on the political participation of workers in Dominican state institutions and is working to improve the democratic system, so as to plug these gaps which limit both political and economic participation for most people.

We support in-depth changes to the political and economic structures of the country, in an attempt to end the exclusive nature of the current system of democracy which is ever widening the gulf between the rich and the poor.

With regard to industrial export processing zones, the neoliberal concept which is being promoted throughout the continent attaches priority to the services as opposed to an economy which develops and strengthens the primary and secondary sectors, namely agriculture and industry.

If you look at the statistics of my country, and this is the case of most countries on the continent and, if I do not exaggerate, I believe of other regions in the world too, you will see that the role played by these two key sectors of the economy is being increasingly reduced whereas the services sector, which includes both export processing and tourism, is the most active.

These are not only leading areas but they benefit most from government support in the form of incentives and tariff exemptions in a desperate search for hard currency, and in an attempt to bring an equilibrium to the balance of payments. Never mind that the really important sectors for the development of the country are collapsing.

The export processing zones are growing in inverse proportion to how the trade unions should grow that are currently forming, protected by national law.

Of more than 100 trade unions created in these export processing zones, only six have been allowed to operate. Of the others, the leaders, executives and rank-and-file members have been dismissed.

The trade union movement has denounced their action to the ILO and to other bodies such as the General System of Preferences so that they can be sanctioned for violating freedom of association and so that preferential schemes can be withdrawn.

The fact that the now World Trade Organization, the former GATT, rejected the social clause proposed by the ICFTU and sent this trade union request to the ILO was a disturbing one.

Mr. MILLETTE *(Employers' delegate, Trinidad and Tobago)* – The Republic of Trinidad and Tobago is a small twin-island State in the southern Caribbean Sea, given to agriculture, but mostly earning its living from petroleum, petrochemicals and natural gas. Its population of less than one and a half million is divided equally by gender with 65 per cent of all inhabitants being under the age of 35 years. The labour force is approaching 50 per cent of total population. Unemployment is of the order of 20 per cent and rising, especially among women. Most new jobs are being generated in the services, information and petrochemicals subsectors.

The Director-General's Report, entitled *Defending values, promoting change. Social justice in a global economy* speaks on issues vital to us. But when Trinidad and Tobago and the Caribbean look to the wider world for paths to pursue in the realization of these values there are no shining beacons to guide us. The panorama everywhere appears to be of: large-scale city crime; random urban violence; rural violence; ethnic and tribal strife; growth of Western avarice and greed; growing markets for illicit drug consumption; decline of the family; pecksniffian surprise over gender inequalities.

One bud of hope on this desolate heath is the triumph of democracy over institutionalized racialism in the Republic of South Africa and all that that signifies, a triumph of the human spirit over most overwhelming odds, destined to blossom, to flourish and luxuriate. We salute the re-entry of South Africa to this family of nations.

There is a warming sentiment that modern Trinidad and Tobago must further cultivate its heritage, drawn from its indigenous peoples, the peoples of Africa, India, China, Europe and the more recent influxes from the United States, Canada, Japan, and Korea, in an espousal of the concepts set out in the Director-General's Report.

Trinidad and Tobago is committed to the forward march of ideas and action for social and economic development. To derive strength and purpose from the comfort of our heritage is only better to equip present and future generations to defend old values and adapt to change as the Director-General's Report indicates not to dwell in nostalgia for a bygone age. The competitive advantage of an industrial relations system is merely the crystallisation of the fountain of inspiration that is a country's cultural inheritance. It is trite to say that Trinidad and Tobago is able to be internationally competitive only by the skill and creativity of its people.

There are some aspects of the Director-General's Report which Trinidad and Tobago is uniquely equipped to facilitate, elaborate and develop, including the following: modes and methods of follow-up on the Conference debate; priorities and enterprise for job creation, productive employment, and the reduction of poverty; development and enhancement of the commonality of interests between management and workers within enterprise, eschewing confrontation as inefficient and less productive; enterprise innovation to buttress the desirable results of the market economy including enterprise productivity; enhancement of the role of the ILO Governing Body; elaboration of the "active partnership" policy for labour matters; assessment of the certain negative impact, and the positive benefits if any, temporary or medium-term of a "social clause" in the industrial relations affairs of small, developing, island-economies in the increasingly global state of world affairs; the adding of impetus and new vistas to sectoral activities, for example, in tourism, shipping, financial services, and telecommunications; production by the Conference of more readily ratifiable standards and Conventions; elaboration of future roles for small enterprise and the informal sector, respectively, in economic development; delineation of options for technical cooperation with respect to human resources development, training and employment; and the elaboration of roles for multi-disciplinary teams in relation to national employers' federations.

Trinidad and Tobago is equally sanguine in relation to certain matters strategically muted in the Director-General's Report. Primary amongst these is the pressing need to reconcile differing approaches to maritime labour matters respectively by the International Maritime Organisation (IMO) and the ILO. The maritime industries will play a decisive role in Caribbean affairs for some time ahead.

In exercises of this kind, Trinidad and Tobago would utilise the available resources of the International Organisation of Employers (IOE), the substance of whose statement on 8 June 1994, we endorse.

For Trinidad and Tobago, the ILO represents the best opportunity to ensure that employers continue to apply universal precepts and values which spawn and promote equity, social justice, economic growth, technological advance, enterprise profitability, the elimination of poverty, fulsome human happiness amid social change, and environmental conservation.

We are a developing nation, culturally a Rainbow State, incorporating the diversity of the East and the distinction of the West. We emphasize our identity with the wider Caribbean. Our distinguishing characteristic is our regard for democratic traditions and respect for the rights of the individual.

Measured in terms of GDP, Trinidad and Tobago falls within the lower third of Members of the ILO. This group has a heightened obligation to ensure equal access to a fair share of the benefits of membership and to eliminate any tendencies towards inequality of opportunity. We believe in tripartism and we have espoused the ILO call for "credible tripartism". The direct involvement of players other than the social partners in the official process will not advance that cause within Trinidad and Tobago, and may, indeed, prove a setback to what has already been achieved and is now being galvanized for action.

Small member States, such as Trinidad and Tobago, have traditionally suffered from having their initiatives thwarted by the forces of disinterest or by unbridled apathy flowing from larger all-encompassing agendas. Globalization of the economy is increasing that danger, uneven records of implementation notwithstanding. We will continue to consider the goals and objectives outlined and the options set out in the Report, aware that the Director-General has invited us to do so. We pledge to employ our best efforts and our full capability in the furtherance of the best of the employers' interests and the advancement of people everywhere. This is why we are a part of the ILO, why we cherish that membership, and why we enthusiastically continue to support the work of this noble body.

Original French: Mr. LAUPRÊTRE *(representative of the International Christian Union of Business Executives)* – UNIAPAC, the International Christian Union of Business Executives, which I am privileged to represent here today, would like to extend to the International Labour Organization its warmest greetings on the occasion of this 75th anniversary, and also congratulate the President and Vice-Presidents upon their election.

UNIAPAC was set up in 1931 and brings together tens of thousands of business executives in more than 30 countries in Europe, Latin America, Asia and Africa, who in turn have under them millions of other staff members. We are represented in both industrialized and developing countries and, today, also in the countries of Central and Eastern Europe which are in the full swing of reform. UNIAPAC helps its members to combine Christian faith, entrepreneurial drive and economic necessities. This implies that business executives be both generators of wealth, promoters of social and human development and also answerable to society and for the common good.

Ever since its inception, the ILO has striven to maintain and develop a tripartite structure which is unique in the world and which recognizes the importance of workers' and employers' organizations. This tripartism is also a substantive demonstration of cooperation between governments and non-governmental groups, employers' organizations and trade unions which share with governments the responsibility for economic and social policies. An all-powerful State will ultimately bring about its own downfall. Recent history has confirmed this. But the absence of policies in the social and economic field is just as dangerous. Therefore, cooperation between governments and employers' and workers' organizations is vital, although in many countries that is still not the case. Subsidiarity – a term drawn from Christian social teaching – is today widely used to describe this indispensable cooperation and interaction between all social partners, their representative organizations and public authorities for drawing up and implementing a responsible socio-economic policy. Under the principle of subsidiarity, responsibility should wherever possible be entrusted to the lowest possible level and only when necessary should responsibility be assumed at the highest level of society.

The ILO has to assist in promoting the implementation of authentic social market economies. The market and competition are still the key elements in the economic systems to be set up all around the world, whilst respecting the cultural particularity and peculiarity of each country. Economic issues and social issues, economic performance and solidarity all go together, provided the social dimensions are in balance with the economy. We cannot have a situation whereby the social dimension is such that it will kill initiative and destroy economic responsibility, because that would compromise all social development.

In this context, UNIAPAC would like to highlight the crucial role of the undertaking and especially small and medium-sized enterprises, and the need to reinforce entrepreneurial spirit wherever possible. This is a priority or should be a priority for the ILO; as a unit of human activity, as a creator of wealth, and also as a citizen in any national society and in the world, the enterprise is a truly privileged environment for economic and social development.

Employment is the top priority for Christian business executives, and all protagonists in our societies must undertake to stimulate the conditions and framework to create genuine jobs. The dignity of people and of our communities is at stake. Greater flexibility in the labour market, work reorganization, greater commitment to basic and continuing training within the enterprise and by the enterprise, greater flexibility in wage costs, better use of unemployment funds – these are some of the avenues which UNIAPAC believes we must explore and embark upon with as much creativeness as possible. In doing so, we must be bold enough to tackle certain social taboos. And UNIAPAC would like to see tripartite discussions take up these challenges.

The ILO, which is responsible for promoting better conditions of work throughout the world, should in this day and age be helping to develop – whilst paying due regard to economic constraints – and implement structural readjustment programmes which, though painful, are none the less in both developing and industrialized countries.

However, it seems that the ILO has reached the limits of its standard-setting potential since, for some years now, the pace of Convention ratification is stagnant. The ILO is aware of this as can be seen clearly from a reading of the Report *Defending values, promoting change*. Paradoxical though this may appear, economic restructuring in Central and Eastern Europe, rather than standardizing national situations, is in fact encouraging greater diversity. Therefore, more than ever before, the ILO must follow the principle of subsidiarity and confine itself to framing general minimum standards. Certain ILO Conventions and Recommendations are far too detailed.

An incontestable part of the ILO's vocation must also be to translate human rights into practice in the world of work and prevent and combat all forms of abuse and exploitation. Yet no structure, no law can ever replace the essential need for human solidarity and responsibility. Similarly, no law can ever create better conditions of work in a generalized context of economic depression. To improve working conditions, and the functioning of our societies, we must pay constant heed to both legal structures, standards, behavioural patterns, and the economy.

UNIAPAC has followed the work and activities of the ILO with the greatest attention and has taken part with interest in the great debates on setting up and promoting a sound economic and social development model in a globalizing economy. The ILO's task must fit into this general framework and make due allowance for economic constraints and the need for solidarity. It is in this spirit that UNIAPAC has taken up the appeal sent out by the ILO on its 75th anniversary to reflect on the Organization's future role and the way to fulfil it.

Original Arabic: Mr. SAHBANI (*Workers' delegate, Tunisia*) – In the Name of God, the Merciful, the Compassionate! I should first like to say on behalf of my organization, the Tunisian General Labour Union, that it is a great pleasure to participate in this session, which coincides with the 75th anniversary of the ILO. I should also like to express deep gratitude to the Government and Employers' groups for unanimously electing Mr. Charles Gray, a representative of the Workers' group, to the office of President of this historic session. I take this opportunity to greet him on behalf of the delegation of my organization and to wish him success. I am confident that his long experience will serve him well in conducting the proceedings of this session.

I should also like to thank Mr. Michel Hansenne, the Director-General of the International Labour Office, for his useful and thought-provoking Report which boldly reviews the major problems facing the Organization and the world of work following the end of the Cold War, in particular the disappearance of the polarization that cast its shadow over all international relations for four decades, and following the many economic changes that have affected the world of work and relations between the productive forces.

Our Organization has put three wars behind it in the 75 years since its foundation. It came into existence in the wake of the First World War, adopted the Declaration of Philadelphia towards the end of the Second World War and we are celebrating its 75th anniversary after the end of the Cold War that left its imprint on international relations for close on half a century. It is paradoxical that whenever we put a war behind us we find ourselves faced with a major test. Our Organization has stood firm in the face of many challenges and can be proud of having codified labour relations at the international level in spite of all the obstacles in its way. It can also be proud of the international consensus regarding its role and the determination of almost all the most go-ahead elements in the international community to put its objectives into practice, in particular the establishment of social justice in place of injustice, exploitation and forms of behaviour that must inevitably lead to war and strife.

The Director-General's Report contains new ideas concerning the ILO's role as we approach the third millennium. It forges a link between the values of the past, the principles on which our Organization was founded, in particular the close link between peace and social justice, and the values of the present, which stem from such changing circumstances as the globalization of the economy, the scaling down of the role of the State and the fact that some 37,000 multinationals share world economic power and seek unremittingly to undermine the achievements of the trade union movement and the rights that workers and trade unionists have succeeded in securing through a century of struggle and sacrifice. We are standing at a crossroads and we shall have to find a new working method for the Organization that guarantees its survival and effectiveness so that it can achieve the aims for which it was established. However, we have to admit with some bitterness that despite our many achievements we are still far from the goal of social justice. Twenty per cent of the world's population live in dire poverty and hundreds of thousands of individuals are deprived of a fundamental right – the right to work. In addition, over 200 million children are working under inhuman conditions, not to mention the millions of people who are the victims of forced labour. It is true that the end of the Cold War averted the danger of a world conflict but it did not eliminate poverty, which is a grave threat to peace in the world and stability in societies. This situation prompts us to reflect once again on the working methods of our Organization, which has to confront the circumstances described by the Director-General in his Report. These circumstances reflect no credit on the human race, which has accomplished a major scientific and technological revolution this century but has been unable to offer a decent life to each of its members.

The hopes raised by the end of the Cold War for the creation of conditions conducive to speedier social and economic development for all are waning day by day. The imbalance between North and South is becoming steadily worse and the debt crisis, which has exhausted the resources of many countries, has become a secondary matter in international affairs. Moreover, the structural adjustment policies that have harmed millions of workers, especially in Africa, have no social dimension and have not achieved the aims for which they were devised. Suffice it to say that many governments have abandoned the principle of a full employment policy, thereby exacerbating unemployment and hence social distress. The ILO has a key role to play in preventing social goals from being sacrificed on the altar of competitiveness and efficiency. Policies cannot be determined by market forces alone to the detriment of millions of individuals. We await with impatience the World Summit on Social Development in Copenhagen and hope that the ILO will succeed on that occasion in remedying the many extremist aspects of the world economic order. We also look forward to the role that may be played by those who believe that peace and stability cannot be achieved without social justice at the national and international levels. We are convinced that the prevailing circumstances impose new responsibilities on the ILO and place it in the forefront of international organizations working for peace in accordance with its Constitution and the Declaration of Philadelphia.

The workers of Tunisia whom I represent here have made considerable gains in the last six years. Through negotiation we have been able to secure guarantees concerning wage increases higher than the rate of inflation. We have succeeded in consolidating and improving social legislation and we have reached an agreement with the other parties to amend all collective agreements, which cover 46 branches of economic activity.

My country has undergone a quiet social revolution that has created a climate of security and stability among workers regarding their living conditions and their employment prospects. These successes could not have been scored without the spirit of understanding and cooperation displayed by President Ben Ali who from the very first day, 7 November 1987, supported the trade union movement and stood alongside the workers in the conviction that social justice is the best way of ensuring social stability and promoting economic development. The results achieved by my country demonstrate the success of this approach.

Original French: Mr. MADOUGOU *(Minister of Public Service, Labour and Employment, Niger)* – It is a great pleasure to be among you today to celebrate the 75th anniversary of the International Labour Organization.

First of all, I should like to congratulate the President and the Vice-Presidents on their election to preside over this 81st Session of the International Labour Conference. I am convinced that their long experience and their knowledge of the mechanisms and the machinery of the ILO will be a solid guarantee for the successful outcome of our work.

At this time of great uncertainty, the world of labour is awaiting with hope and impatience what we hope will be the new and appropriate energy which our Organization will inject into its activities. This is an indication of the high levels of expectation of the results of this Conference, which as I said coincides with the 75th anniversary of the International Labour Organization.

In commemorating this anniversary the Chairman of the Governing Body and the Director-General have each submitted an important Report to the Conference. After having made a critical analysis of the economic and social situation in the world, these Reports propose outlines for the future of the Organization and its future work, and particularly the place which it ought to take on the world stage, for the consideration of the Conference.

However, I believe it is important that we should bear in mind the fundamental objectives of the ILO as they were adopted in 1919 and completed in 1944, namely the improvement of living and working conditions, the abolition of forced labour, the prohibition of any form of discrimination, the defence of freedom of association and the right to collective bargaining, the struggle against unemployment and poverty and, lastly, the establishment of social justice, which is a *sine qua non* for just and lasting peace throughout the world.

It is only bearing these objectives in mind that we, using the wealth of experience accumulated in the past, can see the future of our Organization in the face of the rapid conflicts and in-depth changes taking place in the world at the moment.

The ILO has been able to achieve positive results in its attempt to achieve its objectives since its creation, particularly in the area of improving working conditions and promoting trade union freedoms, but it seems to be rather lost at the moment in the midst of the major upheavals occurring in the world.

The difficult socio-economic context which the President so rightly described in his opening statement is very unfortunately a day-to-day reality for most developing countries, including my own. It is, however, essential for our countries to return to the path of growth because without this we will not be able to establish and maintain lasting social peace.

In his Report entitled, *Defending values, promoting change*, the Director-General requests the present assembly to give its opinion, after an in-depth analysis of the economic and social situation in the world, on the future of the tripartite structure of the ILO and its action in this area, on its programmes of activity and, lastly, on the role and place of the Organization in the international system.

On the subject of tripartism, my Government is aware and convinced of the fact that there can be no effective and lasting economic and social development policy without the participation of the social partners. This is why, since it came to power, it has committed itself to involving occupational employers' and workers' organizations in all economic and social decision-making. However, we would like the ILO to increase its training activities for trade union organizations active in the various areas of economic and social development, so that they will better know their rights and their duties and so that they can more fully and effectively participate in nation building.

We cannot but welcome today that the active partnership policy initiated by this Organization has become a tangible reality in our countries. I would also like the multidisciplinary teams set up in application of this policy to become involved in training employers and workers and their organizations and making them more aware of the need to have a calm social climate – without which any social or economic development is impossible.

A second area of reflection covered by the Director-General concerns the ILO's programme of activities, particularly its standard-setting activities. In this connection we believe that the measures adopted by the Governing Body to improve procedures for the elaboration and adoption of Conventions and Recommendations, as well as follow-up measures and measures for the supervision of application, are a solution which the Conference should agree to by consensus.

We also support the Director-General's proposals to resort increasingly to "soft law" methods, which consist of elaborating and adopting more flexible Conventions; these would be more general in scope and would consequently attract a maximum number of ratifications and lead to more detailed Recommendations to guide States in the preparation of better adapted national standards.

In a changing world, the ILO should play a leading role in the United Nations system. How can we fight social injustice, unemployment and poverty in the world if the struggle to deal with these scourges is determined only by the decisions taken by economic and financial institutions without any contribution from the ILO, which is known for its seniority, its experience and, above all, the noble nature of its objectives? This is not the first time that the developing countries have urged the Director-General to be more often present and, above all, more active in major international meetings where the economic and social future of the world is decided upon. We welcome here the ILO's decision to participate in the preparation of the World Summit for Social Development.

We believe today that achieving the fundamental objectives of the ILO depends upon the level of cooperation which it will manage to establish with other international, economic and financial organizations.

In the interests of mankind as a whole the ILO, the IMF, the World Bank and the soon-to-be-born World Trade Organization should join their efforts so as to bring the world out of the unprecedented economic recession and social crisis that it is facing at the moment.

I could not conclude my statement without welcoming the presence among us of new member States and particularly the return of South Africa after 30 years of absence.

My delegation would like to express its warmest congratulations to the representatives of this country. We are happy to be able to mark with them this important event, the 75th anniversary of the ILO, particularly since the ILO's action against the apartheid policy in South Africa has been decisive in helping that country to be able to look forward to a democratic non-racial future.

Original French: Mr. WEGE-NZOMWITA *(representative of the Organization of African Unity)* – May I first present to the President, Mr. Gray, on behalf of the Organization of African Unity and in my own name, our most sincere congratulations on his election to the presidency of the 81st Session of the International Labour Conference. I would also like to congratulate the other members of the Office who support him in this difficult task.

The International Labour Organization is celebrating its 75th anniversary this year, and it coincides with the 50th anniversary of the Declaration of Philadelphia.

On behalf of the OAU and all its member States I would like to congratulate it most warmly upon this double anniversary and pay a well-deserved tribute to this Organization for the enormous body of work it has undertaken throughout the world during its 75 years of existence. The OAU is grateful to the ILO for the highly admirable activities it has developed in Africa, in particular for the pioneering role which it has played so effectively in the struggle undertaken by the international community against apartheid and in favour of restoring a non-racial democratic government in South Africa, which respects human rights.

It is thanks to the activities of the ILO together with the efforts of the entire community of nations that we can today rejoice at the return of South Africa to the family of the ILO from which it was excluded in 1964 because of the abominable policies of apartheid practised in that country at the time. I am very happy to say that this great African country, which has cast off the scourge of apartheid in a peaceful and dignified manner, last month became the 53rd member State of the Organization of African Unity and that a delegation of the very highest level headed by His Excellency Nelson Mandela – the first democratically elected President of South Africa – is at this very moment taking part in the 30th Session of the Assembly of Heads of State and Government of the OAU which opened this morning at Tunis. We of the OAU are firmly convinced that the new democratic and multiracial South Africa will exercise a positive influence over political and economic development, not only in our subregion but in the whole of the African region.

It is against this backdrop that the OAU lends its full support to the ILO's action programme to provide aid and assistance to post- apartheid South Africa in its reconstruction work. It also would like to encourage all initiatives aimed at eradicating the effects of the system of apartheid, by reducing and gradually and methodically suppressing all the glaring inequalities which have built up over the decades owing to the systematic practice of apartheid in all fields of activity, in particular in agriculture, education, employment, housing, health and social welfare in general.

In the eyes of the Organization of African Unity, this happy outcome of a democratic process, which has swept away once and for all the hateful system of apartheid and cleared the way for a brilliant future for the people of South Africa, is a source of great pride, and gives us great cause for hope. Yet the immense joy we feel at this eminently political event and its vast historical impact is overshadowed by the tragedy of Rwanda where an unspeakable genocide has been perpetrated and unprecedented selective massacres have been carried out and are still being carried out by those who were intended to ensure the security of the people of Rwanda which is now the scene of carnage. The Organization of African Unity which has vehemently condemned this genocide – rightly described as a crime against humanity – has spared no effort in trying to stop this bloodshed and bring the political and military leaders of Rwanda and the Rwanda Patriotic Front to the negotiating table if they cannot comply with the agreements concluded in August of 1993 at Arusha in Tanzania.

The Director-General's Report, *Defending values, promoting change*, provides an excellent framework for discussion which I am quite sure will yield appropriate recommendations whose ultimate aim is of course to achieve social justice. I would like to congratulate the Director-General on the clarity of his Report and the relevance of his analyses and thank him most sincerely for having agreed to attend personally the meetings of the OAU which are currently taking place in Tunis and where he made an eloquent and greatly appreciated speech sharing his views and opinions with African leaders at the highest level.

As you know, the OAU attaches the greatest importance to raising the level of social well-being and promoting social justice. These aims are enshrined in the founding charter of the OAU, and all strategies adopted by the OAU have always been conceived with an eye towards continuous improvement of the living conditions of the people while doing everything which can help to contribute towards attaining social justice for all. Unfortunately, we have to note thât the socio-economic conditions in Africa today are far from meeting these aspirations. On the contrary, one of the features is a state of chronic unemployment and underemployment, as well as declining household income, all of which can only exaggerate the misery and poverty of the people. Structural adjustment measures and currency devaluations, including that of the CFA franc, have worsened this situation in most African countries, if not all of them. Smouldering wars and sources of tension here and there throughout Africa do not make things any easier.

Economic and financial resources which should be spent on implementing development plans and programmes are often wasted on senseless acts of destruction with all their devastating consequences on the life of the people. By way of example, if such is necessary, we have the burgeoning number of refugees and displaced persons who live in truly horrible conditions. Another example is the collapse of our economic, technical and social infrastructures which were already inadequate both in urban and in rural areas.

This is no doubt a situation of considerable concern; however, it is also encouraging to note that Africans, under the encouragement of their leaders, are making every possible effort to pull themselves out of this difficult situation. As for the Organization of African Unity, we are constantly heeding the needs of the populations and recommending measures to be taken both individually and collectively with a view to alleviating the suffering of the people and pursuing the lofty aim of social justice for all. At the political level, the OAU has developed a mechanism to prevent, manage and settle conflicts in Africa. This machinery became operational last year; its foremost objective is to foresee and prevent conflicts. It has already been used with some success in several African conflicts, the aim being to facilitate a settlement, keeping these conflicts from degenerating and becoming more widespread, and to consolidate peace wherever it has been restored. At the social and economic level the OAU, aware of the fact that inter-African integration is a means of helping us find solutions to many of the serious problems affecting the African continent, decided to establish an African Economic Community. The treaty establishing this community came into force in April this year after having been ratified by the required majority of two-thirds of OAU member States. One of the main priorities in implementing this treaty consists of promoting the free movement of persons, capital, goods and services, meaning everything which can contribute to bettering production and trade.

The conference of African ministers of labour held in April every year is also among our ongoing efforts to find group solutions based on an objective appraisal of the political, economic and social situation in Africa. The result is a Labour Commission which three years ago became a tripartite institution of the OAU. At its last session, which was held in Addis Ababa from 18-24 April 1994, this commission studied some of the points which are also on the ILO agenda of this ILO Conference. I will not take time to enumerate all of them, though I will point out that the Commission has adopted a common African stance concerning human and social development in Africa, as a contribution by Africa to the World Summit which will deal with social problems next year.

I would like to conclude in reiterating the OAU's wishes for a successful conclusion to this Conference.

(The Conference adjourned at 7 p.m.)

Report of the standing orders committee

1. The Standing Orders Committee, set up by the Conference at its first sitting on 7 June 1994, held a single sitting on 9 June 1994. It was composed of 51 members (34 Government members, 3 Employer members and 14 Worker members).

2. The Committee elected its officers as follows:

Chairman and Reporter: Mr. Jorge Rhenan Segura (Government member, Costa Rica);

Vice-Chairmen: Miss Cornélie Hak (Employer member, Netherlands); Mr. Khurshid Ahmed (Worker member, Pakistan).

3. The Committee had before it the Note concerning Standing Orders questions placed by the Governing Body of the International Labour Office before the Conference at its 81st Session (*Provisional Record* No. 2) which proposed certain amendments to the Standing Orders of the International Labour Conference.

4. At the invitation of the Chairman, the representative of the Secretary-General explained that the amendments being proposed involved changes that were consequential to broader reforms the Governing Body had made to streamline its work. One of these reforms concerned the time at which the Governing Body decided to fix the agenda of the Conference. Previously, this decision was taken in November, 18 months before the Conference at which the item was to be considered. This left a relatively short time for the various stages in the preparation of standards. Under the new schedule, the Governing Body will now determine the items to be placed on the Conference agenda in March, 26 months before the Conference at which the items are to be considered. This means that for a question governed by the double-discussion procedure, an additional eight months are available between the time the Governing Body sets the agenda of the Conference and the date on which the Conference is to begin consideration of the item. This additional period will be distributed as follows: the Office will have two more months to prepare the questionnaire, and governments will have three additional months to reply to the questionnaire. Finally, it will give the Office three more months to analyze those replies for use in drawing up the report to serve as the basis for the first discussion of a double-discussion item at the Conference. In the case of a question for single discussion by the Conference, there would be an additional six months, to be divided in a similar manner between the governments and the Office in the various stages of standard-setting preparatory work. The changes should represent a significant step in the efforts to improve the quality of the reports prepared by the Office prior to the initial discussion of an item at the Conference.

5. The Employer members expressed their full acceptance of the proposals contained in the document before the Committee.

6. The Worker members noted that the proposed amendments were non-controversial from their point of view, and that they also fully supported them.

7. In the absence of comment by the Government members, the Chairman noted unanimous support for the proposed amendments.

8. Having unanimously approved the following proposed amendments to article 38, paragraphs 1 and 3, and article 39, paragraphs 1 and 2, of the Standing Orders of the International Labour Conference, the Committee submits them to the Conference for adoption:[1]

Article 38

Preparatory stages of single-discussion procedure

1. When a question is governed by the single-discussion procedure, the International Labour Office shall communicate to the governments, so as to reach them not less than [12] *18* months before the opening of the session of the Conference at which the question is to be discussed, a summary report upon the question containing a statement of the law and practice in the different countries and accompanied by a questionnaire drawn up with a view to the preparation of Conventions or Recommendations. This questionnaire shall request governments to consult the most representative organizations of employers and workers before finalizing their replies and to give reasons for their replies. Such replies should reach the Office as soon as possible and not less than [eight] *11* months before the opening of the session of the Conference at which the question is to be discussed. In the case of federal countries and countries where it is necessary to translate questionnaires into the national language the period of [four] *seven* months allowed for the preparation of replies shall be extended to [five] *eight* months if the government concerned so requests.

. . . .

3. These arrangements shall apply only in cases in which the question has been included in the agenda of the Conference not less than [18] *26* months before the opening of the session of the Conference at which it is to be discussed. If the question has been included in the agenda less than [18] *26* months before the opening of the session of the Conference at which it is to be discussed, a programme of reduced intervals shall be approved by the

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[1] Words that it is proposed to delete are between square brackets whilst those to be inserted are in italics.

Governing Body; if the Officers of the Governing Body do not consider it practicable for the Governing Body to approve a detailed programme, it shall be in their discretion to agree on a programme of reduced intervals with the Director-General.

Article 39

Preparatory stages of double-discussion procedure

1. When a question is governed by the double-discussion procedure, the International Labour Office shall prepare as soon as possible a preliminary report setting out the law and practice in the different countries and any other useful information, together with a questionnaire. The report and the questionnaire requesting the governments to consult the most representative organizations of employers and workers before finalizing their replies and to give reasons for their replies shall be communicated by the Office to the governments so as to reach them not less than [12] *18* months before the opening of the session of the Conference at which the question is to be discussed.

2. The replies should reach the Office as soon as possible and not less than [eight] *11* months before the opening of the session of the Conference at which the question is to be discussed. In the case of federal countries and countries where it is necessary to translate questionnaires into the national language, the period of [four] *seven* months allowed for the preparation of replies shall be extended to [five] *eight* months if the government concerned so requests.

Geneva, 9 June 1994

(Signed) Jorge RHENAN SEGURA,
Chairman and Reporter

Cornélie HAK,
Vice-President

Khurshid AHMED,
Vice-President

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Twelfth sitting

Tuesday, 14 June 1994, 10 a.m.

Presidents: Mr. Gray, Mr. Mendoza

FIFTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

The PRESIDENT – The first item on our agenda is the fifth report of the Selection Committee, which you will find in *Provisional Record* No. 3D.

I would like to submit this report to you for adoption. If there are no objections, I shall consider that the report is adopted.

(The report is adopted.)

COMMUNICATION TO THE CONFERENCE

The PRESIDENT – I would like to call on the Clerk of the Conference for an announcement.

Original French: The CLERK OF THE CONFERENCE – The Chairman of the Committee on the Application of Standards has asked me to call the attention of delegates to the invitations extended to certain governments mentioned in the *Daily Bulletin* to attend the Committee's meeting on Thursday, 16 June, at 3 p.m.

The countries are Afghanistan, Albania, Antigua and Barbuda, Bahamas, Barbados, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Costa Rica, Djibouti, Dominica, El Salvador, France, Gabon, Ghana, Guinea Bissau, Equatorial Guinea, Haiti, Honduras, Jamaica, Kenya, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Mozambique, Namibia, Nepal, Nigeria, Papua New Guinea, Paraguay, Saint Lucia, Sao Tome and Principle, Seychelles, Sierra Leone, Solomon Islands, Somalia, United Republic of Tanzania, Trinidad and Tobago, and Zaire.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We will now continue with the discussion of the Reports of the Governing Body and of the Director-General.

Original Hungarian: Mr. KISS *(Minister of Labour, Hungary)* – First of all allow me to congratulate the President on the occasion of his election to chair the 81st Session of the International Labour Conference. I am sure that the Conference will fulfil its mission.

On behalf of the Hungarian Government I would like to express my sincere appreciation for the efficient work and frequent initiatives put forward by the International Labour Organization over the recent period.

The Report *Defending values, promoting change*, with the questions that it raises and the statements that it makes, should indeed be regarded as both historic and extremely timely.

It is of historical importance since now, approaching the millennium, there are radical social, economic and political changes going on in the world around us. The several decades of ideological and military opposition dividing the world have come to an end, creating an opportunity for utilizing the world's scarce resources for the promotion of social development and welfare.

The timeliness of the Report derives from the fact that it points at the challenges that we are experiencing all over the world: inequality between nations, the declining tendency in employment and the spreading of poverty.

All the values that the ILO has fought for ever since its foundation need to be protected. Action is required to ensure social justice, satisfactory wages and working conditions, the protection of life, health and the dignity of the working people.

I would like to express my greatest appreciation for the approach of the International Labour Organization in so far as, apart from commemorating the 75th anniversary of its foundation and the 50th anniversary of the Declaration of Philadelphia, it has immediately turned to face new tasks and new challenges.

I am fully convinced that with its impressive stock of experience, its unswerving democracy deriving from its tripartite structure, and its worldwide network of relationships the ILO will play a key role in meeting the new challenges.

This new type of role became the keynote of the informal ministerial meeting, which demonstrated the commitment and the dedication of the International Labour Organization and its member States towards the promotion of economic growth and the increase of overall employment levels.

The Republic of Hungary highly values the efforts made by the ILO. Many decades of experience, expertise and a wide network of relationships have provided very efficient assistance to our country in humanizing the world of labour and bringing about social justice.

This year the mandate of the first democratically elected Government of Hungary has come to an end. It is definitely a sign of the strength and the stability of the newborn Hungarian democracy that the Government – unique in our region – has served its office to its full length. This has been a major contribution to a smooth social and economic transition in our country.

As a result of the parliamentary elections of May this year, the country now faces a change of government. However, our traditionally good relationship with the ILO, the already settled democratic institutions and our trust and belief in democracy provide a safeguard that forthcoming changes will not jeopardize our relationship with the ILO. The incoming government is likely to emphasize social dialogue, the protection of employees' interests, and all the values that the ILO also finds important. In its work it can confidently rely on all the achievements of the outgoing government.

When trying to assess the past period, it is only fair that, besides the welcome developments, we should also say a word about the huge burden we had to cope with in the course of the democratic changes towards a market economy, despite the generous support that we were given. The GDP declined and unemployment appeared.

Under these circumstances the Ministry of Labour faces immense responsibilities. The Hungarian Parliament created the required legal framework so that the labour market institution system could be established and start to operate.

We have very quickly built up the labour market institutions that serve these purposes, and structured them to meet European standards. Currently there are 20 labour centres and nearly 200 labour offices providing labour market-related services in the country, providing support for the unemployed and operating active employment measures. The reintegration of the unemployed into the labour market and meeting the workforce demands of the economy now in renewal are guaranteed by six regional retraining centres. By raising a significant amount of funds, we have redefined the technical and institutional requirements of retraining and have set up a retraining system in line with most recent demands.

By establishing and operating the various fora for the reconciliation of interests, which stimulates cooperation amongst the actors, the Government has always respected and promoted tripartism and aimed to implement it as fully as possible. We firmly believe that tripartism is an indispensable element of democracy and of a market economy.

We have created the institutional system, the statutory regulations and the funding to deal with the unemployment issue emerging simultaneously with the transition process. We have relied on international experience when conceiving our active employment policies and training programmes. As a result of these measures, the development process in the labour market has become easier to control and registered unemployment, after a period of stagnation, started to fall one-and-a-half years ago.

The prime reason for this reduction is that the number of workers dismissed is now also decreasing month by month, which is a sign of stabilizing workforce demand in the economy. Our present unemployment rate stands at 11.8 per cent and a further decline is expected.

My interpretation of these favourable changes is that the Government has consistently carried out its economic policy; it has eliminated the centrally planned economy, created the institutional system for a market economy, transformed property conditions, thereby ensuring many criteria for economic development and starting the country on the way to a market economy.

In spite of the achievements so far, the fight against unemployment, and especially the promotion of the re-employment of the long-term unemployed remain the most important challenges for the years ahead of us.

All of the favourable results would not have been possible without the generous support of the international community. Our relationship with the International Labour Organization is of outstanding significance among our international relations.

I would like to stress at this point the gratitude and the appreciation of our Government to the International Labour Organization for the wide variety of assistance with which it has greatly contributed to a smooth resolution of the labour-related problems of our transition process, and most of all for the assistance provided in the framework of a number of technical assistance projects.

Hungary has done its very best to apply and respect international labour standards and to implement the high ideals of the ILO. This most sincere intention on our side is clearly shown by the fact that in the last period we have ratified many ILO Conventions which had not been ratified earlier for political reasons. We regarded it as a recognition of our successful endeavours that the ILO has placed its Central and Eastern European multidisciplinary team in Budapest and that Hungary has been elected for deputy membership of the Governing Body of the ILO.

The results that we have achieved are a firm foundation for our joint future work, and may open a new chapter in the history of our cooperation.

I wish great success to the Conference in its future work.

Mr. JEFFREY *(Government delegate, Guyana)* – Let me firstly take this opportunity to congratulate the President on his election to the presidency of this august body. Let me also state that listening to Minister Mboweni of South Africa last Thursday reinforced my belief in a general tendency towards progress in human affairs. I wish him and his Government a glorious future.

In its 75th year of existence, the ILO can proudly boast that few other international arrangements have had such a level of continuous and pervasive influence on the lives of the international citizenry. This should be – and I noted that, in the Director-General's Report, it is – a matter of some considerable satisfaction. I dare say that this pervasiveness is the major reason why the Director-General's attempt to adjoin the work of the Organization to the developed and developing elements and trends of the current global economy has been accomplished with little resort to disingenuous configurations. The world of work is at the heart of individual and social existence, and the ILO has been able to successfully carve its niche at the international level. Our tripartite delegation adds its congratulations, and pledges its continued support.

We feel that the Director-General has made a valiant effort to deal with many of the contemporary concerns of our States as they relate to economic development and social justice.

This is very much in keeping with the stated *raison d'être* of the Organization: the promotion of development, social justice and peace. However, there is a group of related issues which is pivotal to the development of our country and upon which we feel obliged to comment. But first allow me to provide a context.

This is the first attendance of Guyana at the Conference since the traumatic general elections of October 1992 which returned the country to the democratic fold after almost three decades of autocratic rule. We take this opportunity to thank those of you – individuals, social organizations and governments – who have helped the process of democratization, and look forward to your continued support as we proceed with the work of development.

The task ahead is by no means simple. Guyana has a per capita income variously placed at between US$360 and US$650. Anything from 45 per cent to 80 per cent of the population is said to live below the poverty line, and the social infrastructure is in almost total disrepair. From being one of the more developed countries in the Commonwealth Caribbean in the 1960s, Guyana is now classed among the poorest countries in the Western hemisphere.

In the last years of the 1980s, the previous regime embarked upon an International Monetary Fund/World Bank structural adjustment programme which has recently begun to deliver some impressive GDP growth – 6 per cent and 8 per cent in 1992 and 1993 respectively – be it from a rather low base. But, as is usual with these programmes, poverty and hardship have also grown impressively. In his Report, the Director-General stated somewhat confidently that these structural adjustment programmes are intended to allow us a better living in the developing global economy. We sincerely hope so.

From our vantage point then, we note that, although unemployment, poverty and shortages of investment have become endemic in the third world, and there have been many attempts to tackle these problems, there has never been anything like the present level of global concern! The growth and application of science to the marketplace and the fall of the Soviet empire have no doubt contributed to this heightened concern. However, we suspect that it is the contemporary impact of these developments upon the developed countries that is the motive force.

Concepts such as social dumping and social exclusion have been devised to explain this relatively new situation. Maybe we seek too much, but we do require that, as measures are contemplated to equalize the application of labour standards, account also be taken of the need to equalize access to investment capital and the issues of unemployment and poverty in the poor world be tackled.

To return to Guyana, payment of international debt and the cost of energy consumes all the country's export earnings. Guyana is said to have one of the highest levels of per capita debt in the world – US$2,700 – and must continue to borrow simply to survive. To me, it appears quite unreasonable to expect that a socio-economically weak, fledgling democracy can survive with this kind of burden. This is even more unfair when one considers that important sectors of the international community have contributed not insignificantly to the decline.

The 75th anniversary of the ILO occurs at a testing time for the global community. None the less, we have survived greater difficulties and will do so again. My delegation only hopes that, at the end of it all, we will have produced the kind of human international system of which we can all be proud.

* *Original Spanish:* Mr. ORDOÑEZ *(Minister of Labour and Social Welfare, Panama)* – it is a great honour for me, as Minister of Labour and Social Welfare of the Republic of Panama, to address from the rostrum one of the most prestigious organizations of the United Nations family, and such a distinguished audience; it is also an honour to present on this occasion, on behalf of my Government and my delegation, our greetings and respect to the distinguished Director-General of the ILO, as well as to each of the distinguished delegates here present in the delegations of the countries represented at this 81st Session of the International Labour Conference.

It is also a special pleasure to greet and congratulate Mr. Charles Gray, who has the privilege of presiding the deliberations of this important international Conference.

As a representative of a country which is proud of being a founding Member of the ILO, I welcome with interest and hope the celebration of the 75th anniversary of the Constitution of the ILO, an Organization which plays a primary role in promoting labour and work as a basis for social justice. We also welcome the celebration of the 50th anniversary of the adoption by the ILO of the Declaration of Philadelphia – a declaration which defines the objectives from which stem the basic principles of the ILO.

On such a memorable occasion, the theme of the Director-General's Report, *Defending values, promoting change*, seems most appropriate.

From a human standpoint, 75 years is a whole life; yet it is but a flashing moment in history – a time lapse which seems less than a minute if we consider that since the signing of the Versailles Peace Treaty in 1919 and now, there have been a whole series of situations and changes of all kinds in international life, quite unprecedented in the annals of world history.

The vertiginous, uncontrollable changes we have experienced over the last few decades in the economic, political, social, technological, scientific, cultural and religious areas, including also changes in our daily life, mean that we now find ourselves in a world which has exhausted its capacities, its scientific theories, its deep-rooted social traditions, its stable predictions and outdated technologies, and now we find ourselves at a time in world history when it is still impossible to define clearly the profile of the new actors and styles which will have to shape further the tremendous world changes which we are at present experiencing.

Confronted with these extraordinary upheavals, requiring political decisions which owe more to original ideas than a conventional approach, trends are emerging which change our perception of reality – such as the fact that dictatorships are succumbing to the advances of democracy. We are now witnessing a confrontation between consultations and dialogue between dictatorships and freedom between war and peace and routine stereotypical situations and dynamics inherent in society – especially in relation to the situation of workers and their families.

In this situation of change, the International Labour Organization cannot remain on the touchline or ignore the changes. That is why I welcome the decision by the Governing Body of the ILO "to turn deliberately towards the future" and, within this framework, "to make a new overall assessment of the ILO's aims and means of action", bearing in mind the combination of values which we wish to preserve – values which, amongst others, are linked to child labour, improving conditions of labour, the protection of life and health of workers, wages and social security, freedom of association, social dialogue and, quite obviously, the right to work, whose real value resides in the basic tenet that daily labour provides human beings with dignity. We fully agree with the postulate contained in the Declaration of Philadelphia which states that "labour is not a commodity".

Today, more than ever, these values must be present in the Organization's activities, so that they are able to help the vulnerable withstand economic policies which ignore the fundamental value of human beings.

On this point, Pope John Paul II could not be clearer in indicating in his encyclical *Centesimos Annus* that it is absolutely essential that we recognize the fact that there are hundreds of people who do not have a life of human dignity.

I agree with the position of the Director-General expressed in his Report. The ILO must be a "relevant organization", and we should "ponder the desirability" of renaming it the "International Organization for Employment and Labour", with all the responsibilities this implies.

Equally, in the light of the challenges posed by the process of modernization and economic globalization, the ILO standard-setting activity – both from the point of view of the ratification of Conventions as well as their application – should be an integral component of this concept of a "pertinent organization" referred to by the Director-General; we should also analyse in greater depth the present mechanisms of this important ILO activity.

This concept of a "relevant organization" to which I have referred acquires even greater significance when considering the ILO's role in the international scene. An organization which no longer makes its voice heard in the international, financial community really has lost its true role, because the profound changes and structural adjustments have brought in their wake the impoverishment of many sectors of the population who suffer from unemployment and underemployment; and the globalization of the economy has limited the capacity of governments to apply policies which will develop programmes aimed at encouraging social progress.

Given this scenario, I should like, from this august building of a United Nations agency, and as a Member of this Organization, to request the ILO to make greater efforts to fulfil the solemn obligation which it undertook on 10 May, 50 years ago, at the 26th Session of the Conference, when it adopted the Declaration of Philadelphia – more particularly the contents of Section II.

These brave words should not just remain part of our history. The decision-making bodies of the ILO must be given the possibility to take decisions which have an impact beyond the walls of this building and the restricted Ministries of Labour in our countries. Only then will the ILO be able to make its presence felt in this time of challenge and help build a better world.

In the report which Panama will present at the World Summit for Social Development, to be held in March of next year in Copenhagen, Denmark, we shall make specific reference to views that the ILO should participate fully in international mechanisms; and we are sure that this will be in line with the formulation and application of economic and social policies.

Finally, I do not wish to conclude this statement without mentioning first of all that in my country we have fully experienced this process of change; we are fully aware that we find ourselves in a changing world, where we need, most of all, imagination and discipline to transform the far-reaching challenges stemming from the new world economic order into opportunities for our national future.

That is why the administration and Government of the President of the Republic, Guillermo Endara Galimany, has worked to reconstruct and modernize the country within the context of democratic principles and principles of liberty which the people have decided to respect and defend.

We have witnessed the dramatic return by Panama to democracy within the context of the transitional Government, have achieved tremendous progress and made many advances. Bearing in mind the unparalleled difficulties facing this Government, we have achieved the following: positive results in the area of public finance; the notable growth of the economy over the last four years – one of the highest in the region; the overcoming of the critical legacy of our internal debt, thanks to assistance from and negotiations with the Paris Club, private banks and others, so that we can now forge ahead into new investments; major improvements as regards human rights; improvements in health and education infrastructures; improvements in the social security fund; training programmes; an unemployment rate of 12.5 per cent which, although still high, is low compared to that of 30 per cent before the new administration took over; a minimum wage which has been increased by 21 per cent – which, together with income-tax rebates for low wage earners, means that purchasing power for this wage category has increased by 25 per cent; a strengthening of democratic institutions – this has been borne out by the exemplary elections we had on 8 May when we emerged victorious.

The new Government will therefore take office on 1 November 1994 in an economic, social and political situation very different from that which existed four years ago; it will be able to confront the problems of our development with a capacity which will make its presence felt in the world.

Mr. ZIMBA *(Minister of Labour and Social Security, Zambia)* – Allow me on behalf of the Zambian Government, the Zambian delegation to this Conference and indeed on my own behalf to place on record my warm congratulations to the President and of course his entire team on his election to office in respect of this august and historic 81st Session of the International Labour Conference. His unanimous election is a great honour both to himself and his country. I am confident that with his immense experience, he will no doubt steer the proceedings of this Conference to a successful conclusion.

Like previous speakers, let me welcome the new Members to the ILO, and salute in particular the readmission of South Africa. For Zambia, the readmission of the Republic of South Africa to this world body symbolizes the victory of justice and reason over the forces of social bigotry, and the freeing of labour relations in the southern African subcontinent. Zambia is proud to have contributed to that process of cooperation between the liberation movements and the African trade unions in South Africa on the one hand and the people and Government of the Republic of Zambia on the other.

By fate of geographical linkage to South Africa, Zambia's economic situation was brutally affected because of her desire to abide by the United Nations decision on sanctions against South Africa, which were seen as the only peaceful means to force the South African regime to abandon apartheid. Recognizing that basic human rights were at the centre of the struggle, Zambia had to die a little for the eradication of racism and apartheid. Having decided to host the African National Congress of South Africa, Zambia received hostile attitudes from the South African Government resulting in deaths and destruction of property in Zambia by the South African Government and its agents. Although we regret the deaths and destruction of property, the support given to the ANC is not regretted as we are now comforted that our suffering of these destructive activities was not in vain.

The international community also played an important role in the achievements made over the South African issue. These achievements are in the main a response to international pressure. It is therefore our view that the new South Africa will continue to be assisted to ensure its smooth integration into the wider community. For example, in the field of labour, the new South Africa will need the assistance of the ILO and its member States. Zambia stands ready to support the new South Africa in this respect.

Permit me now to compliment Mr. Hansenne the Director-General and his staff for all the reports before us including the report focusing on social justice in a global economy and giving details of past and future activities of the International Labour Organization and the Office. The reports provide us with valuable information on the nature, structure and values of the ILO and the challenges it faces for the promotion and supervision of basic social rights in the face of globalization of the economy and greater international competition. The large number of challenges facing the ILO is proof of the magnitude of the issues the ILO seeks to deal with and solve in its attempt to assist the constituent Members to serve their people well.

Like all speakers before me, let me express, on behalf of the Government and people of Zambia, our sincere and hearty congratulations to the ILO on the occasion of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. An anniversary such as the one we are commemorating this year is an important occasion. It is important because it affords an opportunity to look back and undertake a historic sojourn. This in turn helps us to look ahead, reflect and plan for the future. The Director-General's Report has done justice to the history of the ideals of the ILO, and has presented the possible path that our Organization may take for the future in order to give the ILO activities a higher profile in the public eye. I and my delegation congratulate the Director-General for his thoughtful and thought-provoking Report to this Conference.

The International Labour Organization has undergone a bitter struggle since its inception in 1919. Despite formidable challenges and obstacles over the past 75 years, its achievements have been remarkable. It has asserted itself to be the sole organization at the centre of the effort for furthering the welfare of working people everywhere.

Whilst noting the tradition of the ILO's responsibility of examining and considering all the international social and economic policies and taking measures in the light of social justice, the socio-economic situation in the developing countries appears to have experienced little or stagnant development in the last two decades. I am aware that the prime task of the ILO since its inception has been that of improving conditions of life and work through, inter alia, the building of a code of law and practice. The ILO has performed this task with success and this has given the ILO much prominence. There is not a single country today which can claim that its legislation and/or practice have remained completely unaffected by standards formulated by the ILO. I am also aware, however, that the greatest importance of international labour standards lies to a large extent in their being readily accepted and, perhaps more significantly, implemented. In this way, they exert their effect on social and economic development in constituent Members. The question of implementation raises the issue of supervision. The ILO has established a supervisory machinery which, in terms of effectiveness and efficiency, is second to none. It behoves all member States of the ILO to strive to preserve and strengthen the supervisory machinery.

All standards that have been adopted here are meant to be implemented. However, in some cases, there are serious difficulties standing in the way of implementation. The inability readily to implement these instruments should be viewed against many factors, particularly as they relate to developing countries. These may be detailed as political instability, social and economic situations, technological and social infrastructures, to mention but a few. Civil strife and ethnic wars have brought in their wake serious political instability. This instability has shifted the focus of these countries from development programmes to ways to abate the turbulent situation. The aftermath of the ongoing civil strife and ethnic wars has been the growing destruction of social infrastructures, reduction in employment opportunities, social and economic stagnation, displacement of the population and, above all, severe and acute poverty.

The other factors relate to financial and economic management. The ongoing prescription of structural adjustment programmes unfortunately appears to largely address the financial imbalances in the economy but regrettably seems to accentuate social and economic injustices. These programmes have more often than not resulted in high social costs including retrenchments and loss of income for the most vulnerable groups, and has increased the proportion of poverty. The situation has been aggravated by institutional weaknesses and also natural disasters such as droughts. Overall, the capacities of developing countries to improve the social and economic situation of their people has been seriously impaired. All these factors have, one way or another, stood against the ratification, let alone implementation, of ILO standards.

In spite of the foregoing, the importance and relevance of ILO standards has not diminished. Zambia will continue to support efforts to streamline and consolidate ILO standards and the standard-setting process to ensure that they are as effective and as relevant as possible. At the same time, Zambia recognizes that, whilst standards should continue to be universal, a great deal of flexibility is still called for. This means that we shall continue to support the inclusion of flexibility clauses in the ILO standards in order to make allowances for different levels of development.

In his Report, the Director-General has touched on the sphere of competence of the ILO. As it is now, the area of competence – dealing as it does with social justice – is quite wide. This means that the Organization is fully loaded, and I tend to agree with the Director-General that we should not cultivate any other areas, particularly those areas where other organizations are already involved. Rather, we should channel all our efforts and resources into doing that which we have done better in the past. We should channel our energies and resources into consolidating and improving our achievements in the current vast, complex, varied and topical areas of our competence. This does not in any way suggest that we should refuse to cooperate with other agencies whose goals touch on our terms of reference in this age of interdependence.

With regard to the Director-General's proposal to change the name of the ILO to the "International Organization for Employment and Labour" let me say that Zambia believes that this is unnecessary. The term "labour" is so wide and should be understood to include employment as well as a whole host of other related issues. Furthermore, it is our feeling that successes in substantive areas, rather than name changes, are the best way to give the ILO activities a higher profile in the public eye.

Original Arabic: Mr. AL DERHEM *(Minister of Labour, Social Affairs and Housing, Qatar)* – In the name of God the Merciful, the Compassionate! I am very pleased at the very beginning of my speech to be able to pass on to you the greetings of Sheikh Khalifa bin Hamad Al-Thani, the Emir of the State of Qatar, on the occasion of the 75th anniversary of the International Labour Organization, and his hopes for the success of this session.

On behalf of the delegation of Qatar and myself I would like to congratulate the President on his election to this very important post.

I am also very pleased to be able to congratulate the Sultanate of Oman on joining this Organization, and the delegations of Turkmenistan and Tajikistan.

I would also like to welcome the delegation of South Africa which has come back to the fold of this Organization, and applaud the new era of freedom for our friends in South Africa.

I am no doubt very near to the truth when I say that the Report of the Director-General is a splendid effort to give shape to a pioneering strategic vision whose moral and human dimensions are essential at a time when unbridled materialism is overriding all our civilization has achieved and when disillusionment is legion. The Report of the Director-General seems to sum up the concerns felt by all the peoples of the world, including those afflicted by poverty, destitution and the difficulties of life in a world where some parties are privy to great wealth and well-being.

I am sure that the spirit of the Report, which analyses the world economic developments and testifies to a desire to eliminate all their negative consequences, is a source of optimism and confidence in this Organization as the active defender of human dignity.

This Report states that the globalization of the economy has serious consequences for the concept of the State, as political leaders no longer see the State as sharing responsibility for the destiny of the people. This is difficult for us to accept because it implies the emergence of new forms of conflict and discord at the international level, the disintegration of the bonds uniting a single people and the transformation of an individual into an isolated being stripped of his or her will and relationships. It is equally difficult for us to stand by and watch the role of the State being eroded and become alienated from its principal task, namely to protect the bonds of society and coordinate efforts to improve the quality and standard of living. We are convinced that by instinct individuals tend to form groups, work together, produce, innovate and above all assert his or herself. This instinct is our major asset, protecting us from being drawn into decadent materialism and helping us to find our way back to the right path.

It is therefore our duty, within the Organization, to try to avoid this scenario at all costs. Above all, we must see development as a spiritual and material improvement to people's lives and the historical development of humanity.

In this regard, we would like to say that, on the basis of our deepest convictions and in the light of practical experience, we see the State as having an essential role in protecting the bonds of society. Our national strategy and social policy, under the leadership of the Emir and the heir presumptive, aim to consolidate this role by protecting the family and the individual and guaranteeing all citizens conditions conducive to a life of dignity enjoyed in a climate of peace and stability. Particular priority is paid to education and training services to ensure that young people can find work in the various sectors of the economy and offer them the best opportunities for employment and labour protection, whilst at work and after.

The Director-General has raised an important question concerning the Organization's position towards the social clause in the light of present world economic developments. We are in a paradoxical situation in so far that people in developing countries still consider technical and scientific progress, the opening of international markets and economic development as a solution to their problems; indeed they believe that they will bring about progress and well-being. Will the situation be changed? Will these vulnerable people and communities be the victims of new situations? Will technical progress and capital become the blind instruments of profit to the detriment of the dignity and lives of millions of human beings?

New economic developments and their repercussions mean that we must now, more than ever in the past, hold on to the Organization's objectives, such as social justice and improvements in living and working conditions. The Organization's role must be strengthened not only to defend these objectives but also to consolidate them in all policies concerning economic developments and new international relations. There can be no doubt that the tripartite constitution of the Organization, which promotes dialogue at the world level, provides a unique opportunity for its constituents to clarify their views and positions and to play a role that might have a positive impact on later developments in the course of world history.

It goes without saying that, in so doing, this Organization will not play the role of a political organization which enters the fray and take the place of States in their economic and social policies; neither will it take the place of the United Nations as a higher world body entrusted with settling matters and being at the service of human principles and objectives. But it will try to become the cornerstone of social action which will inspire the world.

International labour standards may, as the Director-General stated, constitute one of the most important means of attaining this objective. Not only could they be applied by the member States; they could also be adhered to by financial and economic institutions who could also provide for a contribution to social costs.

Turning to technical cooperation, we agree with the Director-General when he says that we should increase the number and skills of multidisciplinary teams because technical cooperation is one of the major activities of the Organization – especially in developing countries. It is for this reason that we must find a system whereby financial and economic institutions may share in the expenditure of technical cooperation – either directly or under an umbrella organization grouping all the United Nations specialized agencies.

In concluding his Report, the Director-General has proposed a certain number of measures aimed at strengthening the Organization's role on the international scene in this rapidly changing world. While approving in principle these proposals, we believe that they need further examination. Suffice it to say that we should try to draw maximum benefit from the Director-General's Report so that we can put into practice his suggestions; and that we can try to establish ten-year and five-year plans for basic issues such as employment and the standard of living. It would therefore be appropriate to seek the opinion of the Organization's partners to try and reach the best possible solutions.

Before concluding my statement, I should like to thank the Director-General and the Governing Body for having provided technical and material assistance to our Palestinian brothers on the West Bank and in Gaza; indeed, they need all the help they can get from us to cope with their needs in the occupational, social and economic areas. We hope that the peace agreement between Palestine and Israel will bring about improvements in the overall living conditions of the Palestinian workers and peoples in these regions and that they will be helped on the path towards development, stability and progress.

I should also like to express the hope that peace will continue to prevail in the region and that an end will be put to the long suffering endured by its peoples after years of war and the destruction of its resources. I hope that these peoples will be able to have a share in the developments occurring at the international level and will be able to devote their energies to development and reconstruction in a new era of peace, security and stability.

I should like to reiterate my gratitude to the Director-General for having prepared such a meaningful Report.

Original Arabic: Mr. AL-JARWAN *(Minister of Labour and Social Affairs, United Arab Emirates)* – In the name of God, the Merciful, the Compassionate! I am particularly happy and honoured to be able to transmit to you the greetings of His Highness, Sheikh Zayed bin Sultan al Nahyan, President of the United Arab Emirates and his wishes for the success of this session of the Conference.

I am also very happy to be able to congratulate the President of this Conference on his election to this lofty post, to chair this important session of the International Labour Conference. We wish the President and Officers of the Conference every success in their work. We are convinced that they will be successful in carrying out their tasks.

It also gives me great pleasure to welcome on behalf of my country and myself, the Sultanate of Oman which has now officially become a Member of this Organization and which, for the first time, is taking an official part in the work of the International Labour Conference. The participation of the Sultanate of Oman is additional evidence of the international nature of this Organization. It also gives me great pleasure on behalf of the delegation of the United Arab Emirates to welcome the Government of South Africa, which has come back into the fold of this Organization, and I would like to take this opportunity to greet and congratulate the people of South Africa under the leadership of their President, Mr. Nelson Mandela. Their struggle has brought about independence and freedom, and we support the struggle of the people of South Africa against apartheid as we did in the past. We are certain that a tide of freedom is now going to sweep over this country, and we would like to congratulate the ILO for its efforts in the struggle against apartheid and in trying to help the people of South Africa create a democratic society. We are convinced that this Organization's efforts will always be on the side of those who are fighting against this type of problem in the world.

This International Labour Conference marks the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. In this connection, the Director-General has entitled his Report *Defending values, promoting change*. This Report enshrines the values which are the foundations of this Organization, and highlights the challenges facing us today.

We believe that this Report is objective and interesting, and this we applaud. However, we would like to make a few comments on the Report and share with you our vision of the future.

May we first be allowed to express our sincere congratulations to the Director-General and to the entire international labour community on the occasion of these two anniversaries.

We would also like to pay tribute to the very important role played by the founding fathers of this Organization, the intellectuals and the leaders of the world of work. They were the first pioneers to embark on the struggle to guarantee social justice.

This anniversary is taking place under very special and new circumstances, including first of all, the growth in the number of Members of the Organization, and a reappraisal of the Organization's fundamental principles. The Organization has earned the trust of its constituents. Furthermore, the Organization is called upon to take up constant challenges to guarantee international peace and security. The activities of the Organization have diversified in response to what is asked of it and needed. This clearly shows that the values, principles and objectives set forth in the Constitution of the ILO and in the Declaration of Philadelphia are still valid. Therefore, the main challenge facing this Organization is that of adapting itself to current changes and finding the most suitable ways and means of meeting its goals and implementing its programmes and projects despite the changes taking place.

This session of the Conference must heed the challenge laid down by the Director-General in his Report and at the beginning of the Conference. The Organization must play its role, in keeping with its rank and on the basis of tripartism.

We would like to look to the future with optimism. These two anniversaries should make it possible for us to look objectively at ourselves and our activities on the threshold of the twenty-first century.

We must first consolidate and strengthen the executive body of this Organization in order to improve its ability to implement programmes and be flexible when carrying out draft plans. This system would make it possible for the Office to become a centre for training, experimentation and sharing experience for all those involved in labour throughout the world.

Secondly we should extend the basis for participation in the representative and decision-making bodies of this Organization, including the Governing Body, because we must implement all the amendments and the changes to the Constitution that were adopted by the 1986 session of the Conference, namely to expand the Governing Body to 108 members.

Thirdly, we must also attempt to pay heed to all ILO studies and publications and ensure their translation into all the world's living languages, including Arabic.

Fourthly, technical cooperation programmes are a main pillar of the activity of this Organization, and we believe that we must draw up sound plans to develop these activities. We also believe that this Organization and other bodies dealing with the world economy should cooperate closely, but without linking international labour standards with international trade. There is no reason to use these standards as protection against exports from developing countries.

We believe that this Organization should take these steps. We say this because we can draw inspiration from the United Arab Emirates' domestic policy. We have broken new ground with our legislative and social measures. We have promulgated laws which guarantee the rights of the workers and, at the same time, protect the rights of employers. In our country, we must try to consolidate international cooperation in all spheres.

Original Spanish: Mr. AYALES ESNA *(Minister of Labour and Social Security, Costa Rica)* – On behalf of the Government and the people of Costa Rica I wish to extend our warmest greetings to everyone gathered here and express the hope that the work of the 81st Session of the International Labour Conference will prove fruitful. I would also like to congratulate the President of the Conference on his election.

I am honoured to represent my country and my Government here because Costa Rica throughout its history has not only maintained close ties and links with the ILO, but has always developed in the social sphere within the context of a respect for labour and social and labour rights which have cemented our social peace during our century-old democracy, and this is why we share the ideal expounded by the Director-General of the ILO to try to promote social justice in the world.

We consider his plan to undertake a global examination of the objectives and means of action of the ILO an urgent task in tackling the new world in which we live where the barriers of intolerance have fallen. We are conscious of the fact that only through dialogue and a search through consensus for new directions and greater solidarity among countries can we transform this planet into a world of dignity for all human beings, led by the ILO which will emerge strengthened in its new aims.

At this stage we have to analyse not only labour relations within the framework of a globalized economy but we should not forget that in the world of work there have been technical and technological changes and new management practices in enterprises, States and even the ILO itself. Nevertheless, the Government of Costa Rica believes that we should also take into consideration the fact that the object of development should be human well-being without prejudice to the environment. My Government which assumed power a few weeks ago has suggested that we should try to achieve the well-being of all the people of Costa Rica through fighting poverty, ensuring modernization, strengthening the productive apparatus, and transforming the State and its institutions in order that they may be effectively placed at the service of society, which is in line with practices of the ILO, giving special attention to the needs of the weakest and most vulnerable groups.

Our country today has as President of the Republic, the son of a statesman who in 1949 abolished the triumphal army of National Liberation, and moreover constitutionally abolished the army as a permanent institution. From this struggle there emerged a new generation which founded the Second Republic inspired by the principles of social justice and freedom we had inherited. Therefore today, on behalf of my Government, I can assure you of our commitment to cooperate with the ILO in its vital mission so that together with economic growth, we can ensure social development in harmony with the environment and without discrimination against women, or the exploitation of children.

The Government of Costa Rica has five principal aims: to advance towards greater integration and more opportunities in society; sustainable development; an economy integrated into the world to the world markets; to improve strategy and consultation; and to promote a more participative democracy. We view with optimism and enthusiasm the statement made by the Director-General, citing social justice as one of the ILO's fundamental values. Our Government has committed itself to seeking economic stability as the basis for healthy development through reducing our fiscal deficit, and resulting from the restructuring of public expenditure and the strengthening of the tax administration. Equally we intend to create an economy which will be efficient and integrated as a basis for the competitivity so necessary for integration in world markets. To this end we shall concentrate on four main areas: strengthening and supporting efficient and modern cooperatives; transforming small businesses and the small-scale entrepreneur; seeking to grant easy access to shares in business and supporting the modernization of labour organizations.

In particular, our Government feels that the organization of workers in the form which they feel is most appropriate is the right of every citizen of our country and a fundamental element for strengthening our democracy. Here specifically, the Government will support the development of labour organizations, encouraging their independence from political organizations and from the State. It also supports the transformation severance pay into the right of every worker and will put our Labour Code and other legislation dealing with labour relations up for discussion and revision in order to modernize them and make them instruments able to create a society which enjoys greater democracy, prosperity, justice and solidarity.

Naturally, therefore, we share the view expressed by the Director-General in that we should promote better conditions of work and combat all forms of exploitation of the workers. Here I wish to point out that the Government of Costa Rica has made a great deal of progress in the sphere of labour in that it has ratified 49 Conventions, and a further 30 are before Parliament for ratification.

Finally, I would like to highlight the fact that our Government believes that developed countries enjoy certain comparative advantages as compared with developing countries which may put the latter at a disadvantage in terms of market competitivity in our multipolar world, and also may make it more expedient for freer trade to emerge as a way of stimulating economic development, improving living and working conditions and creating employment. For this reason the Government of Costa Rica intends qualitatively to improve human resources which are the basis of productivity and competitive capacity so that we may become truly integrated in world markets.

In addition to improvements in education and public health, we will transform the productive apparatus making it a suitable financial system for investment, and universal access to credit, and we will encourage scientific and technological training for workers and employers. In this way our Government will reflect the *raison d'être* of the ILO, that is to say to contribute to universal and lasting peace, through the promotion of development and social justice.

We fully share the hopes expressed by the Director-General that the ILO be the social conscience of the world, and of the United Nations system, and endorse his proposals that we should work together, and expand the fora whereby debate and technical cooperation among member States may be encouraged. It is therefore with great satisfaction on behalf of the Government of Costa Rica, that I reaffirm our commitment, as expressed in our national anthem that under the blue skies of our homeland "peace and work may live forever".

Original French: Mrs. SMET *(Minister of Employment and Labour, Belgium)* – 1994 and 1995 are important years for the United Nations and the International Labour Organization.

The first invites us to seriously reflect, at the dawn of a new century, upon social development throughout the world. The United Nations has proposed to support it by way of productive employment, and by combating poverty and social integration.

These themes correspond in fact to the major social challenges accompanying the current economic changes taking place worldwide. Belgium hopes that the World Summit for Social Development to be held in Copenhagen in March 1995 will result in significant and operational conclusions which will benefit the international organizations.

The Belgium Government is fully aware of the importance of these challenges at a time when international trade has been given new impetus as a result of the Marrakesh agreements concluding the Uruguay Round, and at a time when there is widespread unemployment of a structural nature in many countries, and on-going immense poverty in many others. It is indeed an extremely apposite context for the ILO.

The Report of the Director-General has been studied and commented on in Belgium and elsewhere, especially within the European Union, as an important contribution, novel on several points, to these reflections. The Conference should help to expand the role of the ILO in the panoply of decisive political, economic and social strategies which are necessary at this time, in order to adopt a balanced approach to the economic and social problems of development.

We must do all we can to reverse the very dismal trend in employment which was described in the last ILO *World Labour Report*. The strategies to be applied must give priority to the creation of a framework for the development of productive employment.

I learned about the success of the Informal Tripartite Meeting at the Ministerial Level of Employment held on 10 June. It was most opportune and I am very pleased about the support shown for the ILO to examine more regularly the global employment situation.

This discussion has shown the interdependence between employment and other policies and has revealed the need, at the international level, for effective consultation between the social partners to facilitate the smooth functioning of the international economic system.

But these strategies can only offer lasting guarantees of social justice if they are based on the careful promotion of fundamental social rights. These are the last strongholds of social justice in this era of economic globalization where everything in every country revolves around the success of economic adjustment policies. Many of these rights are enshrined in international Conventions and in several modern

Constitutions. It would be absurd, and destabilizing in the long run, to base ourselves on the assumption that we should temporarily stop promoting fundamental rights.

I would like to stress the importance of the widespread integration of internationally guaranteed economic and social rights at the national level. On the occasion of its revision, on 12 February 1994, fundamental economic, social and cultural rights were incorporated into the Belgian Constitution, including the right to work and to the free choice of profession, the right to remuneration and to fair working conditions, the right to information, consultation and collective bargaining and the right to social security.

I would like to mention the standard-setting activity of the ILO. It should not be an end in itself but a way of achieving the ILO's objectives. This activity is important in that it provides a reference system to encourage greater social justice.

To remain influential, this standard-setting activity should not aim at quantity but at relevance, adaptation to technical progress and to changes in the labour world, and to its fundamental concerns, bearing in mind the real possibilities of States. It should not be questionable from the point of view of employment policy. The ILO should pay particular attention to the ratification of its Conventions if it is not to become a museum of ineffective social awareness. The ILO must make a point of vigorously defending its most important Conventions, that is those which give impetus to social development, and in particular those on freedom of association and the promotion of collective bargaining, the prohibition of forced labour, in particular of forced child labour, and non-discrimination. We are ready to study proposals to strengthen ILO supervisory activities.

The Government hopes that the Convention on part-time work which is being finalized this year, will be drawn up with a view to facilitating its ratification. The 75th anniversary Convention – has this possibility been taken into consideration? It should provide a double signal.

Firstly, it should take into account the criticism addressed regarding the most recent standards in order to render them ratifiable.

Secondly, with this Convention, the ILO is showing that it can adapt to changes in the labour world. Part-time work has now lost its negative image, but it must be protected. In a country such as mine, there is still room for it to be developed. The Convention confirms the essential rules regarding legal protection for part-time workers: firstly, part-time workers should be given the same or equivalent protection as regards collective labour relations, health, security, the right to work and also as regards the main principles of labour law, such as maternity protection; next, remuneration should be identical to that of full-time workers, with the proper proportions of benefits being respected.

In my country, Belgium, these principles are already enshrined in laws and have been recognized by the social partners for the past ten years. The same goes for social security. However, there are thresholds in order to ensure guarantees for the financing of schemes. Here again, legislation in Belgium has been progressively adjusted in order to satisfy this principle.

Finally, employment policies should remove obstacles to the development of part-time work and should ensure the right of workers to choose freely.

In Belgium, two measures have been taken or are currently under discussion. On the one hand, the social partners have been invited to negotiate plans to share available work, where part-time work will not be imposed, but simply made available; on the other hand, I have submitted to the social partners a proposal on the reasons for a possible refusal to grant part-time work.

A series of ratifications is currently under way in Belgium. This work has shown how fragile the justification of non-ratification can be and how important it is for the ILO to remain vigilant and to carry out studies to examine why Conventions are not being ratified. The supervision of standards should provide valuable lessons. It is very important to verify the authority of the standard-setting actions of the ILO.

I have noticed that the most important ILO Conventions have been recognized as steadfast in most recent discussions on the possibility of a social clause in trade and development agreements. This is a considerable achievement. In this debate, I support a multilateral approach because it is the best way of respecting the ILO's specific role and of retaining the authority of its supervisory bodies. The Belgian Government will examine with great interest all methods proposed which could guarantee the cooperation of other international institutions.

We fear the diversification of unilateral or multilateral initiatives which could be undertaken elsewhere if the ILO is no longer in a position to really discuss the issue of the social clause within its framework and to propose a method, before discussing it with other partners.

This shortcoming seems paradoxical as the ILO has the benefit of tripartism. I note that the ICFTU, the WCL and ETUC were able to reach an agreement on the social clause, and this will greatly benefit the discussion: I have also noticed changes in the positions of some employers' organizations, not to mention initiatives which have already been taken by individual or multinational societies.

I would lastly like to mention that on 10 May 1994 and on the occasion of the 75th anniversary of the ILO, Belgium signed a tripartite declaration. (This text is available from my delegation and has been distributed.)

In the course of this discussion, it has become clear that the ILO cannot limit itself to simply monitoring its labour and social security Conventions. The ILO has also to participate in the design and evaluation of economic reform programmes.

Of course, the success of these programmes will depend on the organization, the political goodwill and the self-criticism of the governments concerned, on the groups and majorities supporting these programmes, and also on consultation between social partners. I encourage the ILO to persevere in this direction. I invite it to continue to inform us more extensively on the conditions and the results of structural adjustment programmes and to discuss the matter regularly in the appropriate fora.

On a more general note, I hope that this year's Conference will be able to bring about lasting conclusions and I am convinced, Mr. President, that this will be possible under your guidance.

(Mr. Mendoza takes the Chair.)

Original Arabic: Mr. M'KAISSI *(Employers' adviser, Tunisia)* – For reasons beyond his control, Mr. Jilani has had to return to Tunis to attend the summit conference and has asked me to address the Conference in his place.

On my own behalf and on behalf of the employers of Tunisia, I have pleasure in congratulating Mr. Gray on his election to the chair of this session. We wish him every success in conducting the remainder of our proceedings with the assistance of the Vice-Presidents of the Conference.

I also congratulate Mr. Michel Hansenne, Director-General of the ILO, and all his assistants on the 75th anniversary of the International Labour Organization; I wish them every success in their work for a better future.

We reaffirm our support for continued pursuit of the aims laid down by the founders of the Organization and for tripartism. We look forward to greater solidarity in dealing with world economic changes and regional changes that call for vigilance and determination and action to meet the challenges that confront us every day.

In this connection, the International Labour Organization has a duty – in view of its constituents and in accordance with its Constitution which assigns it the task of working for world peace and social reform and justice – to support all the social partners, to seek convergence of views, to enhance production and productivity, to provide opportunities to discuss all matters of major importance and to keep abreast of all political and economic changes occurring in the world.

We must bear in mind that the Conventions adopted by the International Labour Organization have become the barometer of social progress and relations between the social partners and a criterion of social development and respect for international instruments in the fields of labour and employment.

We must also bear in mind that the constructive tripartite cooperation that is a prominent feature of basic programmes and active partnership is supported by high-level experts in all fields and is based on advanced technology to which all organizations of employers and workers attach the greatest importance, thus demonstrating their firm intention to offer the best employment conditions so that all professional and trade union organizations may play their coordinating role and accomplish their tasks to best effect.

Taking as its point of departure the basic principles underlying the ILO's action, which is based on dialogue between the social partners, and convinced of the effectiveness of collective bargaining, Tunisia, like other countries, is keen to create a favourable climate that guarantees a decent standard of living for all its citizens. All concerned, without exception, are committed to the goal of permanent social peace based on a sense of responsibility and of civic pride within a cultural and civilizational context. The policy of the new regime has laid the basis for major progress in development and the introduction of social protection for all categories and all occupations in the framework of structured social security systems, while at the same time seeking to ensure that those systems maintain the requisite financial balance and are able to fulfil their current and future obligations

I should also like to mention the important role played by Tunisian enterprises in social protection, not to mention the additional benefits they offer their employees to ensure their security and thus help create a balanced atmosphere at work. This in turn guarantees the longevity of the enterprise by enabling it to overcome obstacles more easily in a climate of understanding and cooperation. All the partners in production try to make the enterprise advance and to maintain its achievements, because the enterprise is the main element of social progress and social stability.

I am certain that the Organization will pay due attention to this question. It has shown in the past that it is capable through its activities of finding appropriate solutions to all social problems.

I could not possibly forget to mention the pioneering role played by the Organization in improving labour legislation and reaffirming the principles of tripartism and dialogue between the parties as a means to encourage development. This activity also aims at ensuring that labour and other legislation advances in such a way that it defends the interests of enterprises, which are an active agent of development and a source of jobs. It also aims at ensuring that enterprises can create a climate conducive to ensuring the quality and competitiveness of their production in an atmosphere of constructive dialogue in which human resources are protected. The latter are, after all, the end and the means of any development.

The changes which have taken place on the international scene might have very profound consequences on employment and on the emerging new world order. We must support economic reforms and the liberalization of trade. The ILO must therefore develop new threefold strategy covering its basic postulates, its organization and its means of action so that it becomes an ideal framework for coordination and development in the light of changing world circumstances.

The International Labour Organization is celebrating its 75th anniversary at a time when a historic event, a harbinger of hope for the whole of humanity, draws us together. I refer to the elimination of apartheid in South Africa, a country that has begun a new stage in its development, casting off all traces of racism, uniting all constituents of its society and creating a climate of justice, freedom and democracy. We hope that in joining our Organization it will continue to engage in joint action for the benefit of humankind. We also rejoice at the progress that is being made towards peace in the Middle East, which will enable the Palestinian people to exercise its right to self-determination. This is a new era that will allow the Palestine Liberation Organization to continue its work aimed at the successful building of its fledgling State in a climate of security and cooperation among all those who live in the region.

Allow me, on behalf of the Pan African Employers' Confederation and on my own behalf, to extend greetings to the people of South Africa, its leaders, its parties and its trade unions. We offer them our very best wishes for progress, development and prosperity in a context of national unity. I should also like to congratulate the Palestinian people who ratified the agreement on Gaza and Jericho. We hope that it is only a first step pending the establishment of an independent Palestinian State so that peace prevails in the Middle East.

Mrs. CONFESOR *(Secretary of Labor and Employment, Philippines)* – We would like to extend our warmest congratulations on the President's election to the presidency of this Conference on the occasion of the 75th anniversary of this Organization.

May I also extend our congratulations to the Employer Vice-President, Mr. Mohammed Ali Ould Sidi of Mauritania, and the Worker Vice-President, Mr. Democrito Mendoza of the Philippines, who have, like the President, remained a strong and vital pillar of the trade union movement not only in their respective countries but in the international labour community as well.

On behalf of my delegation and Government, may I also congratulate the Sultanate of Oman, Tajikistan and Turkmenistan on their new membership of the ILO and, of course, the Republic of South Africa on the resumption of their membership.

We must congratulate the Director-General for a Report that seeks to build on the strengths and achievements of the ILO since 1919 in the promotion of social justice and the protection of workers' rights. It analyses the basic weaknesses of the present in the areas of standards, services and policy-making; explores the possibilities for an enabling environment that would enhance the empowerment of peoples and nations in a new world order; and equally proposes bold action to ensure that the fundamental ILO values are defended and made secure in these circumstances.

Free trade and economic globalization promote economic development, provide much-needed jobs and incomes and, ultimately, alleviate poverty. But there is no guarantee that social justice will be defended. And that is where the ILO finds itself today – at a crossroads, and this is true for every member State.

Achieving the right balance between standards and development, between employment and protection is a difficult, but not an impossible, task.

The Organization must be revitalized as a source of information and creative and innovative options and as a unique forum where issues affecting the three social partners can and must be debated by them.

We support the proposals that seek to broaden and deepen the participation of the member States and the social partners and to shorten, of course, the period for decision-making when possible.

The generation of productive and freely chosen employment remains the major challenge for both developed and developing countries.

The proposal to rename the Organization "the International Organization for Employment and Labour" should be given serious consideration, if only to highlight and direct more accurately our own responsibilities and give our activities a higher profile in the public eye. Combining employment and labour, as proposed, would also have the advantage of obliging us to find acceptable compromises and innovative solutions when the demands of one or the other appear to be incompatible.

The Philippine Department of Labor and Employment was so renamed in 1978, and for exactly the same reasons. The ILO, as with my department as renamed, does not create jobs, but promotes and provides advice in the formulation of economic policies and programmes that seek to generate those jobs. It ensures that the social dimension is an inherent consideration of economic and political decisions of a nation and of groups of nations.

Over the past decade, we have begun a major rethinking: for a country suffering from high levels of unemployment and underemployment, employment promotion and generation must be the major objective and not a mere consequence that would trickle down from major economic decisions. A strategy of more direct intervention by government and greater participation by the private sector is continuing to be implemented in my country to cope with the effects of economic liberalization.

The informal ministerial meeting on employment called during this Conference must be followed up at the regional and sectoral levels as well. The search for compromises and solutions will also be greatly enhanced by ensuring that employment be made a permanent subject of the Conference agenda.

A major report by the Office should be made annually to the Conference on the effects of specific economic, financial, fiscal and trade policy on labour and employment, particularly on the poorer and vulnerable categories of workers, as well as nations, regions and sectors. The report should also include an analysis of alternative strategies by countries at reconciling the equally valid objectives of employment creation, growth and stability on the one hand, and welfare and the improvement of living and working conditions on the other.

The ASEAN resolution, as well as the statements made by some of the ILO constituents in previous days, registers the major concern that the social clause may permit the indirect introduction of obstacles to trade which would replace those recently eliminated by the new World Trade Organization.

For the countries with young economies which have bravely decided in favour of liberalization, the social clause may present another opportunity to use labour rights as a trade barrier against their interests as they attempt to adapt gradually their economies and regulations to the standards of justice attained by the more developed countries. This subject should be tackled with the full participation of the Members of the ILO, including the three social partners. Clauses should not be divorced and cannot be divorced from the standard-setting activities of the ILO and the tripartite manner in which decisions must be adopted.

The pressure to use penalties rather than moral persuasion or cooperation should strengthen our resolve to ensure that through the latter economic development results in better working and living conditions for everyone.

The "soft law" approach proposed in the Report is most innovative, as it addresses the need to achieve the right balance between the universality of standards and the reciprocity and specificity of national experiences.

Let us avoid an approach that would cast developed nations as adversaries of developing nations. It would be more productive to conceive of areas of cooperation meant to strengthen particular nations when they are weak and sustain them when they are strong.

Technical cooperation and the ILO's concept of active partnership represent a challenge and a hope for those who have encountered great difficulties in coping with increasing poverty and unemployment. Technical cooperation cannot be made subject to conditions, and not even to simple compliance with ILO standards, because it is precisely to resolve problems related to the application of standards that member States need the support of this Organization.

The issues that confront the ILO today are most relevant to us in my country. We are, however, a little more fortunate today as we seek to achieve development and democracy.

Due to the economic stabilization and political stability we have achieved since the 1986 revolution, the range of options to alleviate poverty and unemployment has widened. This, of course, is constantly threatened by the very same international economic order that now provides us the opportunities for growth. We are achieving growth with democracy. It is a little too slow for some of my countrymen, but it is there none the less.

Our ability to provide higher standards of living and better paying jobs requires an ever-expanding economy. Social justice must be promoted at every level of expansion. Each minuscule increase in growth must also be reflected in better incomes and lives.

I am pleased to report to all that for the first time in many years my country's economic growth rate for the first quarter of this year of 4.8 per cent exceeded the very targets we had set for ourselves. The signs of recovery exist: a booming equity market, rising export earnings, our successful return to the international capital markets and declining interest rates. The unemployment rate has not increased with the increase in the generation of jobs, especially in industry and the services sectors. Per capita income has also increased.

As my President, His Excellency Fidel V. Ramos, has announced, the Philippines is really back in business in the heart of Asia.

A national employment programme, including an aggressive expanded manpower development programme, is being implemented alongside an economic development programme. Social reforms, such as the expansion of education and health services and the social security systems, are also part of this programme.

Labour and employer leaders have participated in a series of multi-sectoral summits that have forged some consensus, balancing and prioritizing seemingly contradictory objectives. This is reflected in the social dimension which has been brought to bear on trade and economic policies and strategies.

We have also achieved a measure of industrial peace without the withdrawal of certain workers' rights. A policy of "no cheap labour" has also been clearly enunciated by the President, especially for those who have unsuccessfully tried to manoeuvre the country into using cheap labour as its major and only competitive advantage. Instead, the strategy is to develop and enhance the capabilities of the Filipino workforce, which is presently globally competitive and in possession of world class skills.

We have, much like the ILO, embarked on a bold programme of reform amending the Labour Code of 1974. Tripartite consultations, as well as analysis by experts in the different fields of labour and employment, trade and investments, will provide us with a broad range of options to face the challenges of a new world order.

Two days ago our President, His Excellency Fidel V. Ramos, in his speech to celebrate our Independence Day, renewed his and his nation's vow to adhere to the principles of democracy. Democracy has and will continue, not only in keeping our citizens free, but also in enabling them to organize the economy for self-sustaining growth.

My President could have been talking about the ILO when he said that government must also ensure that its actions, and I quote: "are not too short, too tentative, too timid – so as to exhaust people's patience and their trust in the process of reform itself".

In conclusion, may I express the following message on behalf of my delegation. For all of us here, we must have faith and courage in our ability to achieve. We must individually and collectively promote the ILO's renewal and become as young, tough and energized as when this Organization was founded in 1919.

Original French: Mr. PEIRENS *(Workers' delegate, Belgium)* – "Social justice in a global economy: An ILO agenda", that is in fact the subtitle of the Report of the Director-General submitted upon the 75th anniversary of the Organization.

If I refer to the subtitle, it is because it summarizes the Programme of Action of the Organization by referring to the essential elements of social justice.

It is in the light of this both historical and present objective that we are participating in discussions today, not to engage in an intellectual exercise for the umpteenth time but rather prepare the groundwork.

Globalization has taken root and is developing in an anarchic fashion, which can only lead to more frequent and harsh confrontations, as well as conflicts of interests.

The absence of an international body of regulations is likely to lead States and regions to seek refuge in unlimited competition in order to attract investment to their territory.

Towards this end, they have recourse to supplementary deregulation, dismantling of current social concertation and anti-trade union repression, as well as tax breaks.

At the 23rd Congress of the World Confederation of Labour in Mauritius in November 1993, we highlighted the fact that the single path of economic liberalism is too narrow for human development. "Unless adequate measures are taken at short notice, including measures aimed at the transition to a better world economy, the people and the poorest sections in the first place, will be victimized again."

Certain circles are nevertheless of the opinion that the time has come to wage all-out war against social policies and against the positions of its actors, that is to say workers' and employers' organizations, as well as public authorities.

All these developments are obviously having a tangible effect on the operation of the ILO, and more particularly on standard-setting policy.

International labour standards are often discredited in a general sense. They are seen as being outdated and especially considered as obstacles to growth and employment, as well as to the implementation of modern policies in line with market realities.

Therefore, it is essential first and foremost to restore the effectiveness of the universal scope of labour standards.

This certainly applies to the Conventions which the ILO classifies as fundamental labour standards, as well as those which relate to freedom of association and free access to collective bargaining, the abolition of child labour and forced labour, and a ban on discrimination at work, all of which should be placed in a World Charter for Workers' Rights.

Secondly, supervision of labour standards should be strengthened. Although present ILO procedures have achieved some success, extensively based as they are on collaboration, technical assistance and dialogue, they will be insufficient as long as countries and enterprises knowingly snub the ILO. Hence our proposals and the common stand taken by the World Confederation of Labour, the ICFTU and the ETUC as regards the social clauses. We consider the social clauses as one of the instruments to ensure respect for the universally recognized fundamental standards which we have just referred to. They are in no way a protectionist instrument, nor a self-seeking unilateral action as certain governments claim they are.

To refuse to strengthen the application of these essential standards is tantamount to refusing any ethical basis for the economy; to refuse this concept of the positive social clause is to reduce humans to the status of a machine, human labour to merchandise.

To refuse to link standards to international trade, as has been proposed by certain governments at this Conference, leads us to think that these governments are not opposed to forced labour nor to child labour, and that they tolerate discrimination. They are opposed to the fact that tripartism and freedom of association can be the driving force for social economics, guaranteeing the redistribution of income which is necessary for sustained economic development.

This leads us directly to what we consider to be the second priority for the ILO: to promote employment. The Director-General recalls quite rightly that the ILO should not deal solely with the right to work but also with the opportunity to find employment. Application of Convention No. 122 leaves much to be desired. We therefore expect the ILO to act and to show proof of its creativity and optimize technical assistance as well as the needed synergy with other international actors, but also that it should ensure that the right to work does not end up being tomorrow's work without rights.

The third priority involves the promotion of tripartism. Despite flaws and certain weak points, the ILO has managed to maintain its effectiveness in the field, owing to its tripartite method.

This effectiveness is further highlighted at the very moment when the United Nations system is undergoing a serious crisis of credibility because of its ambiguous relevance.

But we cannot remain blind to attempts to reduce tripartite action, or even joint action, to merely cooperation at the enterprise level. In its general survey of the freedom of association and collective bargaining, the Committee of Experts on the Application of Conventions and Recommendations declares forthright that trade union activities and social concertation cannot be limited at the enterprise level, but instead should be applied to every level and every aspect of social and economic policy.

Social concertation guarantees in the long run the democratic aspects of society as well as the necessary social infrastructure for implementing a viable social and economic policy. Moreover, tripartism is an economic method which is economically effective.

The fourth priority is one of institution strategic priority.

The Director-General asks if we wish to see the ILO expand its international role in accordance with the Declaration of Philadelphia.

This apparently rhetorical question is nevertheless a pressing issue. In fact the World Social Summit next year as well as the forthcoming creation of the World Trade Organization will represent a decisive turning point as regards the political and legal framework of the world economic system.

It is in this context that we must affirm and reaffirm the role of the ILO. In his Report the Director-General insists that the ILO should tend its own garden and not that of others. We fully agree with that position, though pointing out that this also applies to other gardeners.

The ILO must be the social pivotal point of the new institutional system. The ILO should also be the social crossroads as regards trade, economics, development, the environment, and crop raising. The ILO should also be the social software in the context of the United Nations. The ILO should also be at the centre of social policies and not relegated to being in the legal tool box which is trotted out when necessary.

We appeal to governments to recognize the unique and indispensable place of the ILO in the social sphere, to ensure that the efficiency of its tripartism, is recognized, and that its objectives be anchored on institutional concertation.

Finally, I cannot end without referring to the signature of a tripartite statement on 10 May this year in Brussels where workers' and employers' organizations as well as Belgian public authorities reaffirmed their commitment to the ILO and its objectives. They made a joint plea for the adoption of instruments such as the social clause in order to strengthen the actions of the ILO in the future.

In addition to these declarations and statements, we would like to assure you of our continuing commitment in practice and we assure you of our active contribution to the Workers' group and to the services of the ILO in order to modernize our actions and take up the joint challenge of achieving social justice at the heart of the world economy.

The PRESIDENT (Mr. MENDOZA) – It is now my pleasure to give the floor to Mr. Al-Eissai Minister of Social Affairs and Labour, Oman. We would like to welcome and congratulate Oman as a new Member of the ILO family.

Original Arabic: Mr. AL-EISSAI (*Minister of Social Affairs and Labour, Oman*) – In the name of God, the Merciful, the Compassionate! It is a great pleasure for me to participate in the proceedings of the 81st Session of the International Labour Conference. His Majesty Sultan Qaboos Bin Said has asked me to convey his greetings to you all and his best wishes for the success of the Conference.

I wish to say a special word of thanks to the President and the delegations who have welcomed my country as a new Member of the International Labour Organization. I also warmly congratulate the President on his election. I am sure that, God willing, his conduct of the proceedings of the Conference will guarantee the success of this session. I also wish to take this opportunity to extend heartfelt thanks to the President of the previous session.

I am very pleased to note that the official admission of the Sultanate of Oman as a Member of the International Labour Organization coincides with the 75th anniversary of the ILO's foundation and the 50th anniversary of the Declaration of Philadelphia, which reaffirmed the goals of this Organization, set forth the principles to which it subscribes and called for action to ensure prosperity for all human beings, regardless of race, creed or gender.

Given that work is one of the noblest religious duties and guides human beings along the right path in life, it is natural for States to work for continuous improvement and modernization of labour legislation with a view to improving working conditions as a basic prerequisite for economic well-being and the development, progress and prosperity of societies.

The introduction of labour legislation in the Sultanate of Oman since the beginning of the country's great revival led by His Majesty the Sultan from 23 July 1970 has gone hand in hand with modernization and continuous progress in the country as a whole. I should like to draw attention in this connection to some of the provisions of this legislation, which guarantees a wage commensurate with the type and quality of a person's work, fixes working hours, provides for paid weekly and annual leave, sickness, disability and old-age benefits and compensation for industrial accidents. There are also special provisions governing the employment of women and young people.

This legislation is consistent with the Sultanate's aim to provide a free, decent and secure life for all workers and with the goals of the Arab Labour Organization and the ILO. The Sultanate intends to continue its efforts in that connection with a view to making further progress at both the Arab and international levels in order to enhance the potential of the sector and its effectiveness in activating and developing society and moving it towards progress and prosperity.

In the field of social security, the State is engaged in continuous action to organize employment and training in such a way as to guarantee material and psychological stability for workers. In addition to the benefits I have already mentioned, compensation for industrial accidents, disability, death, old-age and sickness benefits, labour legislation provides for social insurance, a scheme that came into force in 1992 for workers with permanent contracts. Such insurance has now become a basic right guaranteed to workers as protection against social risks, especially old age, disability, death and industrial accidents. Moreover, social insurance is not just a humanitarian requirement but a basic social and economic necessity that all countries, irrespective of regime, are seeking to achieve. Economic prosperity and social development increase in line with the living standards and health of the individual members of society.

In response to the economic revival under way in the Sultanate and the existence of effective labour market demand as a direct result of the application of the principle of diversification of sources of revenue and the setting up of new industrial, commercial and agricultural activities, the Government of the Sultanate has adopted a scientific approach to the training of the labour force to meet the country's needs for various kinds of expertise and technical skills and to prepare studies and field research into conditions and trends on the labour market and factors influencing its development, wage levels, productivity, the size and characteristics of the national labour force and changes in its composition due to education and training in the country. The Government has set up a number of multidisciplinary vocational training colleges and has converted some of them into technical faculties equipped to train professionals in the technical and administrative fields.

The Sultanate is seeking to provide the requisite insurance for workers in the private sector in order to guarantee stable relations between employees and employers in accordance with the Labour Code. This in turn has a favourable impact on production and creates a climate conducive to better human relations between the social partners based on mutual respect. It also means that labour disputes, whether initiated by workers or employers, can be settled in a balanced way in accordance with the legal provisions in force.

In the light of the changes in social and economic circumstances in the country since the promulgation of the first labour law in 1973, a new labour code has been proposed to deal with the overall change in the labour system.

The agenda of the 81st Session covers a wide range of important subjects but I wish to make special mention of the ILO's constructive efforts to ensure proper protection for workers in mines and quarries. We agree with the International Labour Office on the measures needed to reduce the incidence of industrial accidents and occupational diseases. These measures will also yield economic benefits for employers and governments in terms of greater productivity and a reduction in compensation payments. We also approve of the endeavour to adopt new international standards laying down general principles for the protection of workers against occupational risks and the reduction of the risks to workers' health and well-being to a minimum.

We also agree with the view that private employment agencies contribute on the whole to the efficiency and stability of the labour market and to creating a better balance in market conditions.

On behalf of my delegation, I wish to take this opportunity to congratulate South Africa on its great victory in achieving social justice and equality for all citizens.

I wish this Conference every success and I pray that God may guide our proceedings so that we adopt constructive resolutions that make a major contribution towards strengthening and consolidating the work of the ILO and its effective role in the service of the social partners.

May God grant us success.

Mr. BALOPI *(Minister of Labour and Home Affairs, Botswana)* – Allow me on behalf of the Botswana delegation and on my own behalf to congratulate the President, for the honour bestowed on him and the Vice-Presidents in having been entrusted with guidance of the deliberations of this historic 81st Session of the International Labour Conference.

The Conference is historic in that we are meeting at a time when significant events are taking place globally. Here, at the ILO, we are celebrating the 75th anniversary of the ILO, as well as the 50th anniversary of the Declaration of Philadelphia.

Recently, in April, we witnessed the birth of a new democratic South Africa. The transition to democracy in that country no doubt represents a clear-cut victory of good over evil. The abolition of apartheid in South Africa and the transition to democracy will have an important bearing on the ILO: the Conference will, in line with the November 1993 decision of the ILO Governing Body to suspend the policy on action against apartheid, have to give directions on the fate of the Declaration concerning Action against Apartheid, as well as the Committee on Apartheid. Other equally momentous events have taken place.

Recently, at Marrakesh in Morocco, we witnessed the culmination of protracted Uruguay Round of talks in the establishment of concrete liberal trade agreements declaring the world market as one common place. The Conference will also have to examine very carefully the decision of the Marrakesh Conference to leave labour and social matters out of trade agreements. Such an exclusion is welcome, for there are fora where these issues can be better and expertly addressed. We believe the ILO is the right forum.

As we commemorate the 75th anniversary of our Organization, we are privileged that we have at our disposal a very candid guiding document in the form of the Director-General's Report which poses very pertinent questions as to how we ought to define a common vision, not only for our Organization but also for the improvement of the daily life of our fellow men.

While a reinvigorated Organization such as the ILO will endeavour to continue to defend its principles and objectives as well as the values it espouses, it also has to recognize, accept and associate itself with the positive changes that are globally taking place.

The Director-General's Report, *Defending values, promoting change – Social justice in a global economy: An ILO agenda* contains critical questions which need the Conference's serious consideration. One wonders whether a general debate in plenary is the right forum to address such specific issues and to provide clear policy guidelines for the future orientation of the ILO. Maybe special committees should be established to address these issues in greater detail.

I concur with the argument that the ILO has the duty to promote the dignity of the working people by combating all forms of exploitation and thus espousing social justice. This has been done through a labour code in the form of international labour standards. It is therefore important to examine the relevance of these international standards in a world that is clearly sending out a message of deregulation.

I believe in the ILO: it has been chiefly responsible for framing international legislation in the social field, and has therefore done a commendable job. There is no cause for panic. In that context, the ILO remains the social conscience of the international community and I strongly believe it should so remain. The ILO has over the decades promoted social justice. Key Conventions that immediately come to mind include: the Abolition of Forced Labour Convention, 1957 (No.105), the Equal Remuneration Convention, 1951 (No.100), the Freedom of Associate and Protection of the Right to Organize Convention, 1948 (No.87) the Employment Policy Convention, 1964 (No.122), the Minimum Age Convention, 1973 (No.138) and many others. The glaring inequalities between States and between regions and even within States have to be continually addressed and the ILO's role in that respect remains pivotal.

Admittedly, what the ILO can do internally is to undertake a review of the relevance of existing Conventions. Such a review should indicate whether there is a need to revoke, amend or modify some of these Conventions. What we should not lose sight of is the fact that social matters will need to be continually addressed in the aftermath of the Marrakesh Conference. The ILO should authoritatively take up this assignment.

The issue of whether the ILO should now stop adopting international labour standards does not arise because, with development, new situations will develop that will need to be discussed and where it is deemed necessary to adopt international standards in the form of Conventions or Recommendations.

Most of the developing countries are implementing structural adjustment programmes which have not taken into account the social impact of such programmes. The need to continue to honour debt obligations by these countries is a foregone conclusion. However, I wish to call upon the Director-General to ensure that social and labour matters, rightly excluded from the Marrakesh trade agreements, are urgently studied and member States are provided with the technical information as to the merits and demerits of their inclusion in the trade policies.

The other area that needs our examination is what role the ILO should play in a world that is characterized by innovation in economic and social affairs. Is the choice of the ILO significant in shaping international policy in that regard? No doubt the ILO has played a significant role in assisting member States by providing expert advice in areas of drafting labour legislation, setting up social security systems, employment policies and others. However, the ILO seems to have lagged behind in terms of shaping international policy. For example, the exclusion of social aspects in structural adjustment programmes is one such case in point.

In a fast-changing world, member countries expect the ILO to be a source of reference on issues such as mobility of finance, transferability of manufacturing capacity, the movement of labour, the free movement of goods, etc. This means that the Research Branch of the ILO will have to be improved to handle technical issues that may have been outside the normal activities of the ILO in the past.

We have to applaud the Director-General for recognizing this weakness of the ILO and for requesting the Conference to give his Office the mandate to engage in the free interplay of ideas, the examination of problems and issues without preconceptions. At the same time, member States should declare their readiness to accept and respond to constructive criticism.

This Conference should therefore mandate the Governing Body and the Office to explore means of strengthening the ILO organs by enhancing their intellectual capacity to facilitate the ILO playing such a role.

Linked to the above is the ILO's innovative active partnership policy in Africa which will be executed by multidisciplinary advisory teams set up in five African subregions. The multidisciplinary advisory teams, while executing technical cooperation activities, will ensure that the needs and priorities of the recipient countries are quickly and adequately addressed while at the same time assisting in capacity building. It is therefore logical that, with the ILO rendering policy advice at national and regional levels it should, of necessity, have a greater influence in international policy-making.

I wish to end on a happy note by welcoming South Africa, our dear neighbours and our worker neighbours, to the ILO after three decades of isolation. As I said at the beginning, the transition in South Africa to democracy represents a clear victory of good over evil. Apartheid may be no more, but the battle is not over as we begin the reconstruction of post-apartheid South Africa. The international community has to play a major role in that drive and the ILO, through the active partnership policy, is best suited to render the technical advice so badly needed by South Africa.

In conclusion, my delegation wishes to express its full commitment and support to the President in his effort to steer the deliberations of this Conference to their logical conclusions.

Original French: Mr. BLONDEL *(Workers' delegate, France)* – Before beginning my address I should like to indicate how satisfied and proud we are to see the President assuming this function. A free and independent trade unionist presiding over the Conference at this time is symbolic. There are in the life of international organizations some moments which are of special importance. This is the case today for the International Labour Organization.

After 75 years, we have accumulated a great deal of experience, greater in fact than other organizations.

After 75 years, we have also earned respect and gained wisdom.

After 75 years we can now look back and see what has been accomplished. The ILO can be proud to have promoted freedom, to have helped spread freedom of association and negotiation, to have contributed to the elimination of apartheid and to have made a case for economic and social development.

We can also rejoice because the ILO since its establishment has succeeded in having freed 10,000 trade unionists in the world.

Seventy-five years is a good age at which to reflect on the future and to identify what needs to be done to strengthen the Organization still further. After nearly four generations of existence, we can afford to extract the essence of the Organization and to concentrate our strengths on it.

In a way the ILO is doing this today.

This thought is based on two major inter-related changes.

To start with, the events which took place in the eastern part of Europe in the 1980s called into question the previous model in this region. It should be pointed out that the ILO played its part in these changes. It played just its part, but it did so fully.

We are no longer living under the system of blocs which had prevailed since the Yalta agreements.

Secondly, the generalized spread of economic liberalism, which has nothing to do with the liberalism of enlightenment has marked the world since the beginning of the 1980s.

Just as the model of the eastern countries became a source of mistreatment and excess in the name of the collective, and eliminated collective and individual freedoms, the new, neo-liberal model has become a source of abuse in the name of the individual, and has sapped the rights of the collective and those of the most disadvantaged individuals.

What we can call the cult of economic liberalism has generated inequality, poverty and unemployment by diminishing the role of the public powers and by promoting the free market as a doctrinaire policy.

The *laissez-faire, laissez-passer* approach, when applied as a doctrine, leads to a law of the jungle where the weakest are left behind. Organizing them and defending their rights is perceived as rigidity.

In these conditions, the liberalization of markets, deregulation and flexibility, together with the revolution in time and space brought about by technological advances, have given competitiveness the priority over productivity and have placed more importance on the consumer than on the worker.

But consumers have to be in a position to consume!

Such an approach is both socially and economically suicidal.

It is an approach leading to exclusion, austerity and poverty.

And we have seen from our experience throughout the world that poverty is the first foe of democracy.

It is our responsibility to repeat that misery operates in a vicious cycle. It does so materially, but also socially and culturally.

When people can no longer consume, the doors of integration and education shut and illiteracy takes hold.

Tension increases, and people turn to backward ideas and fundamentalism, which in practice thrive off poverty in a perfectly legal manner.

Because of its original objectives of social and economic development, of social justice and peace and of respect for individual and collective freedoms, and because of the international labour standards which are its means and the tripartism which is its specific framework for action, the ILO today has an essential role and a crucial responsibility.

It is its duty to promote at the international level regulatory mechanisms to ensure social progress and fair competition.

The challenge for us is to harmonize upwards while not keeping anyone down.

It is to ensure respect for individuals and peoples and to protect them against arbitrary influences of any kind.

We must meet this challenge, especially if we do not want the ILO to be accused of rigidity and to be taken away from its role and from these objectives.

In a word, we have an opportunity. It is the opportunity mentioned by the Secretary-General of the United Nations in his address of 9 June 1994.

It consists of defending the role of the ILO by promoting it in relations with other international structures, such as the IMF, the World Bank, and the GATT or the World Trade Organization, in the adoption and implementation of social clauses. The words "social clauses" should scare no one.

Contrary to what some may say, the social clause is not aimed at establishing a world minimum wage.

It would be ridiculous and it would be insulting for the members of the Conference to think that this could be the objective.

The social clause is simply and seriously aimed at making sure that international labour standards are effectively respected, particularly as regards freedom of association, the freedom to negotiate, the prohibition of forced labour and child labour and non-discrimination.

Need I recall from this rostrum that this idea stemmed from a high-level conference, that it was initiated some time ago by the Office and by the predecessor of the Director-General, and that it was a consequence of the developing countries' complaints and claims concerning their debt and the tactics of the IMF?

Need I recall that even then we called for the application of standards to be taken into consideration by international financing bodies?

Need I repeat that the countries which appear to fear this initiative are already partially bound to apply these standards?

Finally, need I remind the trade unionists of those countries that we are not practising protectionism, but on the contrary, solidarity, and that we would like to promote the growth of global demand by ensuring more solvency for workers?

Of course, this should be accompanied by practical and progressive measures in which the ILO should play a very important role. But it also implies, for example, that the price-setting mechanisms of raw materials should be reviewed.

It means that the industrialized countries should promise not to use the protectionist tool of flexibility to compete with the developing countries.

It also means we must quickly determine our relationship with the WTO.

In 25 years, the ILO is going to celebrate its 100th anniversary. We must get down to work, so that in the year 2020 those who will participate in the Conference shall be in a position to look with pride on the work carried out by the ILO in the fields of social progress, economic development, social justice and peace.

The ILO has time, its way of working and its international nature on its side. It is now up to us to benefit from it in everyone's interest.

Synergy results more from compromise than from consensus. Life is tension. Discussion, ambition and conviction generate progress.

Original Arabic: Mr. AL GHAZAWY *(Government delegate, Jordan)* – In the name of God, the Merciful, the Compassionate! I am particularly happy on behalf of the Hashemite Kingdom of Jordan and on my own behalf to congratulate the President on the occasion of his election to the Presidency of this International Labour Conference. We wish him full success in his responsibilities and we are convinced that thanks to his efforts we shall succeed in attaining the objectives which we have fixed for ourselves. We are happy to present our congratulations to the Vice-Presidents.

We would also like to congratulate Oman, Tajikistan, Turkmenistan, and especially South Africa for having joined the International Labour Organization.

With a feeling of friendship, as always during this Conference, I present to you our warmest congratulations, that is to say, to the International Labour Organization on the occasion of its 75th anniversary. This Organization has achieved many of the noble objectives for which it was founded. It has contributed effectively to the creation of democracy, to social well-being, to the improvement of labour legislation, and the defence of freedoms, in the interest of its social partners, all of which has been achieved thanks to cooperation and ongoing dialogue among the various partners.

The Director-General of the ILO in his Report, *Defending values, promoting change*, raised a particularly delicate and important point.

During this celebration of its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia, which is the most important point of departure in setting guidelines for the Organization's activities, the Director-General in his Report raises a number of issues and presents certain theories as regards the manner of regarding future activities by the Organization, whether it is a question of its policies, objectives or programmes – anything which could help the ILO in meeting the challenge of the future and thus adapting to a changing world and global economy, shielded from conflict and contradictions, fostering solidarity and cooperation in order to achieve social justice.

It is useful to examine and to analyse in depth the points to which the Director-General paid particular attention, namely the need for a common vision of social justice and the means necessary to achieve it, and also the need to use the various services of the International Labour Organization in a more flexible and balanced way.

In his Report the Director-General says that the longevity of the ILO is proof of its capacity to adapt to today's and tomorrow's world in order to deal with the inevitable problems that arise and to continue to assist the labour world.

Whilst recognizing the importance of the Report of the Director-General and its noble objectives, we would like to make some observations.

First of all, the deliberations referred to by the Director-General which took place in the framework of the International Labour Conference do come under the ILO's mandate, contrary to what the Director-General maintains, who, we think was referring to the struggle against apartheid and the follow-up of the situation of Arab workers in Palestine and the occupied Arab territories. These debates were both important and necessary and they remain so, given that workers and employers in these areas are still living in deplorable social and economic conditions.

Secondly, the supervising of the application of international labour standards which have often been the focus of bitter discussions during the Conference, must be examined seriously, as all issues relating to standards call for in-depth study.

Thirdly, like many others we feel that there should not be a link between the application of standards and the granting of technical cooperation programmes, especially given the nature of current relations between the developed countries and the developing countries which are experiencing economic and labour problems.

Fourthly, the Report of the Director-General tackled the issue of the social clause in international trade relation as defined in the most recent GATT agreements. It is to be hoped that the application of this agreement will not undermine the interests of developing countries.

Fifthly, the Report clearly describes the challenges that the labour world must take up to guarantee social gains and to create jobs.

Attention should be paid to the negative effects of the debt and to its consequences, such as restructuring and economic reform programmes. Another challenge is to stimulate growth in order to create jobs in a world where capital movements are entirely unregulated and where the principles of social justice are being eroded.

We believe that these are truths that we should dwell on, all the more so given that we are meeting here at the ILO, which is the social conscience of the world.

Still in relation to the Report of the Director-General, we would like to say that we must attend to the most disadvantaged sectors of the population and avoid social and economic divisions, and all the resulting tensions. In this connection, the Jordanian Government has promulgated a special Act for the training and employment of the handicapped. We have ratified the Arab Convention on this problem and we are considering the ratification of the international Convention on the same subject.

The Government of my country has also set up special funds to provide the necessary assistance to disadvantaged persons, such as the National Assistance Fund and the Development and Employment Fund.

The Government of my country encourages any initiatives aimed at integrating these disadvantaged categories into society and ensuring their development. In this connection, we commend the ILO's technical assistance, in particular with respect to the Queen Alia Fund for Voluntary Social Action which is supervised by Her Royal Highness Princess Basma Ben Talal, which promotes benevolent social activities.

Jordanians are very proud of their stable country, which is thanks to the policy adopted by His Majesty King Hussein who favours both economic and social global development, political pluralism, the multiparty system and the respect of human rights and of international legitimacy.

I would like to salute the cooperation which exists between my country and the ILO and to express our thanks and gratitude to the Director-General and the members of the Governing Body for all the efforts they have made to improve this cooperation.

Original French: Mr. NORDMANN *(Government delegate, Switzerland)* – I would first like to congratulate the President upon his election to the presidency of the 81st Session of the International Labour Conference. My congratulations also go to the Vice-Presidents from the ranks of government, employers and workers.

I would also like to thank the staff of the International Labour Office, as well as its Director-General, for their commitment to the work of the Organization throughout this year.

To mark the 75th anniversary of our Organization, the Director-General has devoted his Report to the future role of the ILO in guaranteeing social justice in a globalizing economy. This is a bold Report, containing a wealth of information and suggestions. I would like to congratulate the Director-General on his Report, and even more so for having chosen to show how the ILO can move with the times, both in its action and its philosophy.

It is not enough to say that we are going through a period of deep changes in our economies and our societies, which sometimes challenge our traditional values and the social achievements of which they are based, we must also find answers to the formidable challenges the world faces today – answers adapted to our perpetually changing world.

No country, and no national or international institution can contest the need for a more just world and a more equitable society.

However, reality shows us how difficult it sometimes is to realize this ideal of justice and equity in the economic and political conditions that prevail.

Through the numerous activities it has undertaken relentlessly during the 75 years of its existence, the ILO has been able to ensure a fine balance between the economic and social aspects of its mission.

More than ever the international community today needs a "social foundation" to unite us around common values, to allow us to reconcile the economic demands of an increasingly competitive world with those of a more equitable society.

The ILO must, in future, guarantee this "social foundation", with its specific functions and attributes.

The Director-General's Report offers us an opportunity to consider the resources the Organization should put to play to better respond to the expectations of the international community. I am not going to review them all – not for lack of time – but because my intention is more to indicate the priorities Switzerland would like to see take centre stage in future ILO activities.

As regards the social side of world trade, our Federal Counsellor, Mr. Delamuraz, has already alluded to this key issue for the ILO in his official statement on 7 June. Switzerland would like to see substantive debate on this subject within the ILO to better implement relevant international labour standards without opening the door to protectionism or to sanctions.

The ILO should therefore launch a process of defining the "core" of social rights which are linked with trade, and reflect on the steps to be taken to ensure better implementation of these rights. In this connection, on the whole, Switzerland supports the proposals made by the Director-General. However, it should not be forgotten that Conventions are legally binding only on States which ratify them. We therefore support any search for synergy between the supervisory systems of the two international institutions directly concerned at the world level, namely the World Trade Organization and the ILO.

Standards are and must remain one of the main ways for the ILO to achieve its objectives. With the number of standards it has ratified, and the effort it devotes to their implementation, Switzerland has shown how closely it identifies itself with the basic principles of this Organization, its standard-setting system and the labour code that has been built up over the decades. However, there is no denying that, over recent years, Conventions have become increasingly difficult to ratify and implement in a national context. Switzerland will support any step to define the criteria for drafting new standards that effectively serve the ILO's objectives. For my country, the prime criterion is that the ILO should draw up new standards only if they are absolutely essential.

Second, national administrations of countries present at the Conference should make a special effort to ensure that new standards are drafted in such a way that they can be ratified and implemented by the largest possible number of ILO member States. The Office will, of course, need to give effective back-up in the drafting process, but we cannot hold the Office responsible for any difficulties encountered in applying standards adopted by this Conference – the world's Labour Parliament. In this connection we believe both the Conference committees and plenary should make a special effort to ensure that standards attract a true consensus right from the very first preparatory stage.

Finally, we have to ask whether it is wise to maintain the same tempo of adopting new instruments. Switzerland does not favour legislating in detail right, left and centre. By preference, priority should be given to a systematic revision of existing Conventions, and we will support any effort in that direction. We hope such a revision would group standards together where possible, and open-up new prospects for ratification and implementation by member States. The revision should be done flexibly, without unduly burdensome procedures: for instance, amendment protocols could be adopted, where necessary, to strengthen the conditions for Conventions entering into effect (for example: number of ratifications) or for simplified denunciation.

In the future, the relevance of the ILO's activities will be conditioned by the degree to which this Organization remains a "home base" for all countries of the world. Naturally, since our planet's countries are at such differing stages of development, certain areas – for instance, technical cooperation – need to be targeted at the least privileged countries. Switzerland holds great store in building strong links of solidarity with populations in need: this is why Switzerland has bolstered its commitment to East and Central European countries and has granted greater financial support to the activities of the Turin Centre.

Other developed countries, like Switzerland, all need the ILO. The international instruments of the ILO, adopted and ratified by my country, have built up a minimum body of legislation to which we are profoundly attached. In the policy of deregulation we are applying to various sectors of our economy, the ILO standards provide a point of reference, a threshold below which we must not descend.

New countries are acquiring independence and are seeking international recognition by joining the ILO; some countries have rejoined after many years of absence – I would like to recall here the awe-inspiring message of hope signalled for all of us by South Africa which has now rejoined our ranks; all of this illustrates how much the ILO works in consonance with the times.

Switzerland has confidence in the ILO, and hopes that the Organization will be able to negotiate the turning point for the legitimacy of its action. I can assure you that my country will concentrate on pushing forward true reforms within the ILO so that it can continue in the service of universal welfare and social justice.

Mr. KANYANYA *(Minister of Labour and Manpower Development, Malawi)* – It gives me great pleasure and honour, on behalf of the Government and the people of the New Republic of Malawi, to be accorded the privilege of addressing this august assembly.

First of all, I would like to convey to you all warm and fraternal greetings from His Excellency the President of the Republic of Malawi, Mr. Bakili Muluzi, and the people of Malawi. I also wish, on behalf of my delegation and indeed on my own behalf, to congratulate the President most sincerely on his well deserved election to preside over the deliberations of this 81st Session of the International Labour Conference. I do believe that with his vast wealth of experience, wisdom and able guidance, he will bring the proceedings of this Conference to a very successful conclusion.

I would like, therefore, to assure the President and the Officers of the Conference, of the confidence we have placed in them and of the support the Malawi delegation will give them in all the deliberations at this Conference.

Allow me to heartily welcome the following new Members of the ILO: Tajikistan, Turkmenistan, Oman and, indeed, South Africa; and in a very special way, to extend most sincere congratulations to South Africa for their successfully concluded democratic elections that have given birth to a new multiracial and democratic Republic of South Africa.

May I now turn to the reports placed at the disposal of this Conference that form the basis of our discussions. With reference to the Report of the Director-General, *Defending values and promoting change*, my delegation considers the Report to be a timely outcome of great thought in seeking solutions to labour problems in the context of overall international development issues. Given the mandate of the ILO, to advance world peace by promoting social justice, this is a welcome move that deserves the support of the member States of the ILO and its constituents. The world economy is becoming both internationalized and interdependent. There is thus a need for the ILO to adapt to these changes in order for this world body to be more responsive to the needs of its Members.

The Director-General has ably brought to our attention the major changes which have taken place in the world since the ILO was founded in 1919 and the Declaration of Philadelphia was adopted at the end of the Second World War. The world division between East and West and thereafter North and South created a dual tension until recent years; however, this has been somewhat relieved with the demise of Communism and the globalization of the world economy. This has inspired a new hope for a better future but for a country like Malawi, it is the widening inequality in development between the developed and underdeveloped countries that is of paramount concern.

We observe that indeed the market economy and democracy are gaining ground; the globalization of the economy is increasingly expanding with the gradual liberalization of national economies; and there is a growing integration of financial markets and a massive flow of capital between countries. Despite all these developments, there are many countries today whose citizens are still subjects of poverty, suffering from the double scourge of unemployment and underemployment. The Director-General, has in his Report, rightly made reference to this observation.

The problems of poverty and employment creation in sub-Saharan Africa are worsening as this subregion is increasingly being marginalized in the world economy.

Certainly, it is a paradox that Africa should be grappling with poverty and underemployment in Africa at a time when the rest of the world is looking into the future with some hope. National governments in Africa could benefit from integration of their national economies into a global system if the benefits from international trade resulted in the development of the entire nation. This does not seem to be the case at the moment. The terms of trade are not favourable to the trading partners in the African region to allow the countries in this subregion to develop, attract further investments and therefore generate jobs.

Malawi puts an overriding priority on providing productive and freely chosen employment to the country's increasing labour force, as a major source of income. Malawi's social objectives of combating poverty and unemployment will not be realized as long as the gains from international trade are still minimal. Since the country's independence in 1964, Malawi has adopted an outward looking development policy centred on agriculture. Malawi's economy, therefore, is still vulnerable to international policies that have direct effect on the already limited national policy options for development.

There is, indeed, a direct link between international trade and social progress within a nation. It is here that the question of consideration of international labour standards for fair trade practices becomes relevant. International trade can spur economic development – and in the process social progress – if it results in increased investment, generation of more jobs, higher incomes and the general improvement in the quality of lives of the working population.

My delegation observes that although liberalization of international trade and capital movements provide the possibilities for economic growth, employment creation and poverty alleviation, they are, however, no guarantee for social progress to be realised for the majority of the working population in Africa as things now stand. Malawi would thus support the view for the international community, as it is being advanced in the Report of the Director-General, to critically examine the relationships between the role of international labour standards in promoting social justice and international trade for economic development. There are indeed benefits that may accrue from increased and continuing liberalization of international trade, but there is still need for ensuring that the gains made are equitably shared with the workers.

The ILO has a constitutional mandate to promote social progress within member States and thus contribute to world peace. Given its expertise, long experience in the formulation and supervision of the application of international labour standards, and unique tripartite composition of membership, the ILO is the best placed United Nations agency to enter ably into social dialogue with other organizations concerned with finance, economic and trade issues – as long as they have a bearing on employment generation and the attainment of higher standards of living. ILO efforts should be supportive of international trade practices that lead to sustained development and a general rise in the standard of living of the people. The ILO would indeed cease to be a major source for promoting social justice through social and economic policies adopted and implemented by member States, if its influence did not extend to international policies. This is because factors that have a direct bearing on social progress are no longer wholly controlled by national governments.

Malawi continues to be a beneficiary of the ILO's technical assistance through its regional projects such as the African Regional Labour Administration Centres (ARLAC) and the Southern African Multidisciplinary Advisory Team (SAMAT) that need to be fully supported by the ILO. We very much welcome the active partnership policy adopted by the ILO so that it might better respond to the needs of its Members in technical cooperation. Malawi particularly requires the ILO's technical and financial assistance in the area of employment generation, as it has an increasing labour force; this is truer now than ever, as the multiparty democratic State guarantees basic human rights as embodied in the country's Constitution such as the respect of freedom of association and promotion of the collective bargaining process. It is for this reason that the new Malawi Government, which is barely a month old, has actively begun a study of the international labour Conventions and Recommendations with a view to ratifying or adopting them.

Malawi thus values greatly technical and financial assistance from the ILO in the human resources sector; and it is my sincere hope that under the new political order this will continue and increase in order to nurture and strengthen the still fragile democracy.

Malawi will need ILO assistance in the areas of employment promotion such as entrepreneurship development, vocational rehabilitation and industrial training, considering the country's increasing labour force in search for jobs. Technical assistance will also be required to strengthen the principle of tripartism in the country, in particular freedom of association, collective bargaining and the labour administration. The social security system also needs to be established – and for this purpose studies have to be carried out together with the training of staff. And for an environmentally sound and sustainable development, continued assistance in the areas of occupational health and safety is also a necessity.

As in the past, we hope to receive an even more positive response from the ILO regarding our requests for technical and financial assistance in order to address the development needs of the nation.

For this reason, my Government has taken a keen interest in the technical cooperation programmes of the ILO and we are looking forward to developing more active cooperation with this Organization in the fields of labour, employment and development.

Mr. MOORE *(Minister of Labour, Human Resources and Training, Bahamas)* – Firstly, on behalf of the Bahamas delegation, I wish to congratulate the President on his election to the Presidency of the 81st Session of the International Labour Conference. It is most fitting that a Workers' delegate is chosen as President of this Conference, as we celebrate 75 years of the existence of an Organization which has contributed so much to improving the lives of working people in all countries of the world. I also add my congratulations to the Vice-Presidents on their election.

Again, on behalf of the Bahamas delegation, I wish to extend our warmest congratulations to this august body on the occasion of its 75th anniversary. Over the years, the International Labour Organization, through its tripartite composition, has contributed significantly to a greater awareness and understanding of the need to foster and maintain industrial harmony in member States. The Bahamas would wish on this special occasion to reaffirm its commitment to the beliefs and principles on which the ILO was founded.

Anniversaries provide an excellent opportunity for assessment and evaluation; an opportunity to reflect on how far the Organization has come and the distance yet to be travelled.

It is no mere coincidence that the important highlights of the ILO's history parallel periods of great social upheaval.

The ILO was founded after the First World War, and was in one sense a response by a war-weary world to a deep-seated longing for permanent world peace. It was hoped that the institutions founded after the war would help to maintain the newly established peace, and ensure that never again would mankind engage in such mass destruction.

The embodiment of this longing is, I believe, summed up in one of the principles of the ILO – that universal and lasting peace can only be established on the basis of social justice, and social justice can only be achieved when workers are all free, working in their freely chosen professions and occupations and adequately rewarded with wages freely negotiated by collective bargaining.

The social upheaval caused by the Second World War, which ended 50 years ago, provided the ILO with an opportunity to review its principles and beliefs, and to decide whether the failure of the world to remain at peace was a reason to change in a fundamental way the principles, beliefs and structures on which it was founded.

This review took place at the 1944 Session of the Conference in the city of Philadelphia. The resulting Declaration was a ringing reaffirmation of the founding principles of the ILO and proclaimed the belief that greater activism on the part of the ILO was necessary to bring about the social justice which was and still is a necessary precondition for world peace.

The end of the Cold War and the apparent triumph of free economics and free trade have produced yet another period of social upheaval. One of the disturbing features of the current social upheaval is the loss of faith by the peoples of the world in the ability of their governments and institutions to achieve social justice and usher in a period of world peace and prosperity.

Occurring as it does, as the ILO celebrates 75 years of existence, an opportunity is presented to the Organization to review again its principles and chart new courses for a world that has seemingly lost its sense of direction and purpose.

I believe that when the review is completed, the ILO will once again reaffirm its belief that only when all men are free – free from oppression, poverty, unemployment, political dictatorships and racism – will the world experience the kind of world peace that the founding fathers envisaged 75 years ago, when this Organization was established, and a peace which the oppressed people of the world so fervently wish for today.

Some organizations grow old without growing up and others have a tendency to outlive their usefulness. Fortunately, the ILO does not fit into either category. The need for the ILO is as relevant today as it was 75 years ago and credit must be given to the leadership of this Organization for recognizing the need to adjust to the changing times while at the same time seeking to adhere to its original principles.

As the ILO moves towards its centennial, there is consequently a need for Members to strengthen their relationships with the Organization, because the changing social and economic conditions have brought to the forefront new social and economic problems. There is now more than ever a greater need for the services which the ILO provides, particularly in the area of technical cooperation. The Bahamas is pleased to note that steps are being taken by the ILO to strengthen its research capabilities in order to provide and publish analyses of current social issues of particular concern to member States. Such information would greatly assist policy-makers and social partners as they seek to grapple with the social and economic reforms.

The consideration being given to the establishment of a forum for debate is an excellent idea. Meetings with a technical theme and with appropriate experts to discuss areas such as employment, training, privatization, etc. would provide an opportunity to exchange ideas and share experiences which should prove useful to participants.

The Bahamas supports the playing of a greater role on the international scene by the ILO. Due to the nature of its mandate and its experience over the years, the ILO is strategically placed to exercise great influence on the deliberation and policy decisions of those institutions which play important roles in the management of the world economy. The involvement should not be done at the expense of its constituents but rather should ensure that labour-related issues and concerns are taken into account at the highest international level.

In order to allow for full debate on major problems facing the world economy, we support the biennial conference of the Governing Body, which would discuss at its meetings the employment situation and the trends in the world economy which affect employment in member States.

The ILO's past is our heritage. The ILO, as it is at present, is our responsibility. The ILO's future is our greatest challenge.

Let us all resolve to successfully meet the challenge and create an era of world peace and prosperity, based on social justice.

(The Conference adjourned at 1.15 p.m.)

Thirteenth sitting

Tuesday, 13 June 1994, 3 p.m.

Presidents: Mr. Gray, Mr. Ould Sidi

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We shall now continue our discussion of the Reports of the Governing Body and of the Director-General.

Mr. AHMED *(Workers' delegate, Pakistan)* – In the Name of God, the Merciful, the Compassionate! On behalf of the Workers' delegation of Pakistan and myself, I feel it a great privilege and honour to offer my sincere congratulations to the President on his on well-deserved, unanimous election to the presidency of this historic session of the Conference, in which he is representing the international workers' group as well as the working class of his own great country, the United States of America. I also take the opportunity to convey congratulations to the Vice-Presidents including my old friend, Brother Mendoza, representing the workers' group, and to convey fraternal greetings on behalf of the workers' group of Pakistan to all the distinguished members and participants of this Conference.

We welcome the membership of South Africa as an independent nation and salute the independence achieved by the heroic struggles of the people of South Africa under the able leadership of President Mandela. The people of Pakistan were represented at the historic oath-taking ceremony in Johannesburg by our Prime Minister who reflected our country's good wishes for the people of South Africa in their new journey of independence with success.

It also gives me pleasure to convey our appreciation of the good work done over the past year by the Governing Body of the ILO under the chairmanship of Mr. Nkomo, and by the Workers' group chaired ably by Brother Brett, assisted by Brother Ryder, secretary of the group.

May I also take the opportunity to convey our deep appreciation of the dedicated work of Brother Laurijssen, who for a number of years was secretary of the Workers' group, in this great Organization.

On the eve of the celebration of the 75th anniversary of the foundation of the ILO and the 50th anniversary of the Declaration of Philadelphia, Mr. Hansenne, the Director-General of the ILO, has rightly chosen an important subject for his Report, namely *Defending values, promoting change – Social justice in a global economy: An ILO agenda.* The founding fathers of the ILO rightly proclaimed that universal and lasting peace can be established only if they are based on social justice. This means eliminating injustice and widespread hardship and privation by improving people's living and working conditions and by duly respecting the principle of freedom of association. This is why the Director-General has stressed the need to eliminate social injustice in the world of work by: promoting better working conditions; combating all forms of exploitation of working people, respecting the dignity of working men and women by recognizing the right of freedom of association and expression and developing a social dialogue to strengthen the institutional framework of tripartism; and ensuring every person the opportunity of employment, and eliminating poverty which is endemic to our planet.

We fully support the promotion and strengthening of these objectives. However, it is painful to find that, despite the great technological revolution achieved by mankind and the ending of the bipolar world and the Cold War, social and labour problems have been developing and the deep-seated inequalities between States and between people have been growing even wider. We are still confronted with a world wherein: 1.2 billion people (or one-fifth of the world's population) are living in conditions of extreme poverty; the child workforce is estimated between 100 and 200 million and is subjected to inhuman conditions of exploitation; and women are grossly discriminated against. Some 700 million people are unemployed or underemployed in this world.

The Director-General has further pointed out that our hopes of reducing inequalities between States and within States have been fully and cruelly disappointed: between 1960 and 1989, the countries with the richest 20 per cent of world population increased their share of global GNP from 70.2 per cent to 82.7 per cent, while their counterpart poorest saw their share fall from 2.3 per cent to 1.4 per cent. The consequences for income inequalities already existed in 1960, and the top 20 per cent received 30 times more than the bottom 20 per cent; however, in 1989 they were receiving 60 times more. In order to tackle this serious problem, it is necessary to reiterate our confidence in the proclamation of the Declaration of Philadelphia that "Labour is not a commodity" and that "Poverty anywhere constitutes danger to prosperity everywhere". Mankind is like a garden – we are the flowers in it. It is like a tree – we are the fruits on it. Our present and future is interdependent on this planet, and therefore it requires international and national action to promote the values of social justice.

At the international level, the net resources of the developing countries should be consolidated by easing foreign debt liabilities. For example, 60 per cent of Africa's export earnings and 33 per cent of those of Latin America are paid in foreign debt service servicing; ensuring a fair price of their products; transferring technology to promote people's economic and social well-being rather than to develop war machines; ensuring respect of human dignity and implementation of workers' rights; guaranteeing the social dimension to safeguard workers' rights when imposing International Monetary Fund and World Bank structural adjustment programmes.

Nationally, we need the political will to grapple with the economic and social crisis facing Third World country populations by: developing human resources and providing meaningful education and training to all children irrespective of the status of their parents – people are a country's principal assets, their well-being defines development, a healthy well-educated citizenry contributes to the social well-being of a country and imparts dynamism to all aspects of life and culture; enforcing austerity in all walks of life and reducing irrational widening of the inequalities between the various classes; abolishing the evil of feudalism and providing landless peasants access to land resources and know-how; promoting the values of dignity of work instead of attaching dignity upon wealth, in order to encourage the respect of work and contribute to society and mankind as a whole; combating poverty by providing for basic needs such as productive employment, safe drinking water, electricity, communications, health, education, housing for the less-privileged class – in particular rural populations – and raising the income-generating capacities of rural women thus helping to check rising urban migration; improving working and living conditions of workers, including those working in the informal sector; respecting workers' trade union and collective bargaining rights, ensuring equality of treatment and combating child labour abuse and discrimination against women, in conformity with ILO standards; acquiring technology to improve the working and living conditions of working men and women; imbuing industrial relations with team spirit, and strengthening the institution of tripartism by promoting and strengthening the representatives of workers' and employers' organizations for the welfare of the workers, raising productivity and developing harmonious industrial relations; enlarging the vocational training, education and retraining programmes through tripartite consultations to meet technological development; adequately promoting social safety nets for workers, and carrying out structural adjustment through dialogue in order to provide safeguards against unemployment; practising good governance by respecting the norms of integrity and dedication to the public welfare and by inspiring examples of high character of public representatives for youth.

The ILO has before it both the opportunity and challenge of helping governments and workers' and employers' organizations in accomplishing these tasks by: strengthening worker and vocational education programmes; implementing measures to promote human rights through its universal and indivisible human rights labour standards; raising its technical cooperation programme in employment, human resources development, migration, the International Institute for Labour Studies, and education and training at the Turin Centre; improving working conditions and promoting equality; improving the environment; combating the abuse of child labour; and promoting its international labour standards.

We appreciate the work of the ILO in the fields of: workers' education; vocational training; health and safety; combating child labour; migration; employment; the uplift of rural labour, including women workers; the International Labour Institute, the Turin Centre, the Workers' Relations Branch, as well as the work of the ILO Offices in Islamabad and Bangkok.

We assure the ILO of our continuing support in the execution of its mandate. This is why, in Pakistan, we have celebrated the 75th anniversary at a tripartite level with great fervour. We organized a variety of events and had the pleasure, at one of them organized by the Government of Pakistan, of welcoming the participation of Mr. Nakumara, Assistant Director-General, responsible for the ILO activities in Asia and the Pacific; in addition, the trade union organized rallies and symposia to celebrate this event.

On this occasion, the trade union movement urged the Government of Pakistan to demonstrate its commitment to ILO objectives by ratifying the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), as well as the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), which we hope will be ratified.

In October 1993, general elections were held for our national parliament and provincial legislative, and Mrs. Bhutto was elected Prime Minister.

The Government of Pakistan has set up a tripartite labour task force to formulate recommendations on new labour policy.

The working class has suffered high inflation and high unemployment. The Government has been urged to take radical measures to solve these issues in order to mitigate the sufferings of downtrodden people; for this reason, the working classes have been pressing for negotiations on a priority basis.

On this historic occasion, we urge member States to come forward and demonstrate their commitment to this Organization by ratifying ILO Conventions laying down basic human and trade union rights. Pakistan has ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). We are urging the Government to ratify others.

We hope that the deliberations of this Conference will go a long way to bringing about a better tomorrow for working men and women all over the world and promoting social justice.

Original Spanish: Mr. CASTILLO *(Employers' delegate, Dominican Republic)* – The employers' sector of the Dominican Republic would like to say what an honour and pleasure it is to be participating in this 81st Session of the International Labour Conference, whose agenda contains issues which are important for the future of labour relations, the promotion of employment and world development.

This coincides, most appropriately, with the 75th anniversary of the Organization. In those 75 years the ILO has, at its different phases, achieved human well-being and social justice and I should like to congratulate all those who have made the achievement of this valuable and successful mission possible.

We share the Director-General's optimism in his Report. He presents a series of relevant ideas so that the ILO can adapt its structures to the new economic, social and political realities of today's world.

These changes are founded on a world policy of detente with the virtual end of the Cold War and the reaffirmation of democracy, trust in private enterprise as the engine for development, the strengthening of the market economy and the related gradual liberalization of national economies, together with impressive technological changes which have had a decisive impact on the allocation of resources, particularly as regards the need for improved formation of production factors.

The Employers of the Dominican Republic reaffirm their concurrence with tripartism as the essential pillar of the ILO and the best possible instrument for social dialogue. This is the setting in which the ILO's recent activities are best placed in order to harmonize productivity, competitiveness, employment, social equity and justice, in a context of irreversible globalization and the creation of a network of new world relations.

It was with tripartism in mind that the social actors in the Dominican Republic agreed, in 1992, on a new Labour Code and last year they approved its implementing regulations. Both of these legal instruments and their extensively modernizing features could undergo certain changes in the near future in order to align them with the globalization of the economy, and to make their interpretation and implementation respond effectively to the dynamism of the labour market and the need to create productive employment.

We have had a number of problems in applying the Code which have to do with courts under whose jurisdiction it comes. This is due in part to the faulty interpretation of the text due by certain members of the courts, and to a lack of proper training in jurisprudence and doctrine. To overcome these difficulties we are working hard with the other social partners in order to provide the proper training for these members.

Our society is facing a great challenge: to join in the new world economy, which calls for high productivity, where there is fierce competitiveness, and which requires efficiency in factors of production, a good deal of innovation and adjustments in the labour markets. The trick is to respond to these challenges by permanently creating new jobs and seeking new forms of integrating the informal sector into our society.

In this context the tripartism and technical cooperation of the ILO provide ample room for action and it is to be hoped that its eventual programmes and structures will adopt appropriate action so that we can modernize our social policies and that this will also provide us with the proper means for the transfer of technology and information that the globalization of our economies requires.

In the quest for greater social equity the Dominican Republic since mid-1993 has held a series of tripartite meetings in order to set up a broad and modern system of social security and thus preserve the social fabric of the nation. In this area the main principles of the ILO are being scrupulously respected and we have incorporated highly significant concepts based on free elections, administrative effectiveness, universal coverage, solidarity, equity, competitiveness and flexibility in the supplier and user markets.

Giving priority to poverty is essential. We therefore agree with what was said by the Presidents of the Ibero-American Enterprise Organizations at their meeting in Cartagena, Colombia, on 18-20 May of this year. They took a realistic look at the problem of poverty and income distribution. Employers recommended profound changes in social policies in order to guarantee sustained and sustainable growth of our economies.

Because of its relevance and wisdom, we concur with the stance taken by the International Employers' Organization with regard to ILO standards. We hope that this august Conference will view this position favourably when it studies and decides on the modernization of its structures and procedures. We see the reality of the statement by the Director-General who in his Report states: "It is truer today than ever before that the existence of a body of labour legislation is not enough unless every person has the opportunity to find employment".

Lastly, the process of globalization of our economies is evident to all, particularly since the GATT Uruguay Round agreements. Consequently, changes in our economic trade and labour legislation will have to speed up. So as to reduce any traumas to a minimum, the ILO and other agencies in the United Nations system must provide technical assistance to developing countries in order to guarantee world peace, human rights, democratic processes, equity and justice to all those of us who have the enormous privilege of sharing the resources of the Earth.

Mr. MENDOZA *(Workers' delegate, Philippines)* – Allow me to express on behalf of the Workers' delegation of my country our sincerest congratulations on the election of Mr. Gray to the highest post of this Conference, and on the election of the other Vice-Presidents. I would like to express my profound gratitude to all delegates for electing me as one of the Vice-Presidents.

Let me extend our warmest greetings to the International Labour Organization on the occasion of its 75th anniversary. We commend the ILO for the significant role it has played in the promotion of development and social justice worldwide. The Philippine trade union movement in particular is very grateful for the fruitful relations it has had with the ILO over the years. Our progress in our work to promote the welfare of Filipino workers would not have been possible without the active partnership of the ILO.

Allow me also to congratulate the Director-General of the ILO on his excellent Report to the Conference. We believe that the chosen focus of his Report, the future role of the ILO, brings into proper perspective the important role the ILO will assume in the midst of rapid international economic and social changes. The Philippine trade union movement supports the Director-General in his call for the ILO to adopt labour standard-setting activities in line with the needs of its member States.

It is in light of this call by the Director-General to adopt labour standard-setting activities that I take this occasion to address a very important issue which will be the focus of extensive debates within and outside the ILO in the near future.

I refer to the inclusion of the social clause in the General Agreement on Tariffs and Trade, and the adoption of mechanisms to implement the social clause.

In support of the position taken by the International Confederation of Free Trade Unions, the Philippine trade union movement has taken the position that universally recognized conventions on trade union and human rights must be directly linked to the international trade agreements.

We do not subscribe to the idea that principles in ILO Conventions and Recommendations vary in interpretations in different countries. It is only in their applications that these Conventions may vary to conform with each country's peculiarities in their industrial relations systems.

The premise of this belief is in the fundamental principles contained in the Declaration of Philadelphia, namely that labour is not a commodity; freedom of expression and of association are essential to sustained progress; and poverty anywhere constitutes a danger to prosperity everywhere.

As a developing country, we do not aspire yet to wages and working conditions comparable to those in developed countries. We recognise and fully appreciate the arguments of those in other developing countries, that a rigid application of the standards of developed countries would constitute non-tariff protectionist barriers against the developing countries.

What the Philippine trade union movement is particularly concerned about is the fact that our social justice gains, achieved after decades of arduous struggle by the free and democratic trade unions, will be diluted by forces outside and within our borders under the guise of competition for export markets.

We cannot and should not allow forces with the barest regard for trade unions and social justice to dominate economic competition. To do so would compel us to disregard the ILO's achievements over the past 75 years in promoting development and social justice.

As we begin to tear down tariff barriers worldwide, and as we embark on the full and genuine liberalization of global trade, free and democratic trade unions such as those in the Philippines seek the ILO's support in the adoption of a social clause in trading agreements, especially in the framework of the GATT and its proposed replacement, the World Trade Organization.

The social clause should in particular contain the minimum basic rights enunciated in ILO Conventions such as those concerning freedom of association, the right to organize and bargain collectively, equal remuneration, non-discrimination, abolition of forced labour, and the minimum age for employment or child labour.

These are Conventions which were adopted by the ILO after years of debate and lengthy deliberations.

The adoption of the social clause would in fact enhance free trade, as competition would no longer be a function of the level of trade union repression and disregard for basic trade union and human rights.

In closing, allow me to also express the support of the Philippine trade union movement for the formation and operationalization of Joint Advisory Committees whose task shall be to examine the social dimension of trading arrangements.

The Joint Advisory Committees, which shall include representatives from developing countries, would be more appropriate than current unilateral mechanisms which are greatly influenced, and understandably so, by overriding national interest.

Original French: Mr. **RAKOTOVOLOLONA** *(Minister of Public Service, Labour and Social Law, Madagascar)* – It is a great honour for me to greet this Assembly on behalf of the delegation of Madagascar and in particular to congratulate the ILO, the President of the Conference and the Director-General on the 75th anniversary of the Organization.

There is no need for an analytical review of the efforts that the ILO has deployed to give a more human face to the world of work throughout that period.

Its many resolutions and publications and the wide range of activities it has undertaken throughout the world are proof of its determination to promote a universal Code of Conduct and a modern approach to the organization of work consistent with each country's separate identity.

The difficulties encountered have to be seen in the context of the range of tasks that the ILO has set itself.

As others have noted, the geopolitical situation consisting of a twofold division of the world into two ideological and economic systems, East and West, North and South, rich countries and poor countries, have checked the momentum that the ILO has always wanted to impart to its standard-setting activities.

Defending values, promoting change, more balanced social justice – these are the key ideas that should accompany the globalization of the economy.

In a rapidly changing world, in which the triumph of democracy and the market economy determine the evolution of human relations, it is obvious that encouragement, support and international solidarity for greater social justice are a shared responsibility.

Caution and vigilance must be exercised in interpreting and implementing the conclusions of the recent international negotiations. Madagascar is open to all forms of dialogue aimed at achieving a global consensus in the interests of all.

However, Madagascar is adamant that social clauses should not be allowed to mask the growth problems of the developing countries.

The forging of a comprehensive vision of social justice is a constant dimension of the economic recovery policy of the Third Republic of Madagascar. The idea of involving all parties in economic and social recovery in the framework of tripartism implies that the microcosm of the world of work is homogeneous in each country. Unfortunately this is by no means the case inasmuch as action taken with regard to the education and training of workers in particular has hitherto been confined, for the most part, to workers in the private sector.

The ILO's assistance in the context of democracy and the market economy must therefore increasingly benefit public-sector employees so that the microcosm of the world of work is made viable and sustainable.

Madagascar considers that a country's social and economic recovery policies must always make provision for balanced personality development and the defence of human dignity as the sole basis of unity of action.

Promoting change is an idea that arouses both hope and anxiety. The desired course of events calls for universal participation and responsibility. In a developing country, the process of development will be long and hard, and deserves close attention on the part of international organizations. All assistance provided during the critical phase of major change towards democracy and a market economy must be based on a strictly objective understanding of the circumstances.

This aspect of international cooperation may be viewed as a factor that accelerates momentum towards the globalization of the economy and the gradual disappearance of divisions between rich and poor countries.

I hope that the tenor of my statement, which is intended as a message, will be heard and transmitted so that the idea of implementing social adjustment as a factor conducive to well-being and peace prevails.

Original Hungarian: Mr. SZÜCS *(Employers' delegate, Hungary)* – On behalf of the Hungarian employers, may I greet with great respect all the participants of the 81st Session of the International Labour Conference.

It is a great honour for me to represent the Hungarian employers at a session which coincides with the 75th anniversary of the establishment of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia. In Hungary today, the highest forum on all issues related to the world of labour is the Council of Reconciliation operating in a tripartite system. This body is competent in respect of the minimum wage, the Labour Code, and all related matters.

The Council of Reconciliation sends delegates and experts to Sessions of the International Labour Conference. This Council has entrusted me with the task of being the head of the Hungarian delegation, as the Chairman of the National Federation of Industrial Associations.

Just before this Conference, parliamentary elections took place in Hungary. The new Government is expected to be formed within a few days.

As a result of the changes in the Government, we hope that the dialogue between the Government and its social partners, including the representatives of the economic world, will become more active. As part of those changes, we expect economic social agreements to be concluded between the Government, the trade unions and the employers' organizations. Those agreements may include the following key elements.

First, let us speak about the economy. A primary task is to agree on the measures necessary to launch economic growth. A basic principle is that we should make a halt in the consumption of capital in the entrepreneurial sphere; the revenue retained in the economy should increase in real value and, concurrently, social sensitivity should increase. This can only be achieved if the expenses of the central budget and consumers' real income decrease in real value during the next two to three years. To improve social sensitivity, part of the income thus regrouped should be distributed exclusively among the needy. This requires: first, a favourable money market and credit policy, priority to make money available to the real business sphere, and elimination of existing discriminations; second, a long-term simplified system of regulation, especially the modernization of the system of taxes and levies, including: the encouragement of investment in enterprises, investment projects and the establishment of workplaces; a reduction in the redistribution role of the State; an appropriate subsidy system; a cut in the huge central budget expenditure; financing of the growth of state debt; and privatization.

Let us now turn to the social sphere. In this respect the following are important: basic principles of social policy; a revision of the social elements of the budget, such as health insurance, pension insurance, etc.; methods to manage the tensions of transition; employment policy; issues related to the Labour Code; issues related to wages such as the minimum wage and suggested wage increases; and permission to recognize some of the remunerations paid to employees as costs.

According to the view of the employers, economic aspects must be given priority when concluding agreements. This view is based on the fact that labour aspects and social issues can only be negotiated when entrepreneurial positions are already known. To strengthen the position of entrepreneurs, the role and ownership position of the State should be further reduced and the conditions for economic growth should be established.

The employers believe that in the process of reaching an agreement at the level of society, the employers' and employees' representatives of the Council of Reconciliation must also be present along with the representatives of other organizations. As part of that process the Council of Reconciliation should deal also with the documents to be prepared by the new Government on the assessment of the situation and the government programme.

The Council of Reconciliation should be the exclusive forum to agree on macroeconomic matters. Similarly, the Council of Reconciliation should decide on basic labour issues such as the minimum wage, offered wages, employment policy and the Labour Code.

Alongside the conclusion of agreements, the tripartite system of reconciliation should be further developed in accordance with the conditions of the social market economy. The operation of the tripartite system should be supported by adequate legal guarantees. The reconciliation system could be successfully supported by a law on representation interests.

During recent years, legal regulations have been adopted concerning the world of labour and, today, we should speak about the updating of those regulations.

The questions of the Eastern and Central European region are still high on the agenda within the ILO and rightly so. Special programmes and recommendations are developed for the States of this region.

We believe that the various countries of this region should not be treated as if they were uniform. Economic and other conditions may vary considerably in these countries and, consequently, there may be differences in the regional and trade associations. These should be left to develop on the basis of the prevailing economic and social conditions. The region is usually qualified as a critical region. We believe that the situation is becoming less and less critical.

We would like to become increasingly involved in the work of the ILO. This is also indicated by the fact that the delegate of the Hungarian employers is a deputy alternate member of a Governing Body committee. We hope that eventually we will be able to recommend someone for ordinary member status.

What we would like to obtain is to enjoy similar conditions to those which make it possible for the Government to maintain international relations. Such conditions should be made available also for the employers and employees to establish cooperation with foreign fellow organizations, both in the East and the West.

We consider part-time employment as important and to be an integral part of employment policy. I am sure the experience obtained here can be successfully used at home.

In Hungary, at present, approximately 1 per cent of employees work part-time. In practice, employers do not hire part-time workers from the labour market but receive a state subsidy for not making their workers redundant; they therefore keep them as part-time workers. This area is not properly regulated yet in Hungary.

At present, the unemployment rate is about 12 per cent in Hungary. In view of this fact we believe it is timely to put on the agenda the role of private employment agencies in the functioning of labour markets. Several measures have also been taken in Hungary to curb unemployment. Employment agencies may become important means in this campaign.

Finally, allow me to thank the ILO for allowing us to participate in the training seminar organized in Turin where we obtained much useful information. Thank you for the activities of the multidisciplinary team.

Original Russian: Mr. BADEI *(Government delegate, Belarus)* – The current session of the oldest international organization, celebrating its 75th anniversary, must distinguish itself in helping to align the ideals of the ILO with the need to strengthen social justice in the world of today and tomorrow.

The Government and people of the Republic of Belarus wish to pass on to our Organization and all the participants of the 81st Session of the International Labour Conference their heartfelt congratulations and sincere wishes for continued success.

The Government and social partners of Belarus and are now organizing a whole series of events to commemorate this momentous occasion. These include two international conferences, and a series of events to familiarize the mass of the population of the Republic of Belarus with the activities of the ILO, its aims and ideals. We consider that such work will promote the strengthening of democracy in our Republic.

Permit me to congratulate the President and the Vice-Presidents on their election to responsible posts of office at this session of the Conference. I would like to express my conviction that their professionalism and diplomacy will make it possible for us to organize the work of the Conference and to identify and adopt valuable decisions.

Permit me also to express our appreciation and our gratitude to the Director-General, Mr. Hansenne, and to all the staff members of the International Labour Office for their excellent preparation for the session. The questions which we have before us for discussion are topical and timely, not only for Belarus.

I should particularly like to stress the significance of the Report of the Director-General *Defending values, promoting change*. The Report provides a philosophical consideration of the problems of a changing world and of social justice in a global economy. We support the ideas on enhancing the role of labour standards, and coordinating the activity of international, including financial, organizations. We think that there is a particular need in this respect for countries which are establishing market relations.

Over the past three years dozens of representatives of various organizations have visited Belarus, but the majority of these visits come to nothing. A welcome exception in this regard is the work of the specialists of the International Labour Office. They stand out not only because of their expertise, but also because they are action-oriented, striving for tangible results. For this reason we are happy to note the increasing cooperation with the ILO and are trying and will continue to try to ensure that the valuable experience and knowledge of ILO specialists are assimilated in my Republic.

It is with great pleasure that I wish to inform the highest body of our Organization that in Belarus, with the help of consultants from the International Labour Office, we are putting the final touches to new labour legislation appropriate for a market economy. We have provided for state employment services, labour inspection, a migration service, and labour arbitration boards. Work is under way on the implementation of a number of projects, including the development of self-employment in rural areas, and the conversion of cantonments into, for example enterprise and employment zones.

We would like to express our appreciation to staff from the European Regional Office (Standards and Labour Relations Sector), the Training Department and the Enterprise and Cooperative Development Department for their assistance to our young country.

Nevertheless, I have to say that our needs in this kind of assistance are not being fully met. Unfortunately, so far, we have not felt the benefit of feedback from the multidisciplinary team in Budapest covering the countries of Central and Eastern Europe. In this context we support the idea of the Director-General expressed in the Report with respect to the need to modernize the work of the Organization and to strengthen its structures in the field.

In particular we consider it expedient, as we mentioned at last year's session of the Conference, to create a special ILO centre for the countries of the Commonwealth of Independent States.

We also support the intentions of the Director-General to ensure a "thorough review of the ILO's publications" as the basic way to transfer information and distribute ideas relating to the ILO. Indeed, we have to recognize that there are very few ILO publications in Russian and this makes access to ILO material difficult for many specialists in CIS countries where, at the present time, we have particular need of such materials.

The present socio-economic situation in Belarus and other countries of the former USSR is complex. We have not recovered from the fall in production. Between 1991 and 1993, national income fell by 22 per cent and by 38 per cent in the first quarter of this year. High rates of inflation continue. All of this has taken its toll on the standard of living of our people. Real incomes in 1993 alone fell by almost 40 per cent.

There are both domestic and external factors behind the crisis, including the collapse of economic links, the growth of protectionism on the part of trading partners, fewer raw materials and the need for structural adjustment. However, the main cause is the poor efficiency of production which was disguised by low cost raw materials and centralized distribution. The Government is taking measures to bring us out of this crisis, by means of structural adjustment, economic reform and by furthering integration with countries abroad, both near and far. At the same time, the Government is strictly applying the recently adopted Basic Law, the Constitution of the Republic of Belarus which enshrines the democratic structure of our State, social guidance and sovereignty.

I will not conceal the fact that the crisis situation is being made use of by certain parties who are against market reform. This is why the Republic urgently needs financial, material and technical support. In this context, I do not understand the reasons why a number of international organizations are reluctant to finance projects which have already been approved. We are sure that commonsense will prevail and that the international community will support my country.

The creation of productive, freely chosen employment is an essential consideration in the activity of the Government and Parliament of Belarus. The development and implementation of a rational policy here has been an extremely complex undertaking. In a situation marked by a severe drop in investment for the structural adjustment of existing production and the creation of new jobs, we have had to be extremely cautious with regard to dismissing workers.

As of the beginning of June this year, the official number of unemployed registered by the employment service stood at approximately 2 per cent of the active population. However, hidden unemployment due to enterprises ceasing to operate and enforced leave has reached critical proportions and might in the near future become official unemployment. Under such conditions, the main attention of employment services is focused on the creation of sufficient resources for material support to the unemployed, the organization of retraining, the development of self-employment and providing support for enterprise.

On the whole, we share and support the ideas and approaches expressed in the Report of the Director-General on solving the problems of employment and we are ready to cooperate fully in this sphere with all countries and international organizations.

We support the adoption of a draft Convention and Recommendation on part-time work and believe that their implementation will promote the principles of social justice.

In conclusion, permit me once again to congratulate the participants of the session of the Conference marking the 75th anniversary of our Organization and wish them every success in strengthening peace and ensuring prosperity for all the peoples of our world.

Mr. CHAROENPHAO *(Workers' adviser, Thailand)* – First of all, on behalf of the Thai workers, I would like to congratulate the President on his election to steer the deliberations of the 81st Session of the International Labour Conference; a special occasion to commemorate the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

The Report presented by the Director-General reflecting general global problems and situations is extremely valuable. Not only has he clearly identified problems, but he has challenged us to find concrete solutions to them.

In this era of globalization and information technology, various regions have been organized into such economic areas as the EU, EFTA, and NAFTA. The world is thus unavoidably moving toward a standardized platform of economic, social and political activities.

However, this fast movement has also resulted in an even broader transnational investment from the industrialized to the developing, socialist and Third World countries. Trade wars have become even more vigorous, with increasing exploitation against the host nations. The devastation of natural resources, cultural values and the environment are carried out without any protective measures. There is no education at all on occupational safety and health. Many national laws fail to provide for social justice and benefits of the majority at large.

Thailand is one of the developing countries confronted by such problems, which are accumulating day by day. However, it is impressive to see that all parties concerned have endeavoured to sort them out with practical solutions. One striking example is establishment of the Ministry of Labour and Social Welfare by the present democratic government on 23 September 1993. The first Minister of Labour, Mr. Paitoon Kaewtong, has addressed this Conference as the chief delegate from Thailand. This is certainly a historic event for Thailand which, incidentally, coincides with the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, respectively. The Thai Government has observed this significant occasion with celebration.

To further signify this very memorable occasion, I request that the Thai Government earnestly ratify at least one international labour Convention – the one that is meaningful and useful for Thai workers. This would serve as a gift to the workers and a good example for other countries.

The setting up of the Ministry of Labour and Social Welfare has contributed towards problem-solving and development in many areas. For example, it has resulted in: an amendment of maternity leave legislation to allow for 90 days leave with pay; a minimum wage adjustment of up to 132 bahts a day as of 1 April 1994; legislative amendments on child labour protection law – the terms of imprisonment and fines have been increased for violations, resulting in a substantial cut in child labour; and legislation on a state enterprise employees' union, which is expected to be enforced this year.

However, two more critical issues have negative repercussions on employees.

First, the enforcement of the Social Security Act on child and old-age benefits scheduled for implementation in 1996 has been postponed indefinitely. The Government has been advised by the IMF and the World Bank that such allowances will affect the operation of the fund. Workers in all workplaces are anxious to see this provision promptly enforced.

Second, we are concerned about occupational safety and health. Working hazards and occupational diseases caused by toxic substances have been increasing significantly – especially in electronic industries operated by leading Japanese and United States companies. Many workers have been infected and died without a clear symptomatic analysis. Research carried out by two medical teams has revealed conflicting conclusions. While the report of the first medical team has identified exposure to toxic substances as the cause of infection, the second team stated that those who were infected had AIDS. Workers are now very confused and feel insecure. Thus, I would like to request for an urgent investigation by ILO experts, hoping that the ILO specialized team will not yield to the influence and interests of those multinational companies.

I have observed that labour problems faced by Thailand are relevant to the situations reported by the Director-General. If attempts to solve them have not been carried out, I hope that those will be recorded in the report for the next Conference.

Finally, I would like to thank the President and all distinguished delegates for their kind attention to our problems. On behalf of the Thai workers, I promise to give him all our support and cooperation throughout this Conference, so that its work is crowned with success.

Original French: Mrs. SASSO MAZZUFFERI *(Employers' delegate, Italy)* – My warmest congratulations to the President on his election, and my best wishes for the most successful possible outcome of this Conference. I am sure it will be successful under our President's expert guidance.

It is difficult to consider the Director-General's Report this year as a mere report. It offers to us components of a strategy that focuses on the ILO as it is today and on the Organization's future prospects in a globalizing economy in which we are still facing multiple obstacles in our attempts to affirm and effectively implement social justice. No country is divorced from this context; it would be tendentious to affirm otherwise.

In this context, the ILO can play a key role in the search for greater harmony between the economic and social dimensions. In my opinion, its role is to work together with economic and financial organizations whose contribution to development in different countries could be greatly enhanced by a better knowledge of the ILO's practical activities and its social and legal skills; the resulting collaboration could promote even wider application of international labour standards, etc.

The Employers' group has studied in detail the proposals made for the future of our Organization. The document summing them up is known to you all, and I fully agree with its content.

I will, therefore, simply underline a few aspects which I feel to be of particular interest. I shall begin with standards. Many continue to be, especially nowadays, of great value and are still the highest and most prestigious expression of the ILO's achievements. However, not all the standards that have been adopted have the same impact in different countries; some have been overtaken by social change; others have been made obsolete by technological innovation and still others are applicable only in limited contexts. Increasingly, standards remain unratified; this is a source of concern which compels us to seek solutions.

The basic ILO standards and, in particular, freedom of association, forced labour, equality of treatment, child labour, employment policy, have formed the foundation for legislation in many countries in the world.

Their relevance, their priority and their modernity remain unquestioned. We now have to supervise that application by strengthening the mechanisms available to the Organization. Where governments have freely accepted and ratified these standards, their application must be rigorously checked without delay.

In this context, it will be necessary to study how a link between international trade and internationally recognized standards impacts on the liberalization of trade and competition. As far as the "social clause" is concerned, we are currently looking into its very many implications, and are not convinced of the desirability of mixing trade with social instruments. what we would plead for is an improvement in the ILO's standard-setting policy – any intermingling with the responsibilities of other organizations; in achieving this, use should be made of all available means, including technical cooperation.

When we go beyond what I would call the "hard core" of existing standards, the choices are those of revision and, if necessary, denunciation. This latter procedure must be made more accessible and practicable by reducing the time-limits and formalities.

The characteristics to be sought in future instruments, continue to be flexible and adaptable to the cultural, economic, political and structural circumstances in the ILO's member States; the criteria for action must take account of the factors which are in force while qualifying the methods of action: tripartism and universality.

The Director-General has used the term "soft law" to define the main lines of future action in areas which are less amenable to complex regulation that is difficult to apply, particularly in changing circumstances. Greater scope should be given to Recommendations as instruments independent of Conventions, as well as to resolutions and other authoritative and prestigious texts in specific areas where they could be applied less formally, and could prove necessary in solving acute and urgent problems. Codes, handbooks, directives are instruments that are regularly consulted by technicians, engineers and business managers. We have daily confirmation of their practical value.

With this in mind, we need to study how to rationalize our approach to drawing up the Conference agenda so as to generate innovative ideas on content and current methodology.

It is in this spirit of pragmatism, focusing on the ILO's stronger and more effective role in satisfying the real needs of its constituents, that I envisage "defending values" and "promoting change" in the future of our Organization.

However, it is primarily within the countries calling for greater aid and assistance that we will measure the ILO's ability to respond to needs and expectations, and to achieve its objectives through the use of all available means: legal instruments, sectoral activities, social policy approaches, technical cooperation. In this latter area, the Turin Centre has earned its reputation as a "centre of excellence" for top-level training, to the advantage of the United Nations system as a whole.

Our support for the Centre, and our commitment to its future development are, and will remain, constant.

Quite rightly, the Director-General's Report places at the very core of ILO action the search for solutions to the unemployment problem. Our Organization has already devised numerous activities to promote the spirit of enterprise, of small enterprises and self-employment, as it has too for the creation, in countries where it is necessary, of independent organizations of social partners, which, in conjunction with their governments, are able to carry out an effective employment policy.

The items on this year's Conference agenda also bear witness to this endeavour.

This year, two of the Conference's Committees are working on subjects of recognized importance and urgency for our economies, namely: part-time work and the role of private employment agencies in the functioning of the labour market. The results of this work will be decisive steps in a new direction along the path – which employers have so often asked for – of greater flexibility in the rigid framework governing industrial relations and the employment market. This is a framework which, in many countries, actually prevents the creation of new jobs.

The ILO, with its courageous proposals, has shown its determination to come to grips with the realities and the needs of many countries. It has also shown its vitality and its modernity at the very time when it invites us to celebrate with it its 75th anniversary.

Mr. LARSEN *(International Confederation of Executive Staff)* – On behalf of the International Confederation of Executive Staff, the CIC, I have pleasure in congratulating the President on his election to the chair of this 81st Session of the Conference. I also wish to compliment the Director-General on his Report, which both describes the present situation and directs us towards the future of the ILO.

In a changing world, institutions and organizations must adapt if they want to have any relevance, and it is our belief that there is an urgent need to look at the standards and practices of the ILO and to reassess some of its basic principles in order to make it even more effective and to preserve and promote the rights of all employees, including managerial staff throughout the world, since this is not being done at the present time.

The Report of the Director-General specifically addresses areas that are of particular interest to the International Confederation of Executive Staff. Recent developments in Europe within the framework of the social chapter of the Maastricht Treaty and social dialogue at the European level have recognized managerial staff as a social partner, and this group of employees is involved as such in the shaping of the future European labour market.

Furthermore, the European Parliament has in recent years adopted a resolution dealing with the situation of managerial staff in Europe. Politically, it asserts and draws attention to the important role played by managerial staff in enterprises and institutions. In line with that development and also addressing the question of tripartism, we fully support the notion that the ILO should keep an open policy towards all representative actors on the social and labour scene.

There may be grounds for inquiring whether it is time to redefine the notion and content of tripartism. At the same time we note with regret that even in developed countries such as Canada, which is a founding Member of the ILO, particularly in the Province of Quebec, thousands of employees, mainly managerial staff even at the first supervisory level, are deprived of protection within the framework of the Convention on Freedom of Association. Furthermore, they are denied the right to bargain collectively. We find that unacceptable and we urge that the matter be considered at the ILO level.

Tripartism is, as such, a sound principle, but in order to be effective and complete it should include all actors in the labour market, which is not the case at present.

Social policy, which is dealt with in the Report of the Director-General today, covers a much wider area than the needs of those in employment. In a world economy it is increasingly clear that the complex and changing relationship between economic and social policy requires us to take a broader view so that social rights are not abandoned for the sake of a free market economy.

It is too narrow to focus only on specific questions such as labour law, and the ILO will certainly also have an important role to play if we redefine it to include social standards and clauses functioning at world level.

We recommend to the ILO that with the globalization of the trade, it seek constructive cooperation in this area with organizations of employees at all levels. In that process, it should bear in mind the need to guarantee and ensure respect for individual rights. Social policy plays an important role both in defining these rights and responsibilities and also in protecting them.

In order to attain these goals, and this will be my closing remark, we need to involve all those who in a qualified way can contribute to the progress of the ILO and the International Confederation of Executive Staff is certainly aiming to do just that.

Original Danish: Mr. JENSSEN *(representative, Nordic Council)* – As a representative of the Nordic Council, which is the parliamentary body ensuring cooperation between the Parliaments and Governments of the Nordic countries, I wish to congratulate the Director-General on his excellent Report.

The Report demonstrates clearly that the current situation in many parts of the world has not diminished the role or the tasks of the ILO. Not only are many countries suffering from economic difficulties and rising unemployment, but they are also having problems living up to ILO's international labour standards.

Attention must be drawn to the fact that although the principle of equality of opportunity between men and women is widely accepted in most countries in the world, inequalities still persist. We are therefore pleased to read about the initiative by the ILO to identify a body of policies, strategies and other concrete measures to serve as the basis for future action by the Organization and its member States.

We highly appreciate other initiatives by the ILO to develop labour market policies that improve access to employment and incomes and create favourable conditions for economic growth with employment security. Such efforts are important to secure the position of all groups that have a weak position in the labour market.

The efforts to eliminate child labour and guarantee the protection of child workers are also highly appreciated in the Nordic countries. At the international level, the Nordic countries have traditionally been actively involved in promoting compliance with United Nations conventions in different parts of the world, especially concerning the rights of the child.

We also have followed with interest the ILO's action to improve working conditions. In particular, the establishment of a clear and demonstrable link between improved conditions of work and increased productivity can make it easier to implement various international labour standards in many parts of the world.

The Nordic Council consists of 87 members from the Nordic Parliaments elected by those Parliaments. The Council holds two sessions each year, in March and November.

Nordic cooperation has a long tradition in the area of labour market policy. Cooperation started primarily in connection with the founding of the ILO. The Nordic countries felt the need to coordinate their unions on labour market issues in connection with international cooperation and even more importantly to exchange experience with regard to national policies.

A decisive development in cooperation was the adoption of the Agreement on a Common Nordic Labour Market in 1954. Under this agreement nationals of the Nordic countries have for decades been able to seek and take up employment in another Nordic country.

The Nordic countries have also been cooperating closely for some time in the field of social policy. Under the Nordic Social Security Convention, nationals of one Nordic country residing in another Nordic country have, in all essentials, the same social rights as the citizens of the country concerned.

In November 1993, the Nordic Council adopted a recommendation concerning extended Nordic cooperation on "citizens' policy" or "citizens' rights". The purpose is to promote, within the European Economic Area and the European Union, a policy for citizens which reflects the interests of the Nordic countries. The concept "citizens' policy" is used in a broader context in the Nordic countries than in the European Union: it encompasses not only the social dimension, labour market issues and equality of opportunity but also social security, family policy, health care, working environment, migration policy, consumer affairs and other issues.

This year a new agreement between the Nordic countries on social assistance and social services will enter into force. In addition to the Nordic Social Security Convention and the social rights provided for in the European Economic Area Agreement, it contains special Nordic rules on social assistance and social services.

Perhaps the most important question facing society in Northern Europe is whether there exists a future for the "Nordic model" in fields like labour relations. Some may regard it as a good thing for the Nordic countries and even suggest it as a pattern worth introducing in other nations. Others may disagree. But in a world which is becoming more interrelated and interdependent, the Nordic countries attach equal importance to preserving their basic characteristics and trying to influence the development of international standards and orders. The ILO is therefore for the Nordic countries, now and in the future, a valuable instrument to further their interests.

In conclusion, I wish to express my gratitude for this opportunity both to present some Nordic views on a few of the items before the Conference and to give some information about our work in the Nordic Council.

I wish the ILO continued success in its important work.

Original Polish: Mr. WOJCIK *(Workers' adviser, Poland)* – On behalf of the Polish Workers' delegation, I would like to begin by congratulating my colleague and friend, Mr. Charles Gray, on his election to the chair of this august assembly. I myself regard it as a great privilege to have this opportunity to address the International Labour Conference on issues of vital importance for the whole world of labour.

I would like first of all to congratulate the Director-General, Mr. Michel Hansenne, on his extremely courageous choice of the main theme for the present session. It is my deepest conviction that the Report of the Director-General on *Defending values, promoting change – Social justice in a global economy: An ILO agenda* deals with a fundamental problem of adjusting the International Labour Organization to present and prospective challenges threatening our universal mission – social justice.

I wish to disagree with the Director-General's view that since 1989 the market economy has become the universally accepted standard on the grounds that the experience of Poland and other ex-communist countries has rather reaffirmed that the new economic system has become a dehumanized form of capitalism aimed at profit-making. It, therefore, needs to be emphasized yet more strongly, in the spirit of searching for social justice, that implementation of adjustment policies requires the full participation of the social partners. NSZZ Solidarnosc is not an opponent of change and adjustment programmes, but we are against ignoring their social dimension and particularly against the unfair distribution of the burdens they impose. Aspects of the social dimension have already been reflected, although still to an insufficient degree, in the adjustment policies of the World Bank, the IMF and the European Union. We are pleased to associate ourselves with the statement of the United Nations Secretary-General to this assembly a few days ago to the effect that he appreciates the social dimension in national and international economic policies.

All these imperatives mean that the International Labour Organization needs to formulate concrete directives of an alternative and constructive nature to be followed by those international institutions in framing adjustment programmes. In addition, the ILO will have to work on yet another element – effective mechanisms for exerting influence on those institutions to make them integrate social aspects into their adjustment programmes. In this field, a number of myths have appeared which ought to be rebutted, such as those concerning the allegedly insurmountable tension that exists between increasing the number of jobs and providing a degree of protection for workers.

With a view to creating a new profile for the ILO, "Solidarnosc", which I represent here, would like to share its experience from its struggle with communism from which it learned that the system became bankrupt not because of economic failure but rather because of its moral bankruptcy which generated an inevitable economic crisis. That experience taught us that one cannot compromise on the primacy of ensuring respect for inherent and fundamental human rights. These rights can be respected solely under conditions of social, economic and political order, for which the family should be the firm foundation. The ILO should, therefore, significantly increase its emphasis on better protection of the family and on the slogan of the International Year of the Family declared by Pope John Paul II and the United Nations.

The new direction of ILO action should not therefore undermine the validity of universal human rights and labour standards or lead to less careful monitoring of compliance with those standards for the sake of allegedly higher economic considerations. Human dignity is inviolable, and labour is not solely a commodity, as pertinently emphasized in the Declaration of Philadelphia. But, above all, labour is a value, always ranking higher than capital or other purely economic determinants.

A comprehensive assessment of the transition in Poland allows us to identify several impediments that had rarely been foreseen. One of them is the emergence of an oligarchic system due to such factors as: the lack of free distribution of State property among all citizens; the conflict between the demands of the social market economy and the old legal system adjusted to a highly centralized State; the absence of political and legal solutions which would contribute to the demise of remnants of the pre-1989 totalitarian system; and disrespect for social agreements negotiated with trade unions aimed at building the social dimension of the State.

It should be stressed that during the transition a number of discernible symptoms have had a negative impact on workers and their families. This impact might have been alleviated and more equally shared if successive Governments had integrated the social dimension more effectively into economic reforms.

A very frustrating fact is the persistently high level of unemployment. Figures for April this year show that there are 2,889,600 officially registered unemployed persons (15.7 per cent), half of whom are deprived of unemployment benefits. The Government has made provision in the state budget for a further 200,000 unemployed persons, with the likelihood of a further increase. Regrettably, the Government still focuses on passive administration of unemployment rather than on active employment policies based on wider participation of the social partners at all levels. Not enough of the financial resources available to combat unemployment is spent on training, retraining and active employment promotion among women and young people.

A failure to implement real and comprehensive privatization has contributed to social dissatisfaction and a slower pace of reform. When actually implemented, privatization offers privileges and capital to a very narrow sector of society, particularly to the post-Communist élites and new businessmen operating in "black" and "grey" zones of the market economy. Trends towards concentration of national wealth accumulated by previous generations in the hands of an oligarchy must be opposed. Otherwise, social and political tensions and conflicts may arise.

In spite of the growth of GNP (2.3 per cent in 1992 and 4.5 per cent in 1993), real wages have decreased (5 per cent in 1993). The situation is much worse in the case of family incomes; indeed many families are approaching the threshold of poverty.

In 1992, only 8 per cent of the whole society enjoyed an increase in real income, while 80 per cent saw their living standards decline, a trend that persists with alarming implications.

Former and present Governments have neglected and failed to implement the agreement concluded with trade unions in 1993, whereby a certain relation between growth of GNP and real wages was established. Family costs of living grow faster than the inflation rate, largely owing to rising fuel prices. The Government's policy on energy prices, based on political dictate, has become one of the major inflation-generating factors. Social safety nets have not yet been introduced and the present system of social security is disorganized and inefficient. There are no guarantees of minimum social safety and equal access to different forms of social assistance is not respected. A serious obstacle to further reform is the underdevelopment of tripartism, the construction of which is deliberately impeded. The statement by the Minister of Labour in the course of this Labour Conference to the effect that in Poland a system of collective agreements has been established in conformity with ILO standards runs counter to the facts. Moreover, criteria of representativeness of trade unions and employers' organizations have not yet been established. Against this background, earlier collective agreements are repealed in the privatized sector, exacerbating the situation of workers. In such circumstances, we find the statement by the Polish Minister of Labour about the withdrawal of the Government from collective disputes during the transitional period extremely dangerous since the State has remained an employer in a substantial part of the economy.

It was likewise untrue for the Polish Minister of Labour to say that the Act on "the protection of workers' claims in the case of insolvency ..." is compatible with that contained in the Covenant for State Enterprise in the Process of Change. Neither does the Act in question meet the requirement laid down in the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173) and the Government is therefore unable to have it ratified.

We have on several occasions raised in the ILO the question of the seizure of NSZZ Solidarnosc property and assets under cover of a martial law imposed in 1981. It is with deep regret that we must repeat that to date our assets have not been restituted. The Polish Government continuously violates the conclusions of the 1984 Commission of Inquiry requiring the Government to arrange for the restitution of the assets of NSZZ Solidarnosc. All Polish Governments, including those after 1989, bear responsibility for failing to return property and assets which largely remain at the disposal of the OPZZ trade union.

This being the case and in the face of inefficient national legislation and its enforcement, NSZZ Solidarnosc has decided to resort to the procedure of representations under Article 24 of the ILO Constitution. We hope that the authority and wisdom of the ILO will help to resolve this problem.

(Mr. Ould Sidi takes the Chair.)

Original French: Mr. DENIS *(representative of the World Confederation of Teachers)* – The Director-General's Report to this 81st Session of the International Labour Conference, this being the 75th anniversary session, has been received with great interest by the World Confederation of Teachers. Our Organization will be holding its Sixth Congress in Senegal in August: the theme is "Building the future: Teaching and teachers working for democracy, culture and development". The draft resolution which has been submitted to the Congress includes elements which could complement or highlight certain positions presented in the Report of the Director-General.

The defence of democracy is an ongoing concern. It is the only social project capable of attaining equitable structures in a political, social, cultural and economic sense. More than ever before, citizens of the world today feel that government intervention, dictatorships of any kind, and unilateral nationalism are oppressive and deprive people of a decent existence. The role of teaching and teachers is essential to bringing about democracy, to reinforcing and to promoting it. From this point of view, tripartism, the acceptance of which is not as universal as the Director-General seems to believe, seems to us one of the best means to ensure respect for workers' individual and collective rights, such as have been laid down in ILO standards.

Democracy is in danger, tripartism is being questioned, standards – Conventions and Recommendations – are either applied in a half-hearted and reluctant way, or are simply not known.

Teachers, as did the second Joint ILO Meeting on Conditions of Work for Teachers (held in Geneva from 20-28 November 1991), insist on the full recognition of democratic rights and trade union rights contained in the ILO Conventions for all teaching staff. As the crisis deepens, as the opportunities for employment diminish and as the standards of living fall, especially under the influence of structural adjustment programmes of the World Bank and the International Monetary Fund, these rights are under serious attack in practice, chiefly in the countries of the Third World where they have already been recognized, but also in industrialized countries and in countries of Central and Eastern Europe where new liberal policies restrict the right to concertation and negotiation.

For teachers and the educational system as a whole, the importance of the Recommendation on the status of teaching personnel adopted in 1966, even more so today, continues undoubtedly to be the guideline and source of inspiration of a future-oriented strategy. The Sixth Ordinary Session of the Joint ILO-UNESCO Committee which will meet in July 1994 in Geneva has a very great significance with regard to assessment of the application of the Recommendation and the strategies which have been implemented through subregional seminars and case studies. A special resolution of the Congress of the World Confederation of Teachers will deal with the future of this Recommendation.

The first meeting of the Standing Technical Committee for Educational Personnel in October 1995 will examine, among others, subjects such as training, retraining and the upgrading of teachers' skills. We will give due importance to this problem as well as to the first meeting of this Standing Committee.

In the general framework of fundamental rights, it will be necessary and of the utmost importance to remember that child labour is still a topical issue. This scourge must be fought. Teachers are fully committed to this struggle.

Finally, it will be necessary to develop the teaching of fundamental rights, the values of tripartism, and negotiations in teaching establishments. In the latter instance the teaching staff are committed to providing this information and training, which is indispensable to the growth of democracy.

Man does not live by bread alone. The economy and nothing else is an obstacle to development. Despite two development decades proclaimed by the United Nations (the Decade of Cultural Development covering the period 1988-97), we regretfully note that so far none of the major objectives which the international community set itself have been reached. The social aspect of development has led to a social decline which hits the poorest of the poor.

Implementation of the structural adjustment programmes has to a large extent affected the weakest levels of society in developing countries. Particularly, the harsh cuts in public expenditure are a great blow to teaching, to teachers, to all public services, to public health, food programmes and social security. How can teachers ensure social and cultural development when the withdrawal of public aid to the education system leads to the loss of reference values for the very life of society? Development and progress must be based on the development of human beings.

Teachers are convinced that the globalization of our societies is not in contradiction to their local roots. On the contrary, this may provide further reinforcement. It is absolutely necessary to develop a strong awareness of the historical, social and cultural heritage of each nation and community.

In developing countries, teachers often face many forms of racism, tribalism, regional differences, inequality between sexes, prejudice and illiteracy. In the so-called industrialized countries, teachers have to deal with a multicultural situation and their approach must therefore be an intercultural one.

On the other hand, as defenders of democracy, teachers are also its first victims, the same as intellectuals: torture, arbitrary imprisonment, and threats are their daily fare.

These increased responsibilities and this unusual situation require and demand that teachers feel supported by society as a whole, as well as by the education system, including the environment outside a school which affects the entire teaching environment.

The World Confederation of Teachers calls upon all bodies of the United Nations concerned with development to concert their efforts in order for international standards to be respected and for all human resources to be fully employed for the benefit of democracy, development, peace and justice.

The World Confederation of Teachers is pleased to see that the Director-General's Report reflects the will to promote a dynamic image for the International Labour Organization. Seventy-five years is not the past, it represents the future. It is only the future we are interested in since it involves our children, our grandchildren and future generations.

Original French: Mr. MADI *(Government delegate, Comoros)* – The delegation of the Comoros wishes to present to this 81st Session of the International Labour Conference, through me, its joy at being able to contribute to the work of this session.

Taking the floor for the first time formally, we should like to take advantage of this opportunity to echo all those who have warmly congratulated the President on his brilliant election to preside over this august assembly.

We would also like to congratulate the wise team that surrounds him; and I should like, on behalf of His Excellency Mr. Said Mohammed Johar, the President of the Federal Islamic Republic of Comoros, to extend our keenest and warmest congratulations to all the delegates present.

On electing the President to steer the deliberations of this session we have only done our duty, because our choice is certainly commensurate with our desire to see wisdom, serenity, devotion and constructive dialogue prevail throughout our assembly.

I am convinced, as is my delegation, that with the support of all his Officers, he will do exactly what we know him to be capable of – and I promise him that we in our delegation will support him fully throughout the proceedings.

As each year at this time, we are called upon to examine the Director-General's Report. We note with satisfaction the diversity and importance of the subjects dealt with by the Report and I am sure that what is said in the Report will guide us in our work. I should therefore like to express my delegation's deep appreciation for the quality of this document and to congratulate the Director-General, its author, and all his staff who participated in producing it.

This year we are commemorating the 75th anniversary of our Organization, the International Labour Organization. It is now three-quarters of a century since the representatives of workers, employers and governments met together for the first time to promote social progress – and this progress is still the basis for the progress of human development and progress.

The achievements and success noted in all the activities of our Organization are not trifling – and we should remember this. I would like to remind you that all member States have been able to count on support from the International Labour Organization and this has been a source of satisfaction and pride for all our countries.

My delegation would like to take this opportunity to express the hope that the International Labour Organization will continue to prosper and extend its cooperation so that its activities in this area increase in scope and become wider and become more and more integrated into national development plans, in accordance with the priorities established by governments.

Of course, our efforts to achieve social justice have been tireless and have been significant; but now more than ever before we must remember that much ground still remains to be covered.

In all countries of the globe there are still situations where we note deprivation and injustice; unemployment and poverty still reign with impunity and to date no country can consider itself to be sheltered from this scourge.

The Director-General has said quite rightly that the future is important for us because it requires us not just to continue, but to redouble our efforts to achieve social justice in the world today and in the world of tomorrow.

The 81st Session of the International Labour Conference is being held at a time when, as the Director-General's Report aptly points out, the world is in the throes of change. I am thinking, in particular, of the end of the bipolar world, the triumph of market economies and the globalization of the world economy.

My country, like other member States of this Organization, is following with great interest and attention these major changes which will, no doubt, play a decisive role in the way our future actions and structure take shape in the future; and even if these changes have repercussions, they will nevertheless be positive in many respects. In referring only to a few changes mentioned by the Director-General, it would seem that, henceforth, our discussions will focus only on the world of labour in order to come up with the best possible solutions to specific problems.

The effective supervision of the application of standards, of which we are more than proud, will be carried out by all member States of our Organization.

The International Labour Organization, which brings together all the nations of the world, will defend and better ensure the universal values that it has always defended resolutely.

We shall overcome the scepticism we have acquired over the years and, as the world changes, as there are upheavals, we shall be called upon to make an in-depth analysis of our Organization's *raison d'être* and its forms of action.

In this connection, my delegation would like to endorse the option chosen to mark the 75th anniversary of the International Labour Organization; i.e. turn deliberately to the future and to ponder the responsibilities to be assumed tomorrow.

I cannot let this opportunity pass by without mentioning an issue which is close to all our hearts at the moment; and that is democracy.

With the disappearance of the bipolar world, democracy is growing from strength to strength, and today all nations of the globe quite legitimately aspire to the freedoms of democracy.

These trends, I am sure, will lead to a consensus on the principles of democratic society upon which we shall build and on the universal values which the International Labour Organization has always defended.

On behalf of my Government and of my delegation I should also like to extend my warm congratulations to the Director-General for having chosen the theme of democracy and for having pointed out in his Report that our Organization must play a role in this area, knowing to what extent these new democracies are vulnerable.

It is incumbent upon our Organization to set itself the goal of establishing a true rule of law, capable of guaranteeing the fundamental rights of all human beings, and the rights of workers in particular.

Whether this aid is of a financial or any other nature, it is vital, because many countries still have young and vulnerable democracies, which are always under the threat of repercussions and consequences of structural adjustment programmes – either negotiated or imposed.

As far as my country is concerned, which has joined the democratic process and become involved in structural adjustment, we place great hopes in the ILO and are expecting to learn from the experience of our brother countries.

Mr. ENGELBERTS *(representative, Public Services International)* – Mr. Robert Reich, the US Secretary of Labor, was quoted by the *Financial Times* on 8 June as saying "The OECD jobs study is like a Rorschach ink blot, in which different people see different things". The same could apply to the Director-General's Report where he tries to be all things to all people, perhaps in an attempt to give satisfaction to workers and employers where their views are in fact in conflict. The section dealing with the critical question of the social clause displays lack of decision and leadership and the Director-General's real intentions need to be clarified. He often limits himself to suggestions about possible alternative courses of action, rather than making firm proposals.

The Director-General says that cooperation with other United Nations agencies has been a key element in the development of the ILO and its means of action. At the same time, he acknowledges that the ILO is far from being a major actor on the international scene, it exercises little influence on important international institutions, and that it will cease to be a force for social justice unless it can influence international policies. He acknowledges that the ILO has not been able to influence International Monetary Fund and World Bank policies much in the past, but has very few concrete ideas of how matters could be improved.

The proposals that follow from this diagnosis are restricted to promotion of ILO influence through reinforcement of its intellectual capacity, a new series of high-level meetings and more forceful presentation of its views. There are no more concrete proposals of how the ILO should work with, or on, other institutions. The importance of the opportunity offered by the World Summit for Social Development is underlined, but the Director-General's argument that there is no forum for social issues in the international system is apparent acceptance of the fact that the ILO is totally absent from the terrain it should occupy, and which it alone has been created to deal with.

As Public Services International, representing also the workers in the ILO, we very much regret this hiding behind the reinforcement of intellectual capacities and would have expected from him more leadership. We agree with the need for labour, employment and social affairs ministers to carry more weight within governments, but we also expect from the Director-General a more effective and quick response to labour matters. Did he really fight back when the World Bank started introducing labour codes in Africa? What does he do on improving public management in Central and Eastern Europe, leave it to the OECD? Can one member of staff in TRAVINT really cope with all the problems facing the public services around the world, given the fact that there are 500 million workers in that sector? When is he really going to implement the decisions that were reached in the last Joint Committee on the Public Service?

Public Services International fully supports the proposals made by the Workers' group in their document *The ILO towards the 21st century*. Given the limitations in time I will restrict myself to the major points.

The ILO's mandate to promote social justice and peace by protecting workers and promoting their rights and better working conditions, must be maintained. Yes, the ILO should adapt to rapidly changing conditions to better achieve its objectives. But the objectives stay the same. The ILO must reassert its value and reinforce tripartism. Priority should be given to assist trade unions in improving their capacity to be effective actors in all areas of economic and social policy. Conventions and Recommendations and the mechanisms for their supervision are the ILO's principal means of action. Any attempt to reduce their role and influence must be resisted. The soft law approach of the Director-General does not attract us at all. New ways must be found of applying standards more effectively, in particular: the setting of new standards must continue; the standards on freedom of association, discrimination and forced and child labour should be declared a World Charter of Workers' Rights with the ILO campaigning for their universal ratification and application; and a complaints mechanism like the Committee on Freedom of Association should be extended to cover all of the standards in the World Charter.

Yes, we in PSI firmly believe the time has now come for a social clause in trade and investment agreements. And let me say to those governments who are opposing a social clause what it is we are not calling for.

We are not calling for a social clause which would reduce the competitive advantage that developing countries have in lower wages. We are not calling for an international minimum wage. We are not calling for an artificial equalization of labour standards between rich and developing countries. What we are calling for is respect throughout the world for basic workers' rights, which give those workers in the Third World a fair chance to raise standards over time. We are calling for the respect for human rights which would mean that trade and investment gains do not stay restricted to a small élite in developing countries, but are spread throughout the population.

If the ASEAN governments, as the resolution mentions, are not opposed to the application of ILO labour standards, why do the majority not allow public service workers the same rights as other workers and keep prohibiting their freedom of association?

What is this argument about universal values being less than Asian values? *The Economist*, not particularly a worker-oriented magazine, said this in an editorial of 28 May on Asian values, and I quote: "They suspect that the real point of Asian values is to give Asian authoritarians who do not want to surrender power, or even entertain the possibility of a western-like alternation of parties in government, a respectable cloak for their personal ambitions".

Of course, this is not limited to Asia. I listened with great care to what the Minister for Labour from Kenya said on 8 June in the plenary. I was particularly interested in his remarks on freedom of association. A week before I had met him in Nairobi to protest against the renewed ban on the Kenya Civil Servants Union, which dates back to 1980. The ILO recommended to the Government of Kenya in 1985 to restore the union. Despite these recommendations, despite the election manifesto of the ruling party, despite a parliamentary motion adopted on 13 October 1993, despite government approval of Justice Cockar's report which recommended the immediate establishment of the union as announced on 28 April 1994, the union was banned again on 11 May. Why? Perhaps we should ask the World Bank. In November last year donors and lending institutions endorsed the Kenyan Government reforms by ending a two-year freeze on aid with a pledge of over more than $850 million.

The Director-General recognizes that the ILO has had little success in influencing the structural adjustment programmes of the IMF and the World Bank. The ILO must increase its role so that it acts as an equal partner with the Bretton Woods institutions in this field, and make sure that there is a social dimension in adjustment. Or do we have to wait for another "Chiapas". At least that resulted in the Inter-American Development Bank using half of its funds for an improvement of the social infrastructure in Latin America.

The Director-General makes useful proposals on how the ILO can strengthen its activities to address the global employment crisis. However, the idea that more jobs can be created by removing basic worker protection is dangerous and wrong. The ILO must reject any trade-off between the quantity and the quality of employment. It must play an increased role in international policies to boost jobs and tackle poverty worldwide. If, as has been acknowledged by ECOSOC and the World Bank, it is low wages which explain why there is corruption, low productivity and moonlighting in many African public services, then an agreed timetable to achieve wage improvement should be commenced. Working towards "Good governance" is not just a matter of fighting corruption at the top. Technical cooperation can also play an important role in this area, but it should be conducted on a fully tripartite basis and linked to and guided by ILO standards.

The 1995 World Summit for Social Development is a major opportunity for the ILO to reassert its influence in the United Nations system and with the Bretton Woods institutions in particular. It must play a leading part in the preparation, conduct and follow-up of the Summit. There should be full tripartite involvement in the Summit process. We offer the Director-General full support if he campaigns vigorously for this.

Workers do have a sense of what is needed for their country's welfare and can be part of the solution if governments let them. In Public Services International we are convinced that there is a need to alter the tried and failed neo-liberal policies of the last 15 years if we do not want to end up in neo-liberal anarchy. How many more disastrous election results are needed before governments realize that their policies threaten democracy?

Original Russian: Mr. KASKEVITCH *(Minister of Labour, the Ukraine)* – Permit me first of all to congratulate the President on his election to this high office and to wish him every success in conducting our Conference.

We sincerely congratulate all the participants at the session and the staff members of the Office on the occasion of the 75th anniversary of the International Labour Organization and the 50th anniversary of the adoption of the Declaration of Philadelphia.

The Report the Director-General prepared for this anniversary session, *Defending values, promoting change*, contains a profound and rather objective analysis of the experience accumulated over the past years. It also gives recommendations for the adaptation of the ILO and its place in the new and rapidly changing world.

The value of the Report in our view is that it does not look towards the past, but is oriented towards the future. It presents the prospects and the characteristics of a plan of activity for the ILO for the coming decade.

We concur with the conclusion of the Report that the general extension of the market economy, structural transformations and the globalization of economic links all have various consequences, including negative ones – growing unemployment, the impoverishment of the population, the polarization of incomes, marginalization, etc. It is fully understandable that in such circumstances one of the priorities for the future activity of the ILO has to be to strike a balance between reforming the economy and supporting social stability by developing new effective measures for the social protection of the population during the period of market transformations.

This problem is especially important for the countries of Central and Eastern Europe, including for the Ukraine, in so far as the transition from a planned economy to a market economy and the strengthening of democracy can only be possible if there is social stability and the broad support of society for the reforms.

It is no secret that in the Ukraine the process of economic transformations and the social renewal of society are being carried out in a complex and painful way. There has been a drop in the level of production. Inflation has increased and as a result the standard of living of the population has fallen.

At the present time, the Government is developing and implementing urgent measures to overcome hyper-inflation in the Ukraine. This includes a set of measures aimed at bringing down the rate of inflation, reducing the drop in production and preventing a further drop in the standard of living. In the first quarter of this year, thanks to the implementation of monetary, financial and credit policies, the rate of inflation was considerably reduced to 4 per cent per month.

Work has been carried out on reforming the credit, financing and banking systems and to set the stage for monetary reform.

Based on the new realities facing the economy of the Ukraine, we have for the first time drawn up a structural adjustment programme. In it we have defined concepts for the restructuring of the economy, including guidelines and strategies. The tasks to be tackled include improving the social orientation of the economy, the scientific and technological transformation of production, reducing reliance on resources and improving the balance between production and services.

The privatization programme which is aimed at privatizing over 30,000 units in 1994, is being implemented first and foremost by speeding up small-scale privatization, by selling off stock in medium and large-scale enterprises and by providing state support to small and medium-sized businesses.

Among the measures adopted to create a normal investment climate, the State has adopted a programme to attract foreign investment, to define priority sectors for foreign investment, to identify tax benefits and insurance guarantees and to improve the legal regulation of foreign investment. We are also developing infrastructure for international business.

We are extremely grateful for the active participation of the ILO in promoting social reform in the Ukraine in the process of the transition to the market economy. I should like in particular to mention the seminars held in the Ukraine with the participation of international experts in labour statistics, the establishment of a modern system for occupational classifications, the development of enterprises and cooperative movements, the organization – with the financial assistance of the ILO – of training courses for Ukrainian specialists in study centres in Germany, Italy and the Netherlands and the creation in the Ukraine of a national centre for labour productivity.

The Government of the Ukraine is very interested in the active involvement of the ILO in the development of a system for the training and retraining of supervisory staff to meet the needs of structural adjustment, privatization and the development of small-scale cooperation in accordance with the provisions of ILO Convention No. 144 on tripartite consultation. For very obvious reasons, we are particularly interested in the initiation of ILO activities to work out systems of vocational and social rehabilitation for workers suffering from the consequences of the accident at the Chernobyl nuclear power station.

With respect to the future work of the ILO, we believe we have to emphasize the need to maintain in the future such traditional programmes as the Organization's standard-setting activity. The importance of its development and its further improvement are referred to in the three basic themes given in the report: the adaptation of standard-setting activities to correspond more closely to real and vital needs, the opening up of new prospects in promoting basic social rights, and the creation of new possibilities of interaction between international labour standards and the development of international trade.

In this connection I should like to mention that work aimed at ratification by Ukraine of the international instruments of the ILO has recently been stepped up. We consider that in the current complex situation, the ratification by the Ukrainian Parliament of six important ILO Conventions in just the past year is a positive response to the appeal of the Director-General to mark the 75th anniversary of the ILO by ratifying its instruments.

The delegation of Ukraine shares the view of the Director-General on the need to review a number of permanent functions of the ILO and to make a number of organizational and structural changes in the International Labour Office, with the aim of adapting its activity to find solutions to the new social and labour problems, and especially to those arising as many countries undergo the transition to the market economy. We support the initiative of the delegation of Belarus, which suggested the creation of a special subdivision to deal with questions relating to labour activity in the CIS countries. We hope that the problems of the countries in transition will be dealt with as a priority of ILO activity. This is already the case in a number of other bodies and organizations within the UN system, in accordance with resolutions Nos. 47/187 and 48/181 of the General Assembly of the United Nations.

We fully support the proposal to extend the competence of the ILO in the areas of the development of socially oriented patterns of growth and economic reform, employment and income analysis in the world and also the study of the influence on employment and income of economic and financial policy. The ILO, we are convinced, has to play the leading role in the preparations for the World Summit for Social Development which is going to take place in 1995, in particular in the establishment and application of supervisory machineries, analysis, regulation and consultation concerning worldwide development trends, the strengthening of international cooperation and the development of uniform socio-economic policies aimed at solving social and labour problems.

In conclusion, permit me to express my conviction that our Organization, enriched with the wisdom of 75 years of experience, will discover new approaches and will find a new impetus in order to achieve the noble aims enshrined in its Constitution.

Original Russian: Mr. SCHERBAKOV *(President, General Confederation of Trade Unions)* – First of all permit me to congratulate the President on his election to this responsible and distinguished office. We would like to express our conviction that with his experience and authority, he will be able to dispense with the tasks facing him and successfully chair this extremely important anniversary session of the Conference.

This year we are celebrating the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia. The founding principles of the ILO's activities throughout the years are still topical and viable. This proves that it remains the most important international socio-economic mechanism and a valuable instrument for the development of labour relations.

The topic of the Director-General's Report *Defending values, promoting change* invites us, on the one hand, to look at how far we have already come and, on the other, to consider how best we can adapt the ILO to the fundamental changes taking place in the world.

Three "geopolitical upheavals" mentioned in the Report are so far-reaching and deep-seated that we are forced to think seriously about the basic thrust of ILO activity: "the disappearance of the communist bloc" which has had a profound influence on the whole course of world development; the speeding up of the process of the globalization of the economy leading, as justly noted in the Report, to a growth in international trade, international capital flows, foreign investment, interaction in financial markets and to a stronger role for transnational enterprises in the sphere of economic activity; and a radical transformation of the labour market which has engendered new social problems and enhanced and deepened inequalities between people.

We consider that on the basis of this largely accurate analysis, we must take stock of ILO activity and the prospects for its development.

We are fully convinced that standard-setting must continue as the main thrust of ILO activity. Its Conventions and Recommendations make up the true world compendium of labour legislation. I do not think that there is even one country in which the unions and workers fail to recognize how useful and necessary they are.

Of course, some standards cannot keep up with the tide of change sweeping through the world. Others seem to be too stringent. However, neither their essence, nor the very principle of standard-setting, nor the majority of the standards adopted have lost any of their significance.

The Report rightly asserts that the globalization of the economy and its consequences make it necessary to amend standards and make them more flexible. In this context, the idea of establishing procedures for mediation and voluntary arbitration is to be applauded.

However, it is obviously premature to speak about "the decline of the Nation State", of a society in which the State plays a regulatory role in socio-economic structures.

State mechanisms continue to dominate labour relations. This means that, when formulating national legislation and finding solutions to social and labour problems, we must continue to be guided by ILO standards. At the same time, we should try to ensure that as many Conventions as possible are ratified by member States of the ILO. Here, there is an important role to be played by the social partners, including the trade unions, which have a vested interest in strengthening the legal basis to protect workers' interests.

The trade unions of the CIS countries were actively involved in the process of standard-setting at the national level and have come out decisively in favour of the ratification and application of ILO standards in national labour legislation. It is in no small part due to them that new Members of the ILO such as Azerbaijan and Kyrgyzstan have ratified the Forty-Hour Week Convention, 1935 (No. 47), and the Workmen's Compensation (Occupation Diseases) Convention (Revised), 1934 (No. 42), respectively.

This is why we are concerned by the attempt of certain parties to call into doubt the basic principles and aims of the ILO and undermine the basis of its standard-setting activity. This was clearly and unambiguously stated in September 1993 at the second Congress of the GCTU.

The Director-General's Report rightly points out that the profound crisis in the world is engendering new and serious social problems. We can but agree that the ILO must pay closer attention to finding solutions to them.

Indeed, transformations under way in the world present us with a paradox. On the one hand, we have the globalization of the economy, which is having a profound effect on progress and stabilizing standards of living.

On the other hand, these processes are also leading to considerable difficulties in terms of finding solutions to social problems. The vast army of the unemployed, the vertiginous growth of social inequality, the appearance even in the most developed countries of new forms of poverty, the increase in the number of migrant workers and the expansion of the informal sector of the economy all call for urgent measures to be taken. It is logical that the ILO should not remain on the sidelines.

Proof of the ILO's commitment to the ideals of social justice is the active support it has given to the idea of convening a World Summit for Social Development. We hope that this meeting will make it possible to create an international instrument for the effective monitoring, analysis and regulation of basic development trends, and will serve as a stimulus for the strengthening of cooperation in finding solutions to the most acute social problems.

The countries of our region, in the throes of the transition from centralized planned economies to market relations, are particularly sensitive to how urgent it is to find solutions to these burning problems.

Hasty, ill-thought-out methods of reforming the economy in our countries have led to the acute impoverishment of the population and social disintegration. From day to day the problem of unemployment is worsening. The number of employed, just over the past year, has dropped by 1.7 million persons, but this is merely the tip of the iceberg of real unemployment.

The GCTU sees combating unemployment as one of the priorities of trade unions. We recently set out our concern at the serious situation in our region with regard to employment and the payment of wages on time in an address to the heads of Governments and States of the CIS. The Executive Committee of the GCTU warned in particular that it could not exclude the possibility of trade unions appealing to international organizations if the unprecedented harm to the human rights provided for in national legislation and ILO Conventions is not halted.

We share the assessment of the Director-General on the situation in Central and Eastern Europe. The situation there is indeed dramatic and we think it is therefore too optimistic to conclude that "this is merely a transitional phenomena and the situation in these countries" will soon improve. On the whole, the Report provides a realistic assessment of the social situation throughout the world and makes interesting concrete proposals with regard to ILO activity. In particular, we would like to support the proposal on the presentation to the International Labour Conference of an annual report of an authoritative analysis of the situation of employment and incomes throughout the world.

However, it is also important that such a report should not only analyse the situation but seek to propose alternatives for national and international policy which would help to solve the eternal dilemma surrounding the need for balance between ensuring economic growth and the urgent need to support employment and raise the income of workers, particularly for the poorest sectors.

There is no doubt also with respect to the proposal on the regular convening of a high level meeting in the framework of the Governing Body on employment and trends in world economic development.

However, everything will depend on how effective the measures proposed will be in practice and their influence on international policy.

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In conclusion, permit me to express solidarity with the position of the Director-General that confidence in the ILO depends on the degree of its influence in each State. As the Report points out, this depends heavily on the authority of the tripartite participants of the ILO in these countries, their ability to influence the drafting of legislation and participate in it.

To this end the close cooperation and active participation of all Members of the ILO and above all the trade unions, who express the vital interests of the workers, are for us the prerequisite for the success of ILO activities in the future.

Original Spanish: Mr. MENÉNDEZ CASTEJÓN *(Employers' adviser, Guatemala)* – On behalf of the employers of Guatemala, I should like to extend to the President and the other Officers of the Conference our warmest congratulations on their election to such high office and on the excellent way in which they are conducting our proceedings. I wish them every success in discharging their duties.

It gives me great satisfaction to have this opportunity to represent Guatemalan employers and to be able to explain our points of view and describe the situation that our country is going through as well as the efforts being made by employers to consolidate democracy and peace in Guatemala.

We have read very carefully the Director-General's Report and we should like to congratulate him on producing such an important document. We find that the subjects developed in the Report and the different opinions expressed to be most appropriate.

A rapidly changing world, the disappearance of the Eastern bloc and, as a consequence, the end of a bipolar world, the triumph of market economies, globalization of the economy, etc., these are all very important and topical issues.

In his Report, the Director-General points to three issues in particular: how to achieve sustainable growth, that growth must lead to the creation of jobs and that jobs must be of an acceptable quality.

For the employers of Guatemala, there is one very important problem which takes precedence over the three issues I have just mentioned, and I refer to the problem of peace.

Only in a context of peace is it possible to create the right conditions for investment, development and the generation of employment and prosperity in general.

Guatemala has been the victim of internal armed conflict for 34 years now, caused by terrorists of a group known as the Guatemalan National Revolutionary Union, the URNG, – a hurdle we must overcome in our economic growth and our fight against poverty. This war has succeeded in retarding economic development and social development in our country.

This terrorist movement has its roots in Marxist-Leninist ideology and has already claimed more than 100,000 human lives, creating 43,000 refugees according to the figures given by humanitarian organizations.

At present, more than 1 million Guatemalans have been displaced as a result of terrorist violence. We cannot tell these people about the application of international labour standards or about workers' rights because they simply do not have work. What is most important in our country is to give them productive jobs, and for this we need investment which in turn requires peace and tranquillity.

Furthermore, we employers must work and create jobs. At the same time, we have to cope with extortionate war taxes, assault, blackmail, abductions and all other kinds of offences, and our activity as employers is extremely difficult. None the less, we continue and will continue in our endeavour to maintain the country's levels of productivity. Development is impossible in a setting of violence and war. The ILO must ensure the application of standards in its member States.

But how is this possible when there is no work? In the rural areas of Guatemala many people do not have productive jobs, so there is no application of international labour standards. What we do have are isolated groups trapped in a subsistence economy. There are no trade unions because there are no enterprises and these persons stand isolated from any standards. Therefore, it is first necessary to incorporate them into development and the economy before turning to other priorities.

We in the developing countries need more than anything else an environment of peace and stability to generate new investment and new enterprises. We need this more than sophisticated labour standards, though this does not mean that the latter are not important.

It is necessary once and for all to end this violent conflict and sterile confrontation which is preventing Guatemalans from developing and working in peace and tranquillity.

Against this background, we the employers of Guatemala ask the ILO to focus part of its endeavours on the generation, promotion and development of the enterprise as a means of creating jobs.

It is unthinkable that, when the whole world is celebrating the end of the East-West conflict, and when the international community is adapting to the demise of communist regimes, in Guatemala the anachronistic URNG should be pursuing its terrorist acts on the basis of communist doctrines which are now outdated, while maintaining the people in a climate of violence.

Throughout the American continent there are only four internal armed conflicts. They involve the Shining Path in Peru, the URNG in Guatemala, the Zapatista movement in Chiapas, Mexico, and the ELN-FARC in Columbia.

The international community must assist in ending such conflicts that have caused these countries such serious losses, particularly in terms of human life.

The peace processes in El Salvador, Nicaragua and in the Middle East serve as an example for the entire world. They have demonstrated that with unswerving support by the international community, it is possible to end conflicts whatever their nature.

Another section of the Director-General's Report talks about the globalization of the economy and competitiveness, but for our country it is extremely difficult to become part of this globalization since our circumstances are not conducive to competitiveness.

The internal armed conflicts in the country are not only draining our resources, because we have to keep an army operational, but are also consuming our national efforts to keep a check on these terrorists, and all this to the detriment of our struggle against poverty, to the detriment of productive investment which would generate new jobs.

The Director-General also deals with the issue of he ILO and the world economy and the problem of economic growth and job creation. Guatemalan employers would like the Director-General to comment on the obstacles for democratic countries constituted by armed conflicts and by the presence of irregular orces such as the URNG which are trying to prevent, by using violence, the consolidation of democracy and also to prevent growth and development in our country. This is of cardinal importance in dealing with the social aspects of the globalization of the economy.

We the Guatemalan employers would like the democratic nations to lend support to lawfully constituted governments and to our democratic process, as well as helping us in establishing peace as a fundamental and essential condition for eradicating poverty and in achieving full respect for human, civil, political, economic and social rights. This can only be achieved if the rule of law is observed.

We would also call on the URNG to end the violent conflict as well as its terrorist acts against the economic infrastructure of Guatemala. We would call on it to stop destroying bridges, to stop destroying the energy distribution system in the country which we need, as we do peace, as a fundamental prerequisite for our human development.

Original Russian: Mr. KUNYAVSKY *(Employers' delegate, Belarus)* – First of all I would like to congratulate the President and his Vice-Presidents on their unanimous election to these high, distinguished offices and wish them every success in conducting the 81st Session of the International Labour Conference. I am convinced that the President's high degree of professionalism and rich practical experience will make it possible for us to carry out the work of our Conference with success and to deal with the tasks before us.

I consider my statement today to be a kind of divine opportunity, in so far as it is taking place at the time of the 75th anniversary of the International Labour Organization which has had a productive existence and record of work. In so far as the tone and thrust of our deliberations has been set by the extremely interesting, profound and far-reaching Report of the Director-General, Mr. Michel Hansenne, it is to this Report that I intend to devote my statement, which will address the values the ILO must defend.

Naturally, I am not going to, and am not in a position to, cover the whole range of problems raised in the Director-General's Report on all ILO activities. I will deal merely with the values and changes which relate to the development of entrepreneurship in the countries of the former USSR at present and in the near future.

As in the Constitution of the ILO and the Declaration of Philadelphia, throughout the Director-General's Report the guiding light is the idea of improving the activity of our Organization with the aim of strengthening social justice. We can only welcome this idea. But it would be erroneous in our view when examining the problems of today's world to limit the concept of social justice merely to relations between the traditional social partners within countries. We now have to extend this concept to include the conditions and possibilities of the countries which are trying to introduce a market economy and develop enterprise to provide employment and material well-being. We also have to do this because the market economy is generally a basis for democracy, and thus also for the realization of the ILO's ideal of social justice and peace.

The Report correctly notes that the market economy has become the model for all countries. But between the adoption of the market model and its practical implementation, we have seen that there is a long way to go. In the countries of the former USSR undergoing the transformation to a market economy there are considerable obstacles – the anti-market mentality of the people, lack of experience and skills, hostility to entrepreneurship and social differentiation, opposition to privatization, a reliance on state paternalism and egalitarianism, etc. But the greatest risk is the fact that the formation of market relations in our countries is taking place against a background of serious socio-economic crises which have led to a drop in the standard of living of the overwhelming majority of the population. Opponents of the market economy, and thus opponents of entrepreneurship, are trying, not without some success, to convince people that all the harm comes from the market and from the market economy. In such circumstances it is not impossible that political forces may come to power and may try to halt market reforms and restore a centrally planned system. Thus, we believe that the highest priority should be given to technical projects aimed at strengthening market relations and helping employers and their organizations; and that this fits into the framework of the activities the Director-General introduces by affirming that the market economy has become a model for all countries.

I have to say that employers' organizations in my republic are already receiving quite solid support from the ILO and I have been authorized to express our gratitude to the departments dealing with Europe and entrepreneurship, as well as others within the ILO, and also to the Turin Centre for the aid that they have given to employers in my republic. A number of seminars have been held with the support and participation of ILO specialists. There is also the remarkable and promising project for the conversion of military bases located in our territory into employment zones, and there have been entrepreneurship and energy conservation seminars as well. Bearing in mind the specificities of my republic, and in particular the relatively slow pace of reform, I have been empowered by my organization, the Union of Entrepreneurs and Leaseholders of Belarus, to ask the ILO within its field of competence and in accordance with its values to work together with our experts to give some thought to the possibility of drawing up an integrated programme for the development of entrepreneurship and for the strengthening and improvement of employers' organizational structures. I understand that such a request might seem to be immodest in so far as the pace of reform is slow, not only in my country, but elsewhere as well. But this kind of programme could be useful not only for Belarus, but also for other countries of the former USSR. The framework of such an integrated programme could be a basis for the practical implementation of measures to: improve conditions of work; ensure freedom of association; eliminate all forms of discrimination; carry out collective bargaining; and create genuine employers' and workers' organizations.

I believe the development and implementation of this kind of programme would be a practical response to the need mentioned by the Director-General to adapt the ILO to the constant changes taking place throughout the world. In this case, the ILO would act as an adviser, capable of giving useful suggestions to solve urgent problems and providing a place to exchange ideas and share our experience. At the same time the ILO would fulfil the role referred to by the Director-General as being of such importance: that of influencing the mechanisms driving the world economy.

Given all that I have said, we think that the Director-General's idea is highly useful regarding the need for a kind of "soft law" with shorter periods of validity, less limited in nature, with sets of regulations, practical guidelines and directives. This kind of recommendation would even be sufficiently acceptable for clear opponents of market economics, as these recommendations will always be based on the idea of social justice and social partnership. At the same time, they would be more comprehensible for our countries which have weak democratic traditions and a low level of development of market structures.

We are extremely impressed by the proposal of the Director-General with respect to ILO activities in the light of the globalization of the economy and international competition.

Our countries' recent political independence has brought us face to face with these problems. Since independence is new to us, these problems must be dealt with by the Government, workers' organizations and employers' organizations alike. The solutions proposed by the Director-General seem to us to be fully acceptable and they call for no changes in the ILO Constitution. But all of these solutions require a great deal of work. For the moment they are expressed in very general terms.

I particularly welcome the part of the Director-General's Report dealing with the sources of information and analytical materials. Indeed, we do not need abstract academic studies, but material which deals with the major problems of practical significance.

I have to emphasize that it is in our interests that the ILO has begun implementing the policy of active partnership with the aim of bringing it closer to all the social partners, and has also enhanced the follow-up and the quality of technical services. We believe that this kind of policy will make it possible successfully to solve complex problems, and particularly those faced by countries in transition and taking part in the globalization of the world.

I should also like to address another question that is very topical for us: the training of employers' supervisory staff, beginning from a very young age. This is extremely important for our country. We have already been carrying out such work for three years and we have seen some remarkably able children. But our limited resources do not permit us to carry on this work at an appropriately modern technical level. We thus require the assistance of the ILO and hope that the Organization will respond to our requests.

In conclusion I would like to congratulate the ILO and all its Members on this anniversary. I would like to express my conviction that the ILO in the future will continue to serve its noble aims, and reiterate that the employers of the young sovereign State, the Republic of Belarus, will do their part to strengthen the organization.

Original Spanish: Mr. SEMEREL *(representative, World Federation of Agriculture and Food Workers)* – I would like to congratulate Brother Charles Gray on his election as President of this session of the International Labour Conference and also the Vice-Presidents, in my own name and in the name of the World Federation of Agriculture and Food Workers. It is an honour for the workers to preside over the Conference on this occasion, after 25 years.

I would also like to welcome and congratulate the new member States of the ILO family and celebrate the return of the Republic of South Africa.

I would like to congratulate the International Labour Organization on its 75th anniversary, and on the 50th anniversary of the Declaration of Philadelphia.

I would like to thank the ILO for its great contribution to improving the world of work, living conditions and human rights. At the same time, I want to make a few general considerations on the Report of Mr. Michel Hansenne, the Director-General of the ILO.

I read the Director-General's Report with great interest. Both the Report entitled *Defending values, promoting change* and the Report entitled *Activities of the ILO, 1992-1993*. Both Reports reflect the wealth of the 75 years of the International Labour Organization's existence, which we are commemorating today.

However, I must say that the triumph of the market economy, although it has become almost universal, has brought with it many problems about which the workers cannot remain silent, such as the unemployment situation, relocation, loss of freedom of association in many cases, adjustments, and other inescapable problems that have affected the poorest sectors of society, especially in the countries of the Third World.

Here, I regretfully disagree with the views of the Director-General of the ILO. I do not think the workers universally accept the market economy, although we recognize that it has many positive aspects. But workers will never be able to accept a system which considers merchandise more important than human labour.

From this rostrum I would like to denounce the difficult situation in which the workers of the Ihro-Lamé enterprise of the Côte d'Ivoire in Africa find themselves. They were repressed by force and expelled from the enterprise because they set up a union. Since then, the workers and their families have been in a desperate situation. Destitution and malnutrition have got worse day by day and 15 people have already died of illness and exhaustion.

In Paraguay, two peasants were assassinated in the last two months (April and May) and tens more have been wounded and imprisoned, in the struggle to defend human rights and freedom of association. Esteban León Balbuena, from Itapuay Department, and Sebastián Larrosa from Tacuara in San Pedro Department, Paraguay, were assassinated just a few weeks ago.

In Costa Rica, 18 banana production workers were wounded whilst striking against a wage cut; the British company Geest Caribbean fired 600 workers.

In Guatemala, as well, a wave of persecution broke out against a group of policemen who wanted form a trade union. Eligio Quej Morán, a member the ad hoc committee, was tortured and was given drug injection.

These and other events show how the labour sittion is steadily getting worse, despite the good tidgs proclaimed by the representatives of neo-libersm.

The World Federation of Agriculture and Food orkers, a member of the World Confederation of bour, reiterates its rejection of the European nion's decision to limit banana purchases. This desion has led to extensive unemployment, and has duced wages. The European Union's action here s hit workers: they are always the ones who suffer om discriminatory measures.

In September this year, the World Federation of griculture and Food Workers will organize a semir attended by agriculture and food workers from frica, Latin America, Asia and Eastern Europe to alyse the impact and future of the agricultural secr in the world's poorest countries. This educational ent will, I hope, help us draw up criteria on food fety, the environment and ecology, agricultural proction, international labour regulations, the involement of women and young people in trade unions, d other issues of general interest to Third World orkers.

I would also like to use this opportunity to repeat e appeal I made last year to countries with overseas territories or dependencies and associated states. They should allow workers in these territories to participate in ILO activities, meetings and annual Conference sessions as general delegates. Either that, or we have to try and find a formula which would allow workers from these territories to participate without being part of metropolitan delegations. A typical example that is of great concern to us is Puerto Rico.

I would once again like to emphasize the principle of tripartism where workers can freely express their views and counterbalance government unemployment proposals. This is one of the ILO's strengths and it must be preserved. Tripartism based on consensus and dialogue in finding solutions to problems should have its reflection in all countries in the active and decisive participation of unionized workers.

In my capacity as General Secretary of the Curaçao Workers Trade Union Conference, I have, as promised last year, brought with me a First Day Cover for 1 June 1994 issued by the Government of the Netherlands Antilles commemorating the ILO's 75th anniversary. I would like to hand it to the President of the Conference, Brother Gray; however, since he is not present, I will hand it to the Vice-President, who, I am sure, will pass it on to Brother Gray.

(The Conference adjourned at 6 p.m.)

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Fourteenth sitting

Wednesday, 15 June 1994, 10 a.m.

Presidents: Mr. Gray, Mr. Ould Sidi

SIXTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

The **PRESIDENT** – The Sixth Report of the Selection Committee, reproduced in *Provisional Record* No. 3E. If there are no objections we will consider this report adopted.

(The report is adopted).

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The **PRESIDENT** – We shall now resume our discussion of the Reports of the Governing Body and of the Director-General.

Mr. **CASIANO** *(Minister of Labour and Administrative Reform, Sudan)* – Allow me at the outset to congratulate the President on his election to the presidency of this Conference.

This historical Conference, which coincides with our celebration of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, avails us with the opportunity to recall the values of our Organization. We have to seize this opportunity to see to what extent we have been loyal to these values, and what awaits us by way of improving our record in this respect.

The Report of the Director-General, *Defending values, promoting change*, presents a host of proposals and suggestions. These proposals are geared towards paving the path for the ILO to stand up to its new role and activity, in the context of the changing world. We have intellectually enjoyed the essence of these proposals. However, it seems to us very difficult to comment on them in detail due to the short time period. Instead we will limit ourselves to highlighting some observations on a number of aspects of the Report.

The ILO Constitution of 1919 is enhanced by the Declaration of Philadelphia of 1944. In our view that confirms the validity and relevance of these values to the world of today. After a lapse of three-quarters of a century, it is disturbing to note that the record of social justice in most parts of the world is disappointing. The majority of the human race remains poor, still suffering from undernourishment, lack of adequate shelter, disease and illiteracy.

Adhering to the values of social justice, we would like to put emphasis on a number of issues that address this appalling situation:

First, the ILO should maintain its objectives of combating unemployment, alleviating poverty and promoting participation;

Second, promotion of strategies for human development, employment and income distribution and basic needs;

Third, settlement of civil conflicts and wars through dialogue by eliminating the basic causes and addressing the negative effects;

Lastly, the triumph of the market economy should not be allowed to be a triumph over the poor of the world, in the context of adverse and unfair terms of trade in relation to Third World countries.

It is worth noting that the ILO has not remained static over the years, since the Declaration of Philadelphia. A number of changes and amendments have been introduced in its structure, regulations and even in the Constitution to cope with changing situations and circumstances.

In view of the new emerging political and socio-economic development, both at the national and international levels, the ILO is destined to go on evolving its structures and promoting ways and means of action to meet the new challenges. A number of programmes and activities could be mentioned to demonstrate the nature of these challenges. We underline some of them as follows:

First, the process of standard setting needs to be explored and studied in depth to see to what extent the existing standards are relevant. Moreover, identification of the genuine reasons and difficulties facing member States in ratifying these standards merits priority.

Second, the 1986 amendments of the Constitution, namely the broadening of the participation of member States in the Governing Body and reforming the voting system, needs the political will of member States in order to generate action.

Third, due to urgent needs of the Third World countries, the credibility of the ILO lies in the providing technical cooperation. Hence there should be no conditionality that hampers the attainment of the ILO objectives in alleviating poverty and combating unemployment.

Fourth, the introduction of an active partnership approach is highly appreciated. The multidisciplinary teams which will operate within this system should be given the authority and the necessary flexibility to tackle the issues at the level of constituents in the best possible way.

Fifth, we fully share the feelings of the Director-General as regards the initiative of launching a new world employment programme because a job opportunity is a value in itself, enhancing the dignity and honour of human beings.

Sixth, the ILO, inspired by its values and armed by its performance in combating poverty and unemployment, is well suited to claim competence in the labour and social fields. Therefore, it should be given the opportunity to play a primary role in international policy-making.

On our part, a number of highlights: First, special importance has been given to the promotion of the agricultural sector, through the provision of funds, inputs and incentives. This is intended to broaden the productive base and improve the lot of almost 70 per cent of our labour force in the rural areas. Second, emphasis has been put on human development. Third, on the labour scene, labour and social security laws have been revised to give more incremental benefits to the workers. Fourth, a Supreme Tripartite Council for Wages was established in 1990 to review the minimum wage periodically, to offset the negative impact of inflation on the real wages of workers. Fifth, to end the civil war in southern Sudan, the Government is anxious to achieve a peaceful settlement through dialogue and negotiations. The recent peace talks in Nairobi have succeeded in solving the humanitarian issues. We are looking forward to further talks in Nairobi as scheduled. Sixth, the Sudanese Government is implementing a federal system geared towards the attainment of balanced development, equal distribution of wealth and power sharing.

As Sudan joins the world community in celebrating the 75th anniversary of the ILO, we have recently organized a number of tripartite activities to commemorate this occasion.

We wish to take this opportunity to congratulate the people of South Africa for having abolished apartheid and elected their democratic Government. We hope that the sufferings of the people of Palestine, Bosnia and Herzegovina, Somalia and Rwanda will come to an end.

Sudan also welcomes the newly affiliated member States to the ILO. We wish our Organization all success and prosperity.

Mr. MARCUS *(representative of the International Co-operative Alliance)* – It is a privilege to address this tripartite body with which our organization has had such close relations since 1919. The founders of the ILO understood that cooperatives were to play an important role in the promotion of economic growth and social justice for working men and women. It is for this reason that the ILO created the cooperatives activities programme which promotes and assists cooperatives worldwide, and after years of informal collaboration, also formally granted the International Co-operative Alliance – the ICA – general advisory status in 1948, a privilege which is as you know limited to a very small number of NGOs.

Much could be said about the collaboration and numerous joint activities during the 75 years which have passed. Allow me to mention just three areas where the assistance of the ILO has been invaluable to the ICA and the cooperative movement worldwide: expertise on cooperative legislation, leadership in human resources development of cooperatives, and the promotion of the role of women in cooperatives.

This being noted, please allow me to say a few words about the ICA – what it is, what it does, and in which areas we hope that the ILO and the ICA will work together in our common aim of improving the lives of so many. The ICA is a child of the nineteenth century. It was created in 1895 by cooperatives of consumers, farmers and workers as the ideological apex and as a network to bring together, develop and represent all cooperatives. Unlike most NGOs of global membership, the ICA survived both hot and cold wars.

Over the years our membership has grown. Today, the ICA is made up of 224 national organizations from 101 countries. Of nearly 730 million cooperators in the ICA's membership, more than half live in Asia today. The majority of the individual cooperators which are affiliated to the ICA are farmers. Ninety-nine years ago, the majority were European consumers. Ever since the 1950s the ICA has been heavily engaged in cooperative development in the South, often together with the ILO and government development agencies. On the request of our members, the ICA opened regional offices to implement ICA development programmes. Today, the ICA has regional offices covering Africa, Asia and Latin America. Perhaps I should also mention that the ICA headquarters is located across the street from the ILO office here in Geneva.

Let me now turn to the future, and specifically to four areas where we are likely to have common interests and responsibilities.

Firstly, the ICA shares the preoccupation of the ILO and its member States with regard to the growing employment problems and the strains provoked on social welfare systems. Many OECD countries are presently exploring the idea of welfare systems which are dependent less on taxes and more on self-paid participation. The ICA at the same time is witnessing a growth of worker and service cooperatives. The cooperatives are being formed to address some of the problems of unemployment and dwindling social structures. I have just come from the Fourth World Conference on Specialized Policy for Workers' Cooperatives. Four hundred delegates representing some 100 million workers throughout the world met in Spain. The ILO was of course represented and able to contribute to the proceedings. Together we hope to find insightful ways that cooperatives can address the long-term and changing employment problems which exist in many societies.

My second point is this: the ICA would like to continue to work with the ILO with regard to the relations with cooperatives of governments, employers' and workers' organizations. Government and political leaders often want to incorporate successful cooperatives in their national economies. The message which both the ICA and the ILO have tried to bring in all our discussions and meetings is that cooperatives must be treated as private organizations if they are to succeed and contribute to national economies. Cooperatives have to be formed voluntarily, be based on self help, and be governed democratically by their own members. With the support and collaboration of the ILO, the ICA has convened a number of conferences in Africa, Asia and Latin America. Cooperative ministers, government officials and regional cooperative leaders have discussed the successes and failures of their cooperative movements, have formulated recommendations and have organized follow-ups to continue dialogue between governments and cooperatives. The next Cooperative Ministerial Conference will be held this year in Sri Lanka. More will, and have to, follow.

The third point is that we would like to collaborate with the ILO and the cooperative activities programme in promoting cooperatives which share the basic interests of its members. For example, there are still very few consumer cooperatives in cities like Nairobi, Cairo, Delhi, Beijing, Rio de Janeiro and Mexico City, and not because they are not needed. I have recently seen major achievements in São Paulo where consumer cooperatives are allowing ordinary people to improve their economic and social situations. The time is almost ripe for what once happened in Europe with regard to the consumer movement. What is missing are leaders. Once they were found in the trade unions. We should all look for them there today.

My fourth and last point deals with the cooperatives in Central and Eastern Europe. The cooperative movement in this region was strong prior to 1917 and 1939. We know what has happened since. For the last five years the ICA has been assisting the cooperative movements there to survive and persuading the governments that they are not an invention of the communists. To continue restoring a truly democratic structure and leadership in these cooperatives, the ILO through its cooperative activities programme has also provided much appreciated advice and assistance. In most cases our efforts, together with those of the ILO and others, have brought success. The contribution of cooperatives in Eastern and Central Europe is vital for economic, democratic and social reasons, especially in those countries now suffering from many capitalistic excesses. We look forward to collaboration between the ICA and the trade unions to address some of these new problems.

With those remarks made, I am now at the end of my intervention. When I look at you, my audience, from this tripartite body, I have a strange feeling. I do not feel like I have addressed a triangle, but rather I feel as though I have been speaking to you from the fourth corner of a square. Thank you all, and not least the cooperative activities programme of the ILO.

Mr. McAULEY *(Employers' delegate, Ireland)* – We welcome the opportunity to comment on the Director-General's Report entitled *Defending values, promoting change*. Our comments, because of time limitations, must be brief and selective. They concern only a limited number of the many important issues raised in the Report.

In the light of the remark by the Director-General "that the time has come to make a new overall assessment of the ILO's aims and means of action" we feel it would be useful for both the constituents of the ILO and the Office if the issues raised in this Report could be the subject of consideration at national level. This would give all concerned a better insight into the critical problems facing the ILO and allow the Office to learn what its constituents expect from the Organization in the future. The general discussion at this Conference should only be regarded as the beginning of a process of assessment and evaluation.

There is no doubt in our mind that the ILO must remain a tripartite organization. This unique characteristic allows the representatives of governments, employers and workers to participate in the formulation of international social policy. The Irish Business and Employers Confederation has been deeply involved over many years in trilateral consultations and negotiations at national level, and the economy and society have benefited from the process. Recently the Confederation was engaged with the Government, trade unions and farmers in negotiating a three-year "Programme for Competitiveness and Work." This programme contains, among other things, an agreement between the social partners on the level of pay increases over the next three years. This is the third successive three-year programme to emerge from tripartite negotiations since 1987. Although these programmes are not a panacea for the solution of deeply-rooted national economic and social problems, they represent a firm commitment by the social partners to work together to alleviate these difficulties and, hopefully, to overcome them eventually. Taken together, these programmes have made a significant contribution towards the rehabilitation of the economy and have established a sound basis for significant non-inflationary growth. As in the case of other countries, the key problem is to try to ensure that economic growth is translated into much-needed employment opportunities. Tripartism is also a prominent feature of our social and labour market institutions. As a consequence, they are generally effective and have considerable respect and support within the community.

From our experience, we consider that the strengthening of tripartism in the ILO requires that greater weight should be given in future to the voice and industry and business. In particular, we believe the Organization would benefit from an inflow of staff and experts who have practical experience of working in modern business. It would also create a better balance of experience and disciplines within the Office.

The Director-General speaks in his Report about the "triumph of the market economy" and comments that "within a matter of just a few years" the market economy has become the universally accepted standard. It is in this particular context that we put forward this suggestion. To accomplish its mission in the world, the ILO must be at least as concerned with the wealth-creating process as with the question of the distribution of the rewards of enterprise and work.

We are concerned as an employers' organization at what we perceive to be an ambivalent attitude by the ILO to multinational enterprises. As pointed out in the Report of the Director-General these enterprises control about one-third of the private sector's productive assets worldwide. Because of their importance in creating wealth and employment, the ILO should encourage these undertakings, where appropriate, to become more closely involved through their respective organizations, in the work of the ILO and more directly identified with its objectives. They should not be regarded as convenient targets for continuous criticism.

It was surprising to read in the Director-General's Report a statement to the effect that "the right of workers to information and collective bargaining is time and again rendered meaningless by sudden unilateral decisions to relocate production". It should be recorded that these are isolated incidents and not the norm. The fact is that many multinational enterprises are worldwide leaders in the field of industrial and human relations and observe very high standards in employment conditions. This is one of the reasons why countries compete to attract them to locate in their territories.

We appeal to the ILO to take a more enlightened attitude to their pivotal role in economic development and to try to establish more constructive relationships with these enterprises. They could bring skills and resources which would help the Organization in its work, particularly in the developing countries.

The Director-General deals at considerable length with the issue of the ILO's standard-setting activities. Regretfully, we feel obliged to say that on a number of occasions we have been appalled at the time and money spent on preparing and agreeing texts which are unlikely to make any significant contribution to the extension of social justice in the world or to improving the conditions of work of those they are designed to assist. We have left annual conferences, where these standards are approved, dismayed and with a feeling that the time of many people has been wasted. The current review of the work and functions of the ILO must, therefore, give special attention to the problems of standard setting. It is, of course, a difficult and complex matter. The Director-General has put forward a number of suggestions which merit close examination. However, we do not share his enthusiasm "to seize this unique opportunity to breathe new life into our standard-setting activities". Our preference at this stage of the discussion is to support the suggestion in the Report of an "audit of the relevance of existing standards and of the advisability of maintaining them". There is no doubt that existing standards fall into different categories of importance, and this should be recognized in any new system which may emerge from these consultations. It is possible, for instance, to conceive of a situation where Conventions guaranteeing fundamental human rights would be a condition of ILO membership. Other instruments might more properly be regarded as recommendations or codes of practice. They might have more influence and impact than unratified Conventions. The evidence in the Report regarding the decline in the number of ratifications strongly suggests that the present policy and practice has outlived its usefulness and that a new approach is required.

The idea that the current supervisory and investigatory procedures of the ILO on standards should be supplemented or in some cases replaced by a voluntary mediation and arbitration service should be further developed and considered. Any new approach must take into account the issue of social clauses in international trading arrangements and, in a European context, the development of social action programmes in the European Union. The state objective of these programmes is to limit social dumping and provide a level playing field for cross-border competition within the Union. These are controversial and sensitive issues and failure to examine all their implications objectively could lead to decisions which might be discriminatory and harm, rather than improve, the pursuit of higher standards and welfare.

We believe that in any new framework for ILO activities there should be no diminution of the research and information functions and that programmes for giving practical assistance to tripartite constituents to deal with problems of employment and work should, wherever possible, be extended. We say this from the standpoint of an employers' confederation which has benefited from the ILO's experience and services, and which has contributed in a number of small ways to the work of the ILO in developing countries.

Finally, we see some merit in the proposal that the ILO should be renamed. At present employers and others perceive the ILO as being the workers' organization. This makes it particularly difficult for employers' organizations to secure support for the important work which the ILO undertakes. We trust the Governing Body will give careful consideration to this matter.

Original Arabic: Mr. KHALIL *(Minister of Social Affairs and Labour, Syrian Arab Republic)* – In the name of God, the Merciful, the Compassionate! I should first like to congratulate the President on my own behalf and on behalf of the delegation of the Syrian Arab Republic on the confidence that this Conference has shown in his abilities by electing him to the chair of its 81st Session. We wish him every success in his task and we trust that the discussions and serious dialogue between the three social partners will result in resolutions and recommendations that represent a firm step towards achieving the goals for which the ILO was established.

I see it as my duty to reiterate at this session the aspirations of the Syrian Arab Republic for continued frank and productive cooperation, as in the past, with this venerable Organization and its various organs and committees.

We are committed to achieving the ILO's aims and objectives and we fulfil those commitments and respect all the conclusions of its Conference in the form of resolutions and standards, especially those relating to freedom of association and human rights, since we are a country that is devoted to freedom and its exercise and that venerates and works for what is right. We are sincere and earnest in our endeavours to implement the Conventions and Recommendations in the general interest of the three social partners and for the benefit of the working and productive class in particular. To that end, we are pursuing a policy based on the following statement by the President of the Republic, Mr. Hafez Al-Assad: "We extol labour and working people and we oppose exploitation and exploiters. We are expanding employment and employment opportunities to thwart the aims of all exploiters and parasites."

We wish to draw attention to the fact that we have ratified 46 international labour Conventions and we fully intend to ratify any other Conventions that are consonant with our domestic legislation and our social and economic circumstances.

I should like to refer to the fact that our country, under the guidance of President Hafez Al-Assad, is focusing in particular on cooperation between the three social partners in promoting comprehensive development in all aspects of life and on encouraging expansion employment and employment opportunities in the public, mixed and private sectors by supporting a variety of development projects, the five-year plans and the operational programmes aimed at concurrent economic and social development. In this context, it is making every effort to achieve political, ocial and economic objectives that serve individual ell-being, given its conviction that this is the core nd essence and the ultimate goal of existence.

I wish to express warm thanks and appreciation to ne Director-General of the ILO, Mr. Michel Han- enne, for his outstanding Report entitled *Defending alues, promoting change – Social justice in a global conomy: An ILO agenda*, in the first chapter of hich he discusses the end of a bipolar world, the iumph of the market economy, a chance for democ- acy, the globalization of the economy, regulation at ne international level, the proliferation of social roblems, inequalities and the widening gap between ne rich and poor countries.

In the second and third chapters the Report dis- usses values and structures of the ILO, the values of oday and the ILO as a relevant organization based n tripartism; adapting standards to real needs, what ubjects to deal with and how to make the best hoice, a better utilization of available instruments, valuating and consolidating standards, new prospec- s for the promotion and supervision of basic social ights and strengthening the international effective- ess of standard-setting action.

Chapters four and five deal with the Organiza- ion's role in the service of its constituents, as a ource of information and analysis, a forum for de- ate, a point of reference and a partner in technical ooperation, and its role in international policy-mak- ng.

The Director-General made a felicitous choice of ubject for his Report to this session, which coincides vith the 75th anniversary of the ILO and the 50th nniversary of the Declaration of Philadelphia, a reat occasion dear to all our hearts. Our Govern- nent earnestly participated in the observance of hese anniversaries together with the other govern- nents of the Organization's member States. And it vas only natural that it should, given the ILO's un- emitting efforts to address the challenges facing the vorld of work today as a result of the far-reaching hanges associated with major technological ad- ances and the new working methods in enterprises, ontinuing to rely on its unique tripartite structure, vhich today's changing world needs more urgently han ever before in order to establish a just and last- ng world peace based on social justice in accordance vith the content of the Declaration of Philadelphia, vhich sets forth the aims and objectives of the ILO founded on social justice and reaffirms that work is not a commodity and that poverty is a threat to well-being and peace everywhere.

In Part II of his Report, the Director-General drew attention to the many activities undertaken by the ILO during the period 1992-93, including its work in the field of standard setting, industrial relations, labour management and relations, employers' and workers' activities, structural adjustment, employment strategies, active labour-market policies, labour statistics, vocational training, equal employment opportunities for women, the elimination of child labour and the principle of equal treatment for immigrant workers.

We deeply appreciate his efforts and those of the Organization, also in the provision of advisory services for the Arab States, the organization of seminars and vocational training courses, support for development projects in Arab countries, including the Syrian Arab Republic, for example the labour force survey, the project in support of immigration policies and the development project for rural women in cooperation with the Economic and Social Commission for Western Asia (ESCWA).

We wish to stress in this connection the importance of ensuring that the Arabic version of documents relating to Conference agenda items arrives by the date specified in the Standing Orders of the Conference, inasmuch as any delay in obtaining these documents reduces our ability to accord them due attention and present the requisite responses and proposals.

I should like to refer to the many steps that are being undertaken in our country to promote social justice in a variety of areas and to the fact that the public, mixed and private sectors are engaged in joint action to further the economic and social development of our country, to create employment opportunities for all citizens and to improve their standard of living and quality of life.

Our Government continues to strive earnestly to achieve a just and comprehensive peace based on implementation of the resolutions of international legislative bodies and on the principle of land for peace, that is to say total and complete withdrawal from occupied Arab territory in return for comprehensive peace.

The Syrian Arab Republic has opened its doors to the peace process and reaffirms its full commitment to the Madrid formula. It is impossible for it to accept any authority other than that on which the peace process was based, as was emphatically stated at the historic meeting in Geneva between Hafez Al-Assad and Bill Clinton.

On behalf of the delegation of the Syrian Arab Republic, I should like to congratulate the Sultanate of Oman, which has just become a Member of the Organization, as well as Tajikistan and other countries attending the proceedings of this Conference for the first time.

Last but not least, I should like to welcome the end of the three-century-old apartheid regime in South Africa and the free elections there that have raised the great African freedom fighter Nelson Mandela to the office of President of that brave country, which has been turned into a democratic State, abandoning racial discrimination forever. I wish to extend the heartiest congratulations to that country and its leader and to commend our Organization, which did its fair share to topple the odious apartheid regime.

In conclusion, the Syrian Arab Republic warmly thanks the ILO, its Director-General and its staff for their commendable work. We also hope that this Conference will adopt constructive resolutions and recommendations that help to enhance the status of the ILO in its work on behalf of the three social partners, strengthening the bonds of friendship and cooperation between the members of the international community, for therein lie the welfare of peoples and nations and our hopes for building a society based on justice, democracy and prosperity.

Mrs. CARON *(Government delegate, Canada)* – I would like first of all to congratulate the President on his well-deserved election and to warmly welcome the Republic of South Africa as it rejoins the Organization.

The Director-General is to be congratulated for his thought-provoking Report to the Conference. In this year of the ILO's 75th anniversary, the time has indeed come to reflect on the challenges ahead and on the focus of future ILO activities.

In recent years, we have seen the end of the Cold War, a growing acceptance of the market economy, the expansion of international trade and increased mobility of both capital and technology.

Virtually every member State of the ILO is grappling with acute problems of structural unemployment, growing polarization between high-skilled and low-skilled labour and increasingly prohibitive costs of social security programmes.

A current priority of the Canadian Government is to develop a wide-ranging and effective employment strategy to put people back to work.

In January 1994, the Canadian Government launched a comprehensive review of all social security and labour market programmes as an integral part of that strategy. The review will focus on issues involving the unemployment insurance programmes, employment and training programmes, support for post-secondary education, social assistance, social service, social development, labour standards and the distribution of work.

Many other countries are going through similar exercises to deal with the same types of problems, but as the Director-General notes in his Report, employment and labour issues can no longer be handled effectively at the national level alone. The question which this Conference has been asked to reflect upon is: What should be role of the ILO in this new context?

There is no doubt in my mind that the original ILO objective of promoting economic development which fosters social justice remains as valid today as it was in 1919.

By virtue of its universal membership and because of its unique tripartite structure, the ILO is well positioned to make a significant contribution to the search for more socially oriented patterns of economic growth and adjustment.

In my view, the challenge lies not in the ILO's objectives but in its means of action.

In his Report, the Director-General notes that the ILO cannot and should not try to do everything. He is seeking the views of the ILO constituency as to where the emphasis of the ILO's activities should be.

No one can dispute that the many Conventions adopted by the ILO over the years have had a real and positive effect on the improvement of working conditions throughout the world. No one can dispute the need for continued promotion of better implementation of standards. But as the Report points out, the rate of ratification of Conventions has been stagnating for a good number of years. There are many possible reasons for this. One of these may well be the growing difficulty of developing common rules which would be relevant for member States in very different circumstances, while meeting the concerns of both workers and employers.

In this context, the role of the ILO parallels that of national administrations and the challenge is similar: to transform principles into workable realities and to reconcile often divergent needs and interests into a coherent, sustainable and manageable fabric.

On the question of standard setting, the views of my delegation are in line with the position expressed by the Industrialized Market Economy Countries. Like the Director-General, we believe that the focus should be on quality rather than quantity. We believe also that the process of evaluation and revision of existing standards should be intensified, and we support the Director-General's proposal to reorient the General Surveys for this purpose.

Many aspects of economic and social policy now transcend national boundaries and do not lend themselves to the development of ILO Conventions. But the ILO is not only a standard-setting organization, it is also a forum for reflection and debate and a source of research, analysis and policy options.

We strongly support the Director-General's intention to reinvigorate the research programme of the ILO. In this complex and rapidly changing world, the availability of objective and wide-ranging research and analysis is, in my view, essential to shed light on complex problems and to distinguish between ideological arguments and empirical realities. It is needed to bring greater vigour and precision to international reflection and debate, to offer new perspectives and new insights, to challenge conventional wisdom and to stimulate better informed discussion at both the national and international levels.

I would indeed encourage ILO research on such issues as the impact of economic and financial policies on employment, the alleged conflict between the protection of workers and the promotion of employment, and the potential linkage between working time and the distribution of work.

I share the view of the Director-General that new ways should be found to better involve high-level national and international experts and policy makers in ILO debates, and I note with interest that the Director-General intends to submit proposals to the Governing Body in this regard.

The Report of the Director-General touches upon the highly topical questions of labour standards and international trade, an issue which is gaining increased attention worldwide. It has been raised in the GATT, it is being examined by the OECD, and it will no doubt be discussed by the Preparatory Committee of the new World Trade Organization.

The ILO cannot be absent from that debate. In fact, its unique mandate dictates that it be involved. However, I believe that adopting a declaration or a convention on this question would be premature. The very process would create the risk of sharpening the polarization of deeply divergent points of views.

What is needed at this time is a clearer conceptual framework: a dispassionate and objective analysis of the dimensions of the issue, of empirical evidence and possible options.

We must first assess the actual impact of labour standards on international trade and define what is meant by such terms as "labour standards". We must differentiate between exploitative conditions and legitimate comparative advantages. We must address existing concerns on the risk of reviving protectionism and articulate a plausible distinction between what constitutes basic rights, on the one hand, and standards made possible by progress in economic development on the other.

Many options could be put forward. One of these, not mentioned in the Director-General's Report, may well be the possibility of incentives for improved implementation of existing national legislation.

The purpose is to ensure that the economic benefits of trade liberalization bring about a corresponding improvement in the working and living conditions of workers throughout the world. As a universal and tripartite Organization, the ILO brings together the major players in the global economy. It is essential that the ILO be part of the international reflection on this question.

(Mr. Ould Sidi takes the Chair.)

Mr. BOATENG *(Minister for Employment and Social Welfare, Ghana)* – Allow me, on behalf of the Ghanaian delegation, to congratulate the President and the other Officers on their well-deserved election to chair this historic session of the International Labour Conference. My delegation has no doubt that with the impressive background and rich experience of the President we can but achieve a resounding success at this important Conference.

On the occasion of the 75th anniversary of the founding of the ILO, the Government and people of Ghana wish to pay glowing tribute to the vision and determination of the founders of the Organization to protect and improve the conditions of working people, which had deteriorated as a result of the ravages of the First World War.

In spite of the tremendous achievements and successes chalked up by the ILO in promoting social justice in the world of work, the world today is engulfed by a social time-bomb, occasioned by the collapse of communism, ethnic wars and social strife, economic recession, the debt burden, unemployment, environmental degradation, AIDS and other social problems.

It is against this disturbing background that the ILO is celebrating its 75th anniversary, to assess its successes and failures in discharging its mandate to its unique tripartite constituents.

The theme chosen for this auspicious occasion by the Director-General in his Report entitled *Defending values, promoting change. Social justice in a global economy: an ILO agenda* is therefore apt and appropriate for this Conference. For, in our everyday lives, as well as in the social environment, there is great controversy surrounding the word "values". Therefore, if the debate on the theme of the Director-General's Report is to make any remarkable impact on the ILO agenda, then there is the need to establish whose values, and which values, we are defending, and when and how to revise, enrich, expand, question and protect those values.

We have every reason to be especially concerned about the future of the ILO, partly as a result of the persistent globalization of the economies of the world, as well as due to the decline of communism and the end of the Cold War. The crisis situation in the present world naturally affects the mission, activities and fundamental aspirations of the ILO.

There is the need therefore to analyse, evaluate, judge and decide on the problems, challenges, conflicts, options and opportunities the situation presents to the Organization.

In meeting this challenge the Director-General advocates the need to have greater confidence in active tripartism as a motivating force. While agreeing with the Director-General, I would however wish to stress the need to transcend dogmatic tripartism and recognize the active role of other relevant non-tripartite actors and stakeholders in the world of work. This position will naturally necessitate strengthening, reorienting and redefining the mandate of the ILO Secretariat so as to be able to face the tasks ahead.

In a world dominated by the forces of globalization of corporate activity and economies, privatization and democracy, we have very good reasons to question the values and policy orientations which should govern the relationship between labour standards and international trade so as to ensure that international competition is not distorted by the exploitation of workers.

For us in Africa the triumph of the market economy, fluctuating commodities prices and the spiralling debt burden have had very worrisome implications for the people and their institutions. Production in many countries has dropped dramatically, unemployment is worsening and the level of poverty deepening. Meanwhile, the debt burden is growing out of proportion to our gross national products.

The crisis which therefore faces Africa and other developing countries emphasizes the need to discuss existing practice and review the role of competition, employment generation, productivity, cooperation and networking at various levels if the ILO's core mission of contributing to universal and lasting peace through the promotion and development of social justice is to have any meaningful impact on the underprivileged and deprived peoples of the world.

This situation undoubtedly poses a great challenge to the ILO. We therefore agree with the Director-General that under the circumstances, a high level of modesty is called for in the discharge of the duties of the ILO. However, modesty alone is not enough. There is the need for foresight, flexibility and resourcefulness from all stakeholders within the ILO system.

We shall expect future ILO values to support and strengthen among others, its standard-setting and revision activities based on effective planning, field research, resource organization and appropriate interactions with relevant non-governmental organizations which ought to be consulted in such exercises.

With changing conditions at the global level, the ILO should regard itself as a forum for debate and a worldwide source of reference as a catalytic partner in technical cooperation and assistance. In pursuing this task, the ILO ought to define its new role and relations with institutions like the International Monetary Fund, the World Bank and the newly formed World Trade Organization among others, if it is to fulfil its responsibility of examining and considering all international economic and financial policies and measures in the light of the fundamental objective of social justice, as assigned it, in part, by the Declaration of Philadelphia.

We in Ghana have abounding faith in the capacity of the ILO to overcome the scale and urgency of the problems that assail us today. We acknowledge and respect how the ILO, through its dedicated and tireless efforts in the past has been able to promote better working conditions, has combatted all forms of exploitation and championed the cause of working people to freely associate and bargain collectively for their rights.

Since becoming members of the ILO in 1958, Ghana has steadfastly upheld the fundamental principles of the Organization such as freedom of association, tripartism and social justice. The Constitution of the Fourth Republic of Ghana (1992), Chapter 12, guarantees fundamental freedoms, human and labour rights and ensures that our labour laws and regulations, and industrial relations practices are in consonance with relevant ILO Conventions and Recommendations, which Ghana has ratified.

Therefore, as we celebrate the 75th anniversary of the ILO, I wish on behalf of the Ghanaian delegation to congratulate the Director-General and his staff for steering the Organization through these difficult times. I have no doubt in my mind that the ILO will rise to the new challenges that face it as has been aptly captured in the message of the Director-General, "Let us not reach for the moon. Rather let us examine together how we can improve the day-to-day life of our fellow beings in practice.

The task ahead is how do we as partners operationalize the message in our collective effort to attain greater social justice as we seek to promote change in relation to production, employment and fair distribution of the expected benefits of expanded trade and economic growth for the social partners in the future.

These, I believe, should be important items on the agenda of the ILO for the years to come.

Original Arabic: Mr. ABDUL-GHANI *(representative, Palestine)* – First may I congratulate the President on behalf of the delegation of Palestine and myself on his election at this 81st Session of the International Labour Conference. This is a momentous year during which we must try to involve all parties to production in taking up the most responsible posts at all levels. I would also like to congratulate the Vice-Presidents and the chairmen of the committees on their election.

It is with very great pleasure and satisfaction that I am here before you, on behalf of the delegation of Palestine at this session of the Conference and as a representative of Palestinian workers to pass on to the International Labour Organization the best wishes of the Chairman of the PLO, Yassar Arafat, on the occasion of the 75th anniversary of the ILO, and the 50th anniversary of the Declaration of Philadelphia. We would also like to welcome the tripartite delegation of South Africa in the hope that Palestine will have its turn at the next session.

We have looked with great interest at the Director-General's Report, *Defending values, promoting change – Social justice in a global economy: An ILO agenda*. This is a Report marked by an in-depth analysis, valuable opinions, clarity of thought and a balanced vision of the future activities of the ILO, and the challenges it will have to face. It is beyond doubt that the efforts made to draw up this Report warrant our gratitude and appreciation. We share many of the views of the Director-General, nonetheless, it is necessary to strengthen the principles and priorities which affect our lives and which will determine our future. We, the Palestinian people, have struggled and continue to struggle to attain national independence so that the Palestinian nation may spring forth from ruins. We believe that the Gaza-Jericho agreement is the first step towards asserting our national identity, so that peace and social justice may be established in the region. Peace cannot prevail without the eradication of hunger, poverty, unemployment, and discrimination. As poverty and unemployment are widespread in the Gaza Strip and other Palestinian territories, we call on the International Labour Organization to assess employment policy throughout the world and draw up measures which could deal with this issue and keep the market economy under control. The Report rightly stresses that the Organization has been called upon to play an important role in the international arena alongside organizations dealing with the world economy, because the ILO, thanks to its tripartite constitution is in the best position to respond to questions raised with regard to the social aspects of new international trends.

The responsibilities our Organization must shoulder over the next century are enormous. For this reason we must prepare ourselves better to understand them, and respond to them at the same time as striving for economic and social development. We believe that the protection and promotion of human rights, especially trade union rights and democracy must be at the top of the ILO's list of priorities, in accordance with its Constitution, the Declaration of Philadelphia and the instruments adopted at its Conferences. For this reason also, there are no grounds for stating that the ILO's stance against racial discrimination in South Africa, and the situation of Palestinian workers in Palestine and the other occupied Arab territories does not fall within its sphere of competence. Widespread injustice and poverty in a region pose a threat to all other regions. We can therefore not afford to ignore such phenomena any more than we can ignore injustice, discrimination, exploitation or occupation, not to mention food and economic blockades which are used as a political weapon, especially against the Iraqi workers and people, and which are a violation of fundamental human rights. Nor should we forget the crushing debt paralysing many countries in Africa, Asia and Latin America.

The once multipolar, then bipolar, world is now monopolar. Hence the economic changes which affect the world of work. It is time that the ILO took account of the balance which must be struck between the north and south.

We, the Palestinian people, profoundly wish to join the other nations of the world in the struggle for progress, against poverty and unemployment. We do not wish to continue to live off assistance programmes in the future, but we would like to thank all those who have helped us at this time.

I would especially like to thank the Director-General for the technical cooperation programmes launched at his initiative, our sister trade union organizations and the Arab Labour Organization, which have helped us to draw up Palestinian draft laws on labour and freedom of association in accordance with international standards and those of the Arab world.

Ms. O'ROURKE T.D. *(Minister for Enterprise and Employment, Ireland)* – Firstly, I wish to record my congratulations to the ILO on this, its 75th anniversary year. Based, as it is, on a unique system of voluntary Conventions, deriving from tripartite government, employer and union consensus, the peoples of our countries have good reason to be thankful for the work of the ILO since 1919.

I would very much wish to underscore the Director-General, Mr. Hansenne's comment in his Report that the best tribute to the ILO's 75 years of work is to ensure that its work continues fruitfully for the next 75 years. Therefore, I think the first step in responding to that challenge is to accept that it is now opportune to reassess both the ILO's aims and its operations.

Powerful, political, economic and technological changes have affected all of our countries to a greater or lesser extent over recent years. Their ultimate implications are as yet unknown. We have seen major political changes in Central and Eastern Europe. There is the ongoing emergence of a true global economy and of course the completion of a new GATT agreement at Marrakesh. Technological innovations have greatly altered employment patterns. If anything, the changes being generated by forces like these have yet to show their full effects.

Who, amongst us today, or indeed over the next few weeks, can say with any certainty what the achievement of a globalized economy will actually mean? We have expectations, people always have, nations always have, but much depends on how and where new opportunities are taken up and, for example, the extent to which our peoples respond positively to the forces of change. Theories and theorists abound but certainty is simply not possible.

Is the ILO – and I pose the question, because of course the question was also posed in the very fine Report by the Director-General, which we are all debating here today – in a position to deal with all these changes, these uncertainties? Perhaps not. Increasingly, governments' own abilities to respond are equally in question, as the Director-General's Report points out. Indeed, there is no one international body with the mandate and the functions to analyse the effects of political, social and economic change on a global scale and to act on its findings in the common interests of all.

We have equipped ourselves with various bodies. We have the ILO, the IMF and GATT, and soon now we will have the World Trade Organization (WTO), and each has its own mandate. If we needed those international agencies before, in a time of relative tranquillity, the momentous forces of change were unleashed, surely we need them now in a period of uncertainty.

The real issues facing us in this context are how and to what purpose to seek changes in bodies like the ILO, rather than whether we should do it or not. And I think that again was very clearly stated in the Report. It is not that we should stand still, and the ILO clearly recognizes that, but it is in what direction we should now go.

In Ireland and the European Union there is an ongoing debate on the necessary new approaches to employment creation, to competitiveness, to wealth creation and to social policy in general. I see every interest to encourage debate and reorientation of objectives and methods by the ILO.

I agree with the Director-General that the first requirement in such an exercise is to ensure, as he said in his own words, "a new consensus around a set of common values". These have to be shared by all. From these would flow any recasting required of objectives and methods. Whilst we must be careful to build on what exists and to avoid trying to change too much too quickly, equally, delay for any length of time would compound the challenge and would make it ever more difficult.

To reinforce the universal aims set forth in the Constitution of the ILO, to which we have all subscribed and, indeed, to augment its ability [illegible] influence debate on relevant issues, I want to focus on two practical suggestions.

Firstly, given the need for international bodies, as I said earlier and to which we all agreed, as for governments, to work together when circumstances require, I believe there is now a compelling case in this context for the Director-General of the ILO to liaise with the World Trade Organization in order to decide how the two organizations can best work together to pursue mutual objectives. There are clear links between global labour standards and global trade which need to be considered: competition based on legitimate comparative advantage is to be encouraged but trade advantage based on a sustained disregard for fundamental labour standards and rights is to be questioned.

A failure by the community of nations to recognize and to deal with these issues would, before long, be clearly seen as a serious mistake. A sound and stable global economy cannot be based for any length of time on the exploitation of the weak and the vulnerable. Failure to appreciate this would be indeed to build an edifice on a foundation of sand, an edifice, I put forward, that would not stand for very long.

The Director-General's Report points out that unilateral actions, just as protectionism, are to be avoided. While the concept of a "social clause" in international agreements ought not to be a taboo subject, I accept that there are suspicions and misapprehensions which have to be openly discussed, clarified and indeed put forward very clearly. Developing a workable multilateral approach which is clearly not based on protectionism will take time, but, above all, close cooperation between the ILO and the WTO. I consider that the effort will be worthwhile and that it should be made.

Secondly, now that trade and our economy is more global, it is less easy to accept the extent to which the ratification of ILO standards and, more importantly, their application should be as uneven around the world as it is. A truly level playing field in the arena of international trade and commerce which is now within the remit of WTO requires a new approach to standards by the ILO and all of its member States. In brief, we have to consider very seriously aiming for less detailed ILO standards but which target truly essential issues which would guarantee universal acceptance.

In my view, we need a set of universal realistic, attainable standards rather than a set of unevenly implemented but perhaps overambitious instruments. A new approach like this would also necessarily mean a far greater emphasis on supporting and ensuring consistent application by all ILO Members.

One important ingredient here would of course be that the new standards should be sufficiently generic to allow for the different forms and systems of domestic labour forces to find their way.

The view has been put forward in the past that the commitment involved in ratifying and implementing standards are luxuries to be afforded at a later date – and I know the comment by the Director- General to what he has heard of the argument that those are "rich societies in their splendid isolation". I make no direct judgements about that but the realities of an emerging global economy in a world where our countries are at widely differing stages of development mean that we must address approaches like this in an intelligent way. And there are just three options open to us.

I assume that we can all put to one side the option of a global economy with no regard of any kind for workers, peoples' rights and the environment. That is one option which we firmly put to one side. Alternatively, we can attempt to maintain the status quo, and I think we can also, in line with the Director-General's Report, put that to one side as well. Or, as I have suggested, we can aim for a new approach.

The status quo of an even ratification and implementation is, as the Director-General's Report rightly recognizes, now under pressure. The widely felt need to secure economic efficiency and competitiveness now requires an adaptable labour market.

There are other practical suggestions for change which time prevents me from addressing here such as the possible revision of older Conventions and others, as has been suggested by the Director-General, and I see no dichotomy or argument between a review of what has been implemented and the need to look at realistic Conventions attainable and set within the framework of a domestic economy in each country.

Maintaining and increasing employment is a crucial challenge here today and I am very glad that the ILO has taken on board the twin objectives of employment and raising people's living standards as its overall compelling task.

Summarizing briefly, there are major forces of change in the world which demand that to ensure a further 75 years of ILO success the Organization and its member States must be ready to take new approaches. I have said that the ILO should work closely with the WTO in coming up with a means of ensuring that certain basic standards are respected. Secondly, a new approach should be considered which, by espousing less detailed standards, we might expect in return that these would be universally ratified and implemented.

And, finally, could I quote from the conclusion of the Director-General's Report, in the concluding chapter in which he states: "But is it still possible to believe in social justice when the law of the strongest is not only imposed on so many men and women throughout the world but is now being regarded as a virtue in the context of generalized and rampant competition? Yet if we lose faith in that ideal, we shall be turning our backs on all the positive developments that the world has witnessed in recent years. ... History is in the making and the world is shedding another skin. It is a process that has always been painful, but one which we should try to hasten rather than slow down."

Original Spanish: Mr. SIFONTES *(Minister of Labour and Social Welfare, El Salvador)* – I wish to express, on behalf of the Government of the Republic of El Salvador and on behalf of the delegation I am honoured to chair, my sincere congratulations to the President for his well-deserved distinction of election at this year's session of the Conference. This is, at the same time, also a due tribute to the Workers' group in this tripartite forum.

We would like to add to these congratulations the gratitude we feel towards the President for the concern he has taken in solving our problems and for the affection and sympathy he has always shown towards the people of El Salvador.

On this 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, we share in the joy that surrounds us and wish our Organization, the ILO, the greatest of success in its worthy endeavours to achieve permanent and lasting peace throughout the world by the promotion and development of social justice.

The Report submitted by the Director-General is a document of inestimable value in view of the topics it deals with, particularly in the first part which covers more specifically the Organization's future orientations, such as the preservation of existing values and the promotion of change whilst fully implementing social justice in a globalizing economy.

During this period of change and national reconstruction, the Report is well adapted to the historic times in which we are living in El Salvador. For us, the Report could be an excellent basis for a plan of action because it coincides with the views of the President of the Republic of El Salvador, Dr. Armando Calderon Sol, who, on the day he took over his high responsibility exactly a fortnight ago said "We are building a new El Salvador, a modern democratic and representative El Salvador. This requires legality, security, honesty, respect of human beings, solidarity and openness ... We shall undertake to encourage the growth of a harmonious society in which respect of human dignity will be the basic standard for coexistence among all Salvadorians. We want no more confrontation, much less polarization. We shall strive to achieve cooperation between all political and social forces in the pursuit of our great national project."

In my country, political pluralism obviously prevails. It is a fundamental factor in liberal ideology since political freedoms have no meaning unless they are matched by a diversity of opinions expressed by the political parties and social organizations. This liberal ideology views diversity of opinions to be an essential positive value and a fundamental good. It does not accept that one single opinion can hold absolute truth and that others are absolutely wrong. Liberal pluralism, which is now alive in El Salvador, naturally runs counter to the ideological dogmatism which caused so much harm and which never contributed to the democratization of our society.

We Salvadoreans, are all fully aware that times have changed in our country, and both those who govern and those who are governed must all strive to work in harmony within these changes.

In highlighting the concept of change, the Director-General has stated in his Report that "it was the economic failure of the system, rather than its moral bankruptcy, that led to the collapse of communism in Eastern Europe. The adoption of a market economy enjoyed widespread public support because it inspired hope for a better future and because it did not require the intervention of a discredited state apparatus ... Societies have been questioning their own values and policies ... Everywhere, or nearly so, the commitment to private enterprise is being reaffirmed ... The State is withdrawing from the economic sector, and privatization is taking place around the globe ... A planned economy no longer offers all the answers ... The market economy has become the universally accepted standard."

Within this context, we would like to emphasize that the Chapultepec Agreement signed in Mexico City on 16 January 1992 between the Government of El Salvador and the Farabundo Marti National Liberation Front stipulates that, "the policy of privatization will foster social participation in property, promote worker access to privatized enterprise property, which will avoid monopolistic practices and will guarantee entrepreneurial freedom and protection of the consumer".

In El Salvador the move towards a liberalized, global and competitive economy, is now considered irreversible. The once-held concept of a protectionist and exaggeratedly interventionist State is now a thing of the past.

We are committed to achieving and maintaining strong, stable economic indicators, relatively developed capital markets, fiscal policies which foster price stability; and economic systems that promote open markets, but as our Head of State has pointed out, without losing sight of the fact that the economy should display a social function because its *raison d'être* is not wealth accumulation but wealth generation to improve the level and quality of life of all of its inhabitants. In other words, it must be a vector of the common good.

All this goes to show that El Salvador has the political will to bring about fundamental social and economic changes to solve the problems plaguing us, particularly unemployment. We are striving to create jobs for all Salvadoreans, but this means taking specific action both nationally and internationally. First and foremost, all the competent bodies and all employers' and workers' organizations (of all tendencies) must work together to prepare and implement concrete programmes and plans for developing our activities. There is no doubting that this will be of benefit to all. Second, we need businessmen and foreign firms to invest in our country and easy access to international markets for our products.

We consider, furthermore, that the benefits of trade and world economic growth should be shared with workers; we therefore feel that the social clause, which by its very nature is intended to protect workers' rights, should undergo in-depth analysis of scope and content.

I am happy to inform you that El Salvador recently introduced substantial reforms into its Labour Code, placing it on a par with the most advanced Codes in Latin America. The object of these changes was to bring our legislation into line with social and labour realities in our country and with certain fundamental ILO Conventions on human rights. We have adopted the principle of equal pay for work of equal value; we passed regulations on the minimum age of work, medical examinations for children, maternity protection and other matters of equal significance. Fundamental changes have also affected freedom of association; the most important here was to repeal clauses which hindered the setting up of agricultural trade unions and which were in contradiction of the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), which guarantees to all workers the right of association without distinction and without prior authorization. In my country, there is no longer any difference between urban and rural trade unions. Any question of sanctioning trade unions is now a matter for the courts. Constituting a trade union has been simplified by instituting the principle of positive administrative non-contestation by which, if after 30 days following the submission of the relevant documents to the Ministry of Labour, the latter has made no statement, the trade union is considered registered by default and becomes a legal entity. Trade unions have been offered the possibility of adopting model articles of association to give them greater protection against anti-union discrimination and allowing trade unionists to occupy executive posts. As far as strikes are concerned, procedures have been simplified. Specific requirements have been laid down for the various phases of bargaining and administrative conciliation. With regard to regard to limitations on the right to strike, we have adopted the definition of "essential services" drawn up by the ILO supervisory bodies; the principle is now clearly stated that a strike is presumed legal provided no declaration has been made to the contrary and provided no other standards have been adopted which are more favourable to the workers and their organizations.

The legal reform instituted in our country has made it possible for us to ratify a number of the ILO Conventions: the Forced Labour Convention, 1930 (No. 29), the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78), the Labour Inspection Convention, 1947 (No. 81), the Employment Service Convention, 1948 (No. 88), the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99), the Discrimination (Employment and Occupation) Convention, 1958 (No 111), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), Minimum Wage Fixing Convention, 1970 (No. 131), the Minimum Age Convention, 1973 (No. 138), the Rural Workers' Organizations Convention, 1975 (No. 141), the Human Resources Development Convention, 1975 (No. 142), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). All these Conventions are before our Legislative Assembly and will be ratified shortly.

It should be emphasized that the reform we have instituted in El Salvador provides for the setting-up of a Supreme Labour Council, a consultative body to institutionalize dialogue and promote economic and social concertation between the public authorities and employers' and workers' associations in full accord with Convention No. 144, which I have just mentioned, on tripartite consultation.

All these changes in El Salvador, and others which are taking place or planned, have benefited from ILO technical cooperation, and we would like to express our sincere gratitude for this. This collaboration endorses and bears witness to the Director-General's statement that the ILO's mission "is to help them to grow into States genuinely governed by the rule of law and able to guarantee basic human rights and the rights of the workers in particular".

To conclude on a note which is particularly gratifying for us. In El Salvador, as expressly enshrined in our Constitution, the rule of law in its strictest sense – justice, safety in the law and the common good – are subject to an even higher value – the value of the individual summoned to an eternal destiny.

Original Arabic: Mr. AL-FAYEZ *(Minister of Labour Affairs, Saudi Arabia)* – In the name of God, most merciful and compassionate! It is a great pleasure for me, on my own behalf and on behalf of my delegation of Saudi Arabia, to congratulate the President and the Vice-Presidents on their election to preside over the deliberations of this 81st Session of the International Labour Conference. I am convinced that, thanks to God's will and to the profound wisdom and long experience of the President, the work of this Conference will be crowned with success.

I am also extremely pleased to welcome our brother country, Oman, as well as Tajikistan, Turkmenistan and South Africa to the ranks of the International Labour Organization.

It is most auspicious that this Conference is being held on the 75th anniversary of our Organization – one of the oldest international organizations. It is also fortunate that this anniversary coincides with far-reaching changes throughout the world and with the globalization of the economy; indeed, these are issues that the Director-General has addressed in his Report and they constitute a new challenge for our Organization in a rapidly changing world. The Organization will therefore have a difficult task before it in trying to take up these challenges: *Defending values, promoting change.*

The Director-General's choice of subject is therefore most timely and appropriate. We agree with him that the time has come to review the objectives and means of action of our Organization so that it and its bodies might be able to adapt better to the unceasing changes throughout the world; this is even more relevant today because our Organization now has 170 member States, of which most are in the developing world. The information and proposals contained in the Director-General's Report will stimulate dialogue and help us to find solutions – in full objectivity.

In our quest for noble social values and the respect of basic human rights, we need look no further than Islam which has always had these basic objectives. It advocates justice and bans injustice; it respects the inherent dignity of all human beings and refuses to accept any discrimination whatsoever on grounds of race, religion, sex or colour. The *sharia* (Islamic law) upholds human rights and believes in the right to justice and peace. These are not empty words; they constitute the basic teaching of the *sharia* towards which we all owe allegiance.

In spite of the fact that these noble principles apply to all, Islam insists on the rights of workers. They are protected by specific legal texts which regulate their relations with their employers and define their reciprocal rights.

God in his wisdom has allowed my country to be the guiding light of Islam and a homeland for the holy saints of Islam; it shelters "the old house" that God has given to human beings so that they might find comfort and security there. Saudi Arabia has adopted Islam as its religion; the *sharia* regulates its Constitution and influences its way of life. Saudi Arabia is therefore in a unique situation. It is bound to abide by the tenets and teachings of Islam. It gives an example to all its believers; its policies and Government are imbued with justice, dialogue, equality, security and prosperity – and all those living in Saudi Arabia enjoy these privileges. Are these not the fruit of social justice inherent in the religion of Islam?

We have been inspired by these noble values in the *sharia* when drafting our basic labour legislation. We have drafted this legislation in cooperation with the ILO and we have been guided to a great extent by the standards it has adopted. Consequently, our legislation places great emphasis on social justice, equality and the protection of workers and their interests. For instance, Saudi Arabia takes in workers of all nationalities who work side by side with our national citizens without being subjected to any discrimination. They are all equal before the law. They work in a system which encourages stability and avoids any conflict between the social partners.

And we owe all this to God's wisdom and to the fact that our Kingdom respects the *sharia.*

In his Report, the Director-General insists on the need to review the ILO's standard-setting activities. He proposes many changes to allow us to keep abreast of international developments. We believe that his ideas will open up new horizons for the ILO and allow us to obtain our noble objectives. We agree with his words but wish to state the following: first, there are tangible gaps between growth and levels of development. The situation in developing countries is vastly different from that in the developed countries. This must be taken into account when drafting international labour standards; those that may be applied by some countries cannot be applied by others. Second, the supervisory machinery and application of Conventions and Recommendations must be overhauled. A number of instruments may be interpreted in different ways; adopting a new text does not necessarily render the others invalid. We therefore propose that the supervisory bodies should limit their work to highlighting flagrant violations of Conventions and should not make comments based on an interpretation – which is not always unanimous. We believe it is important to introduce the notion of flexibility in the application of Conventions and to have more representatives from the developing countries, with varying cultures and outlooks, on the Committee of Experts. Third, the Organization may be proud of having adopted standards regulating various branches of activity; however, the drafting of standards should not be an end in itself. We must not lose sight of the fact that the true object of the exercise is to have these standards ratified. And most important of all, these standards must be implemented because then, and only then, will the Organization's objectives be attained. At worst, Conventions will just serve as a model. A great many Conventions have not been ratified and we must examine the reason why. Perhaps they are too rigid or too demanding? Perhaps their texts fail to take into account prevailing economic and social conditions or the technological possibilities of member States – especially those of developing countries. We must therefore re-examine closely all the Conventions and allow for partial ratification of some of their provisions, which would make them more flexible. Fourth, we must also lend our support to the Governing Body's programme to simplify the Organization's meetings – shortening them and concentrating on vital issues.

There are several important technical items on the agenda of this session: part-time work; safety and health in mines; and the role of private employment agencies in the functioning of labour markets. We hope that our discussions on these items will lead to a fruitful conclusion.

Now that we are talking about social justice and human rights at this Conference, we cannot fail to mention the horrendous war in Bosnia and Herzegovina and the ethnic cleansing being practised by the Serbs. This is a shameful situation and contrary to he basic tenets of social justice. While an unarmed Muslim people are denied arms to defend themselves, some are providing the Serb aggressors with arms so that they might continue their war of genocide. We call upon the international community to ift the embargo on the supply of arms to the Repubic of Bosnia and Herzegovina so that it might defend tself. We ask it to assume its responsibilities and to ntervene to put an end to this war, to strengthen sanctions against the Serb aggressors and to isolate hem at the international level so they are forced to stop their aggression.

Finally, may God grant success to our Conference and may the peace, the mercy and the grace of God be with you.

Ms. ANDERSEN *(Minister of Labour, Denmark)* – On behalf of the Danish delegation I would like to congratulate the President on his election to the office of President of this 81st Session of the International Labour Conference. I wish him every success in his important functions.

This year is a very special one for the ILO. A 75th anniversary surely calls for celebration. This occasion should be used to bring international attention to the Organization. Of course, we must also celebrate this event within the Organization. An occasion of this kind is not only for us to look back and reflect on results achieved. It should also make us consider plans and aspirations for the future. What role is the ILO going to play in the next century?

This is not at all easy in today's world with unemployment and social problems. The ILO must take up the challenge and do its job properly on the international scene.

The Director-General's Report to this Conference offers a good basis for discussion on the future of the ILO. The Danish delegation has expressed its support of the Director-General's efforts to give new life to ILO activities, especially the tripartite structure. The Danish Government continues to support such action. It has been a pleasure to study the Director-General's Report.

The development in the world over the last few years may lead to a new and important role for the ILO to play. I am here first of all thinking of the events that have occurred in Central and Eastern Europe; but also the general economic development which has paved the way for making economic conditions and working life ever more internationalized and globalized. The regulation of working life must therefore be truly international if it is to have any impact.

At this point, I would like to mention the standard-setting activities of the ILO. We should carefully consider the content of these standards. The quality and not the number of the Conventions to be adopted is what counts. The content of these Conventions should be of such a quality that many countries will adopt and ratify them. The goal is to ensure basic rights globally.

The Director-General says that this development may lead to a need for regulations in completely new areas. I quite agree. We should take up new fields of activity rather than going on with ever more detailed regulation in what we may call our traditional fields of competence. We do not have to adopt a new Convention each year. We could instead revise some of the old Conventions so that many more countries will ratify them. The number of countries having ratified the Conventions at present is far too low. To globalize standards we must simplify them.

The ILO should spend more resources on employment issues. Unemployment affects both the developing countries and industrialized ones. The ILO has a unique knowledge about working conditions all over the world. When it comes to employment policy, the ILO should make itself more visible and develop its cooperation with other international organizations.

This brings me to the question of social clauses in trade, a tricky subject. Some think that there is a conflict between employment promotion and social clauses. Some people fear that industrialized countries may use them for protectionist purposes. This is no excuse for the ILO to ignore the problem.

I believe that one problem is that we do not express our views on social clauses clearly enough. Maybe we should simply find another term. As I see it, social clauses are part of basic human rights, such as freedom of association and collective bargaining – as indeed are non-discrimination in employment and the elimination of forced labour and child labour.

For humanitarian reasons, though, it is vital that we address the enormous problems of child labour and the terrible exploitation of the labour force in certain countries. When we discuss basic rights, I am sure it will be very difficult to find any conflict between social clauses and a cut in unemployment.

The principles of basic rights are laid down in a number of ILO Conventions and are broadly accepted and ratified by many countries. I fully agree when the Director-General says that the ILO is required to participate actively in this debate.

Technical assistance is a central element of the ILO's activity. It is vital that the ILO continues to provide development assistance and support the establishment of tripartite systems. Not only the countries in Eastern and Central Europe, but also the developing countries all over the world, should benefit from this.

The Director-General has introduced the idea of "active partnership" to ensure the best possible use of the resources available. This has my wholehearted support. Partnership has become a keyword, because we are not just talking about cooperation between governments.

Sustainable assistance should be based on solid and forward-directed partnership between those who receive assistance and those who grant it, be it individual countries or international organizations, such as the ILO. The tripartite structure of the ILO puts it in a unique position to further the much needed understanding among non-governmental actors.

Let me round off by drawing your attention to my country. You know that the United Nations has decided to convene a World Summit for Social Development to be held in March next year in Copenhagen. We shall address such topics as poverty, productive employment, and social integration. All initiatives will rest on the basic idea of the responsibility of society in interaction with the responsibility, integrity and dignity of the individual.

The aim of the ILO is to improve social conditions for workers all over the world. The ILO has already done a great job and put forward highly valuable ideas for the preparation of the Social Summit.

Let me conclude where I started: the anniversary of an important international organization. In Denmark we are celebrating the ILO in several ways.

Original Spanish: Mr. CORRAL BORRERO *(Minister for Labour and Human Resources, Ecuador)* – A worker has been appointed to preside over this universal assembly. It is a matter of the utmost satisfaction that the International Labour Organization, in commemorating its 75th anniversary, is thus paying deserved tribute to all workers. In congratulating the President on his appointment, may I also express my keenest wishes that this great meeting will be a success.

I also wish to express my heartfelt congratulations to Mr. Michel Hansenne, the Director-General of the International Labour Office, on the extremely important Report he has drawn up and placed before this assembly for consideration and debate. Such a document is of enormous significance and gives us a major opportunity by inviting us, and indeed warning us, to change, while at the same time maintaining immutable values. We are extremely pleased, as we share wholeheartedly the view that the tripartite structure should be retained and that there is a need to maintain and further deepen the philosophy, principles and objectives which gave rise to the ILO some 75 years ago to contribute to universal and permanent peace by promoting and developing of social justice. These are the immutable values which we should preserve: peace and justice. The path the ILO has chosen has made it possible to make steadfast progress; it crosses flourishing fields which have sprouted from universal social and labour standard setting and the effectiveness of technical advice and cooperation. But this path is incomplete. Much remains to be done. As we proceed, we must accept and understand a different world because of the changes which have taken place, including the fall of the Berlin Wall. The radical transformation of the political, commercial and technological environment in the world has effectively meant a more rapid globalization of economies and greater interdependence and competitiveness of markets for goods and services. Countries are seeking desperately to overcome this crisis and have geared their actions to achieving technical progress and economic growth as a premise for job creation and the reduction of poverty. The Report recalls the absolute priority which all countries must give to the creation of productive jobs in order to tackle the tragic and explosive reality of 30 per cent of the world's labour being deprived of productive employment, more than 120 million people being unemployed and around 700 million underemployed.

To give a fresh impetus to job-creating economic growth, it is necessary to overcome obstacles to national and foreign private investment; to remove certain economic activities from the State and assign them to the private sector, to soften the rigidity of supposed social protection standards; to reconcile the rights and obligations of workers and employers, and to remember, as the Report says, that labour legislation is not enough unless every person has the opportunity to find employment.

Scarcely a year ago I had the honour and opportunity in this same forum to report and comment on the fact that the Government in my country, Ecuador, under our President, Sixto Durán Ballén, had undertaken a process of transformation and change, and had agreed to a socially balanced macroeconomic stabilization plan. I can say today that this process has already begun to bear fruit. Inflation has fallen by 50 per cent, from 60 per cent in 1992 to 30 per cent in 1993, and we hope to reduce it to 20 per cent this year and to continue still further. We have substantially reduced the deficit, and interest rates have fallen. There has been a stabilization of the exchange rate and a substantial bolstering of our foreign currency reserves. Major social actions have been developed in the areas of education, health, housing, infrastructure, roads and grass-roots training.

The Government has also begun modernizing the State with the aim of streamlining the administration and making it more efficient. It has begun decentralizing, localizing and simplifying activities, breaking up monopolies on the production of goods and services, and delegating some public services and economic activities to the private sector, seeking to make them more efficient and also seeking resources for social programmes. Such a process will be socially equitable. It will not violate the rights of the workers, who have been invited to take part in the process. The reduction of the size of the State and the revival of the State which are based on the reduction of jobs in the public service and also involves the payment of compensation which can be used for productive job-creating activities.

In the social and labour field, may I highlight two important phenomena.

Firstly, the purchasing power of wages is on the rise, reversing more than a decade of wage erosion. We have done this by periodically increasing wages faster than inflation, thus bringing about an increase of some 14 per cent in the real wages of the lowest paid Ecuadorian workers. This has been acknowledged by ILO and United Nations experts. It has made it possible for us to view with optimism the aim of arriving in the medium term at a fair wage which would satisfy personal and family requirements. The present level of wages is not sufficient to meet these requirements even when all the currently compulsory payments have been included.

Secondly, I would like to mention that we are implementing a policy of harmony and equity in employer and worker relations. There is a need for the role of capital in society to complement labour as inseparable creators of collective wealth. As labour conflicts become ever more rare thanks to important cooperation between employers and workers, the social peace and civilized labour relations so conducive to development can take hold.

We know that the Government alone cannot meet these aims of bringing about an improvement in the well-being of the Ecuadorian people. For that reason we have invited the productive forces, employers and workers, to participate in a social dialogue to arrive at a major national tripartite agreement with a view to achieving sustained economic growth with social equity capable of generating employment, improving living conditions and consequently reducing poverty.

May I, from this high rostrum dedicated to pluralism, pay tribute and express my admiration to the International Labour Organization on the occasion of its 75th anniversary of unswerving commitment to universal peace and social justice. Indeed, to mark this event, the Government of Ecuador will issue in the next few days a special commemorative postal stamp, and additionally it has published, with the help of the Ecuadorian Social Security Institute, a compilation of international labour Conventions ratified by our country. I am giving the President and Officers a copy of this publication, and I would like to reiterate the will of the Government of Ecuador to back initiatives which, in accordance with the principles and objectives of this Organization, seek to establish a more just and humane world community.

May the World Summit for Social Development next year allow the ILO to play the leading role incumbent upon it. I also would like to welcome the new dawn in South Africa, the delegation of which is with us today.

Original French: Mr. NIDELCU *(Minister of Labour, Social Protection and Family, Republic of Moldova)* – I would like on behalf of the delegation of the Republic of Moldova to present cordial and respectful greetings to all those who are participating in the 81st Session of the International Labour Conference. I take great pleasure in congratulating you on the occasion of a two-fold anniversary – the ILO's 75th anniversary and the 50th anniversary of the Declaration of Philadelphia – and to offer our sincerest good wishes for complete success in all activities.

I am convinced that the Conference debates and the documents to be adopted will make a significant contribution to the fulfilment of the mandate of the Organization and that they will promote the new approaches and means of action to be taken in order to guarantee human rights and to promote social progress in the world. The delegation of the Republic of Moldova is ready to contribute in an active manner to the work of the Conference. This participation will be very useful to us at our national level.

Moldova, like all the other Members of the Organization, is currently celebrating these two important dates. The two years since our Republic became a Member of the Organization, is too short a period to be able to draw major conclusions concerning these two important dates. However, during this period the International Labour Office on the one hand, and the Republic of Moldova on the other, have undertaken a series of activities in order to speed up the integration of our country in the sphere of activity of the ILO so as to achieve results.

Experts from several international bodies have visited our Republic. They have analysed our legislation and studied the situation on the labour market. They have analysed the situation of the labour market. They have studied the problems of social protection of the more vulnerable categories of the population and considered other issues at the national level. As a result, a series of recommendations have been formulated which have made it possible to improve the structure and the major thrusts for development of the social infrastructure, to expand the legislative framework and to adapt it to international standards, and to implement fully the Conventions and Recommendations of the ILO with a view to resolving the different problems.

With the help of the International Labour Office, we have been given direct technical and practical assistance. My country has participated in the meetings of the labour ministers of European countries and in other international meetings, which has enabled us to broaden our horizons and to acquire invaluable experience as well as to strengthen our cooperative relationship with the ILO.

The Government of the Republic of Moldova is well aware of the role played by the Community and supports its policies intended to resolve problems at the national level arising in the field of employment and social protection. We hope that cooperation between Moldova and the ILO will expand and will become more intensive in the future.

As regards the Governing Body's resolution on the commemoration of the two-fold anniversary of the ILO, our country has undertaken to implement it, to the extent of its possibilities and the situation in our country.

Our Government has decided to create a tripartite committee in order to prepare for the celebration of these two important ILO dates. We have elaborated a plan of activities with all the means for its realization.

Nearly 40 Conventions of the ILO aimed at improving human rights and social justice have been presented to the new Parliament for ratification.

Practical activities in the field of labour and social protection are based on two major concerns: first, the elaboration of machinery for social security for the people and secondly, the adapting of legislation and national practice to international standards.

We should mention that during recent years every standard-setting act has been elaborated in accordance with ILO requirements; some of them have been submitted to the expert analysis of the ILO. Among these acts I would like to highlight laws on wages, migration, retirement and social protection, manpower utilization, individual and collective labour disputes and safety at work, among others.

Among the many problems which Moldova is confronted with at the present time I would like to mention inflation and unemployment. They painfully affect the well-being of the people.

Inflation has eroded the real income of the people, which lowers its standard of living. One measure to solve these problems, as we see it, is to develop a series of efficient actions by stimulating the entrepreneurial spirit in the private sector of the economy.

Unemployment is on the increase. The authorities of my Government have undertaken measures to prevent mass unemployment. In this connection, it would be very helpful to us if the ILO were to give us its assistance based on its wealth of experience.

In his Report, *Defending values, promoting change*, the Director-General, Mr. Michel Hansenne, has put forward new proposals for measures to increase the effectiveness of the activities of the ILO to promote democracy, human rights and social justice.

We realize that under conditions of change in an economy which is becoming globalized the ILO should considerably expand its activities in the political area as well and choose the right approach and the most effective means in order to solve the host of accumulated problems and to overcome the difficulties. This is why our delegation attaches great importance to the proposal that the ILO should undertake a greater and more intense activity in the field of international politics.

The expansion of the Organization's activities in this area would enhance its position. The 81st Session of the International Labour Conference shows once more the attachment of this Organization to the ideals of democracy and social progress. We would like to express the Republic of Moldova's endorsement of these ideals. My country will make an active and constructive contribution, which is indispensable to the implementation of the measures adopted by the Conference.

Ms. SIMPSON *(Minister of Labour and Welfare, Jamaica)* – Let me on behalf of the Government of Jamaica and the delegation that I lead extend to Mr. Gray heartiest congratulations on his election to chair the proceedings of the 81st Session of the International Labour Conference. We are confident that success will attend all his endeavours throughout these deliberations.

My delegation to this Conference in particular salutes the International Labour Organization on the milestone of its 75th anniversary. When we assess the record of the ILO for the past 75 years, we remain convinced that those years have been of highly successful collective engagement. We remain impressed also by the demonstration of the organizational pedigree of the ILO. Indeed, the ILO's adaptive style, commitment to its mission and its determination to make itself relevant, command the respect and admiration of all member nations of this body.

It is because of this that we are excited by the decision of the ILO to use the occasion of this 75th anniversary to turn deliberately to the future and to ponder the responsibilities to be assigned tomorrow. We are excited, jubilant even, at the new ray of sunlight and hope that has descended over South Africa as a result of the recent all-race election which propelled Nelson Mandela from prisoner to President of one of Africa's most promising nations. We welcome back South Africa into the ILO and the family of nations. Almost every aspect of the global community will be better from here on for the inclusion and participation of post-apartheid South Africa, as the world community searches for new designs of the management of its responsibilities on the basis of tolerance, cooperation and reconciliation.

One of the insights to be gleaned from the recent South African experience is how powerful a force globalization really is. It is a force that is continuously gathering momentum and none of this should be lost on the ILO, for with that movement has come the growing integration and interdependence of the world community. The globalization process has also given rise to regional structures and trading blocs. Of course, globalization has given a new status to market economies, and market economies have meant more intense competition in the domestic and international environment.

Furthermore, trade liberalization and expansion have stimulated the movement of labour, capital and technology. By themselves, these developments carry powerful implications for the less developed countries. And for a State such as Jamaica, where the globalization process has been accompanied by structural adjustment policy regimes, the business of public management has become most challenging.

To be sure, we in Jamaica understand the logic which expected that the policy measures of structural adjustment would promote economic growth, in addition to improving competitive advantage, encourage more efficient allocation of resources and, in short, remove many of the bottlenecks to national development.

But if the truth be told, we badly underestimated the extent of the mix of results. How was this possible?

The simple fact is that even as we experience a measure of economic growth and try new approaches to policy management, we in Jamaica have also come to experience new crises in unemployment, much social dislocation and uncertainty and declining standards of living for many. The macro-picture is one where we have experienced some loss of vitality in the collective approach to poverty alleviation and in the promotion and defence of social justice.

Fortunately, under these circumstances the Jamaican response has been partly informed by certain ILO frameworks and policy precedents. We have, for example, drawn on the helpful framework offered by the ILO to build and consolidate a viable tripartite constituency in Jamaica. On the basis of this framework, our social partners have been exercising a healthy respect for the fundamental labour relations standards set by the ILO which have aided domestic production and problem-solving.

We have also engendered some home-grown responses to the challenges of globalization and structural adjustment. Very briefly, we have broadened economic stakeholding and we are gradually transforming our industrial relations culture. Yet none of this will have much long-term relevance if we do not redouble our efforts to tackle the problem of poverty. And in this regard, I endorse wholeheartedly the sentiments expressed by the Director-General in his Report and I quote: "Poverty and unemployment are endemic to our planet and no one country can claim to be immune to the disease, just as no single country can ever hope to resolve the problem on its own." The "disease" of poverty is like a time bomb ticking away. One never quite knows when it is going to explode, but we all have a duty to avoid the explosion.

In this regard, my delegation wishes to issue a strong challenge to the international community as represented here today as to how we can avoid the poverty explosion. The strategy of poverty alleviation cannot include only some members of the disadvantaged and dispossessed community and not others. It has to include the entire constituency of the poor: women, ethnic minorities, the disabled, the young, the old and the work-shy.

The second aspect to this challenge regards the idea that government must lead this poverty alleviation initiative. Public policy must help to accomplish this objective. You see, the free market left to itself will not guarantee the health, education, social equality and freedom that we all value. The free market left to itself cannot transform broken human spirits in broken physical communities. The free market left to itself cannot rekindle the spirit of hope and a stake in the future lives of the millions around the globe for whom the cold ground will be their bed tonight. The free market left to itself certainly cannot guarantee for all of us the redemptive ethic that we all seek. Only a public policy, driven by government and biased towards growth more beneficial to the reduction of inequality, can guarantee us a future of peace.

While we recognize that the old ILO agenda is still unfinished, the struggle for social justice and poverty alleviation must continue. We recognize, too, that democratic values still have other barriers to break down. They still have other constituencies to penetrate. They still have many rivers to cross.

This is why my delegation would urge this Conference to lead the way towards rethinking many aspects of some of the prevailing development strategies, especially those dealing with poverty alleviation.

We also urge the design of new institutional frameworks and policies which are capable of sustaining more viable development partnerships in the international community – the type of development partnerships that deliberately marry economic imperatives with social objectives, like poverty reduction.

The agenda for the future cannot therefore ignore the need for further institutional strengthening of the ILO itself. The new agenda must find innovative ways to deepen our focus on ethical values such as mutual respect and caring; values which often guarantee social consensus and a stable climate of expectation. In all of this, the future can only be reasonably anticipated and managed if individuals and organizations think long-term rather than short-term; if we begin to concentrate on the prevention of socio-economic problems, rather than on their cure.

In closing, let me share with you the words of a distinguished Jamaican poet, H.D. Carberry, who wrote: "There shall come a time when these children in rags who litter the streets, who know the crushing mastery of poverty and the curses of dirt and slovenliness, shall walk with heads erect, proud owners of a new world, masters of themselves, admitting no inequality, feeling no inferiority, only a great humility and wonder for the destiny that shall be theirs".

We all have a role to play in ensuring a "new world" for the poor and disadvantaged. The future can be bright if the collective will is in place to tackle this struggle for change. We can, we will, we must.

Original Arabic: Mr. AL DHOBEE *(Government delegate, Yemen)* – In the Name of God, the Merciful, the Compassionate. May I be allowed first of all to submit, on behalf of the delegation of Yemen, our most sincere congratulations to the President and the Vice-Presidents on their election to lead the work of our Conference. We wish them every success and assure them that our delegation is at their entire disposal to ensure that this session is crowned with success.

We are also happy to welcome the Sultanate of Oman and the Republic of South Africa, as well as the other countries which have recently joined our Organization.

It is with pleasure that we are celebrating today, with the entire world, the 75th anniversary of the International Labour Organization which, since its inception, has aimed to establish lasting world peace based on social justice, which is the very essence of civilized man, and which the Organization would like to prevail throughout the world for the benefit of all workers. This is a form of social justice based on the respect of human rights, the guarantee of a worthy life for all, the guarantee of humane working conditions, the creation of jobs and the achievement of economic security and social peace. The unique tripartite structure of the Organization, and the reasoned and constructive dialogue of practices, have enabled this Organization to deal efficiently with the complicated problems facing the labour world. The very existence of our Organization has turned out to be an economic and social necessity.

On the basis of the objectives set forth in its Constitution and the guidelines of the Conference and the Governing Body, our Organization has been able, with the human and financial resources available to it and in the light of the changes and challenges it has had to face, to achieve considerable results in the last 75 years for its three constituent parties.

We are very grateful to the ILO, and mainly this is due to the values, the objectives and the noble human principles which it enshrines to its permanent struggle against discrimination and differences in treatment, to its efforts aimed at setting up an international community based on social justice, and working for the peace to which all of humanity aspires. During its work our Organization has been able to acquire the necessary ability and experience to respond to the ever-changing needs of its Members. On the basis of an objective evaluation of the Organization as an instrument of progress, and of its achievements, we are convinced that it will be able to fulfil its new tasks, resulting from the changes currently affecting the world.

It is with interest that we have studied the Report of the Director-General of the ILO. Although we are aware of the new realities in international relations, we feel nevertheless that these changes, because of their complex nature and the speed at which they are taking place, engender problems whose full scope it is difficult to assess at this stage. We are referring to the consequences of the globalization of the economy, the liberalization of trade and the worsening of social problems due to the move towards a market economy. It is therefore indispensable to modernise working methods and thought processes in order to find appropriate solutions to all these problems. In this respect, the Republic of Yemen hopes to be able to benefit from the experience of the international community, in particular in the fields of labour and human resources development. We feel that the International Labour Organization will be able to give us this assistance thanks to the experience and know-how it has acquired over its 75 years of existence.

Also, we must bear in mind the specific nature of the situation of the developing countries which are attempting to move to market economies. We must not forget that the legislations of these countries do not always tally with those of the developed countries, particularly when we look at the solutions proposed by the Director-General to guarantee respect for international labour standards. Indeed, the developing countries are attempting to achieve economic and social development, to move towards a market economy and to achieve economic and social restructuring, and during these processes they are encountering enormous difficulties. These countries need the help of all the international organizations in order to assume their responsibilities. In this connection, it is not fair to put on an equal footing countries with different levels of development and different abilities and to compare them to other countries, be they developed or developing, as regards the application of standards. This is contradictory to the principle of justice proclaimed by this Organization. Thus we request the adoption of the principle of a progressive application of standards on the basis of the economic and social development of each country.

All the developed countries and all international organizations should help the developing countries to overcome those obstacles preventing them from achieving progress, by affording these countries the means and capital to rebuild their economic and social structure, by lightening their debt burden and by ensuring the transfer of technology to these countries in order to whittle down the gap separating the developed and the developing countries, particularly as the latter have had to bear the full brunt of all economic and social development efforts.

The achievements of the Republic of Yemen in the field of labour have gone hand in hand with the strengthening of our country's ties with the ILO since our country became a Member of the Organization and since it adopted its first labour code with the help and advice of the Office. Our country has ratified and applied 22 Conventions concerning fundamental rights. We are now revising our labour legislation with the ILO's help so that it takes into account the current economic and social changes and our international commitments. Our country is preparing to celebrate the 75th anniversary of the Organization by issuing a commemorative stamp, and by organizing two seminars on the Organization, its activities and its fields of cooperation with Yemen. It is also going to broadcast television programmes which will emphasize and demonstrate the role, objectives and methods of this Organization. Here we would like to thank the ILO's regional office for the Arab States for the cooperation and help it has afforded us in overcoming difficulties in various fields. We hope to strengthen our links with the Office in the future.

We are pleased to note that since Mr. Hansenne became Director-General the Organization has revised its action, which has enabled it to face the present changes. I would therefore like to congratulate Mr. Hansenne on the successes achieved in the last few years.

In the light of the changes which have taken place on the international scene, we are still more convinced that the ILO now more than ever must play its role of pioneer and find solutions to the problems caused by these changes, and particularly with respect to social development and questions pertaining to labour, workers and human rights. The International Labour Organization, because of the humanitarian principles to which it is committed and its moral authority, is in the best position to deal with the social aspects of the problems we must face at the international level. We invite all the bodies of the ILO to be the conscience of the world as the market economy and liberalization are given free rein at the expense of basic human rights, and in particular at the expense of the right to work, to training and to social protection.

The triumph of democracy and equality in South Africa is the reward of our Organization's efforts to see the law prevail. Similarly, the return of the Palestinian people to part of its land in Gaza and Jericho is a first step towards the total liberation of Palestinian territory and its capital Jerusalem under the leadership of its only legitimate leader, the Palestine Liberation Organization.

At a time when the principles of justice and equality are prevailing, the world community is continuing stubbornly to subject the children, the elderly and the women of Iraq to additional suffering through the embargo which has been unjustly imposed upon its people. And this is the case despite the fact that Iraq has satisfied all of the demands of the United Nations. We also note that the embargo against the Libyan people is still in place despite the progress achieved in the so-called Lockerbie affair.

We urge all peace-loving peoples and countries to support the Iraqi and Libyan peoples with a view to lifting these embargoes so that they may achieve their objectives of growth and prosperity.

As you know, Yemen achieved unity in a climate of freedom and by virtue of a free decision of the people and the authorities in 1991. A referendum on the Constitution was organized in that year. Free and democratic elections took place on the basis of multipartism in 1993, and this was welcomed by all the Arab countries. Yemen then became a member of various international organizations, including the United Nations and, in particular, the ILO. Each Yemeni family is an integral part of the nation's social fabric, which cannot be torn apart. We consider that the Yemeni union is a factor of stability in the region. This was confirmed by the attitude of the Arab and international communities, and particularly in resolution 924 of the Security Council of the United Nations. The Yemeni people is a single peace-loving people, and is one of the peoples which have suffered most from underdevelopment. It therefore rejects any attempt of rebellion against the Government. All Yemeni citizens fervently desire an end to the war.

In conclusion, we wish the ILO full success in its endeavours with a view to achieving its major goal, namely, peace throughout the world, which can only be achieved on the basis of social justice.

Mr. TSUJINO *(Employers' delegate, Japan)* – This year, the Director-General's report is entitled *Defending values, promoting change*. It focuses on the kinds of activities the ILO should embark on in the future; and, looking back over past experience, it provides many pointers for the future. I congratulate the Director-General for having worked so hard to produce this document.

Vast political, economic and social changes have taken place since the ILO's founding in 1919. The ILO has responded to these changes and continued its efforts to fulfil its mission.

On the occasion of its 75th anniversary, it is of great importance for the ILO to reflect on what it has accomplished so far, and to identify the issues and determine what areas it should focus on in the future and what its course should be from now on.

I would like to mention three points which I believe are especially important. The first is that economic growth and development are essential for improving peoples' living conditions according to the ILO ideal.

Economic growth and development are of prime importance, and without expansion of employment and rising income it will be difficult to achieve the ILO's principal aims of respect for human rights and the eradication of poverty.

The importance of expanding employment through economic growth is evident, as the world economy suffers from recession today, and growing unemployment is a serious problem.

Creating wealth through appropriate corporate management and through development is the basic foundation for improving living conditions for all. To accomplish this, individual countries must make maximum efforts to help themselves; that is, there must be cooperation between labour and management. The ILO should promote the most appropriate and effective technical cooperation projects for dealing with the individual problems of various countries. I hope that the policy of active partnership and the network of multidisciplinary teams, established by the initiative of the Director-General, Mr. Hansenne, will gradually achieve results.

One of the things that I have felt especially strongly about since becoming a member of the ILO's Governing Body and participating in ILO activities, is the importance of technical cooperation. It is vitally important that technical cooperation should change and improve the way of thinking of the peoples of recipient countries. Technical cooperation does not merely imply a transfer of tangible assistance, such as technology, financial aid, and so on. Its role is to change basic attitudes. If this is achieved, the developmental efforts of the recipient countries will be stimulated. I believe this is the main reason for making technical cooperation more viable and effective.

The second point is that globalization of the economy and the complex and diverse international relations make it important for international organizations to cooperate positively with each other.

In particular, developing countries requiring structural adjustment and countries which have recently shifted to market economies need the support of not only the ILO but also of the World Bank, the IMF and other monetary institutions.

What I would like to say here is that the various international organizations should shed notions of territory and establish true cooperative relations.

I think that Mr. Hansenne's positive stance in cooperating with other international organizations deserves to be mentioned here.

The third point I wish to go into is that the establishment of future international labour Conventions should be kept to a minimum.

Looking back, the position of the world's workers, and the conditions they work in, have changed almost indescribably, compared to 75 years ago. This has come about as a result of the ILO's activities, which are based on the fundamental principle of respect for human rights.

Today, international labour standards cover most major occupational situations. Without the ILO, these conditions would not have improved as much as they have today, even after 75 years.

In that sense, the ILO has carried out its primary role of establishing labour standards fairly, with the understanding and cooperation of its member States, and with a tripartite constituency of government, labour and management. I believe that this has been one of the most progressive and meaningful accomplishments in the history of the human race. The ILO has made a major contribution to the happiness of humankind.

However, reflecting on recent cases of establishment of international labour standards, the fact is that very few countries ratify the Conventions. Perhaps the Conventions are difficult to ratify because they lack flexibility; but the truth seems to be that some of them are not really needed by the member States or the world.

This means that, realistically speaking, technical cooperation is more effective in expanding employment and improving living conditions. Therefore, the ILO should keep standard setting to a minimum and devote much more attention to its other important role of technical cooperation. Enormous amounts of energy and funds are poured into formulating Conventions and Recommendations, which should be devoted instead to more extensive technical cooperation.

The ILO's Conventions and Recommendations have, as I mentioned, made an enormous contribution to improving working conditions throughout the world. But, simply setting labour standards does little to actually improve living conditions. Technical cooperation is necessary to help countries, especially developing countries, remedy their political, economic and social problems.

There is no doubt that it is by promoting technical cooperation that the labour standards the ILO has worked so hard to establish can truly be effective.

In closing, I would like to comment on the proposal made by the Director-General in Chapter 5 of his Report, that the Governing Body should hold high-level sittings at its March Session every two years, where governments would be represented at the ministerial level, to discuss the world employment situation and the main trends in the world economy which affect this.

I wonder just how well the government ministers, who would attend such a sitting, are really informed of the objectives and diverse activities of the ILO. However, there is no harm in trying and future actions can be decided depending on the outcome of such meetings.

However, I have a slight doubt about his second proposal – that the examination of employment and living standards should be made a standing item on the agenda at the International Labour Conferences. The Director-General believes that the aim of the discussion should be to produce something in between a formal standard (Convention or Recommendation) and a general exchange of views should be adopted. I believe that this is an issue which should be brought to the Governing Body first, before suddenly being proposed at the Conference.

Mr. ATASAYAR *(Employers' delegate, Turkey)* – I have great pleasure in extending to you all personally, and on behalf of the delegation of Turkish employers, my best wishes for a very successful session. I would also like to take this occasion to congratulate the President on his election to chair this session of the International Labour Conference.

This year we have an extraordinary event to celebrate at this session of the Conference. The International Labour Organization is 75 years' old, and we have every reason to be jubilant about this most significant anniversary which makes the ILO one of the oldest international organizations in the world. Such an event cannot, and in fact should not, go unnoticed. We must all strive to increase the world public opinion's awareness of the ILO and its activities.

In our opinion, if an international organization can survive for 75 years in a turbulent world dominated by wars, hostilities, economic and social imbalances, this shows, first and foremost, the soundness of the principles upon which it was founded. But it also creates a constant challenge and need for revision, change, adaption and self-criticism in rapidly changing circumstances. Therefore, it we want to see our organizations celebrate its 100th birthday and go beyond in full health, we should start discussing the perspectives of the ILO. As the Director-General correctly points out when concluding his Report, *Defending values, promoting change*, "The future of the International Labour Organization is not primarily a question of ways and means but of ethical considerations". We must build upon this basic premise.

The International Labour Organization was set up to contribute to world peace by promoting social justice. The question that we should all also ask ourselves today is whether it should continue to do so, or should we, under changing circumstances, add other goals that will be compatible with economic realities and will contribute to the creation of an international atmosphere within which social justice can better and more effectively be promoted. We believe as Turkish employers that, during this session of the Conference, this should be the central issue upon which views should be expressed. We have no doubt that these views will be assessed by ILO experts and be the agenda items of forthcoming sessions of the Conference.

There is no doubt that social justice is a fascinating concept to which we must all adhere.

But how can we arrive at a clear-cut working definition of social justice in a world of dramatic change? The world we live in today is characterized by such trends as the emphasis on market economy and democracy, the globalization of the economy, economic divergencies and the proliferation of social problems like unemployment. Can we define social justice in such a world without resorting to diverging value judgements? For instance, can we base the social justice concept on identical value judgements in two countries, the one with almost full employment, low inflation and a negligible informal sector, and the other with 20 per cent unemployment and a very large informal sector? Is social justice the same thing in two countries, the one with a very high rate of inflation and the other with economic stability?

As Turkish employers, we firmly believe that social justice can best be promoted through economic development and stability. To achieve this countries should aim at creating a propitious atmosphere through promoting democracy and the market economy. We are convinced that social regulations which are not commensurate with the economic capacities of countries result in social frustration rather than justice. In this connection, I would like to draw your attention to certain facts which need to be taken into consideration when discussing the future stance and policies of the ILO.

The changing world order and emerging economic concepts which pave the way for globalization require that the ILO pursue creative and innovative policies rather than continuing its conservative approach that offers excessive protection to employees.

The ILO's time-honoured redistributive considerations should be reinforced by considerations of production and employment. Without paying due attention to production, social justice can never be fully achieved.

The ILO should base its policies on promoting economic well-being rather than protecting labour alone.

Consequently, the progress of labour legislation should be sought within the specific conditions of each country and the ILO should refrain from influencing these conditions in approaches that run counter to economic realities, that is to say that promoting flexibility in labour legislation should be included among the ILO's new targets.

Obviously, these views reflect the need which we feel in my country today. They are also problems created by rapidly changing domestic as well as international conditions.

Experience has amply shown us that trying to achieve social justice *per se* without at the same time paying due attention to economic development is an effort doomed to failure. Therefore, the two objectives should be pursued in a balanced setting of values. Otherwise, one may end up in a situation where a small minority of working men and women enjoy all rights and benefits at the expense of great masses of unemployed and deprived people. This is clearly social injustice.

Therefore, as the Turkish Employers' delegation, we would like to see the ILO's fundamental objective of social justice backed and complemented by such equally important economic objectives as growth and employment.

Otherwise, social justice will remain deprived of substance as it has for years in most countries.

Hoping that the resolutions of the 81st Session of the International Labour Conference will provide the ILO with better and wider perspectives than the perennial but rather fuzzy concept of social justice, I reiterate, on behalf of my delegation, my best wishes for a very successful session.

Mr. YANKANA *(Employers' delegate, Guyana)* – It is a great pleasure for me to speak again at the International Labour Conference, in particular at this 81st Session, which coincides with the 75th anniversary of the Organization. It is also a great pleasure for me to extend to the President the heartiest congratulations of the employers of Guyana on his election at this session of this International Labour Conference and the election of his supporting officers, the Employers' and Workers' Vice-Presidents.

I am here as part of a tripartite delegation from our country, Guyana, in which there are representatives of labour, a government minister and an official from the Ministry of Labour.

I would like to congratulate the Director-General for his very comprehensive review of the objectives of social justice as contained in his Report to this session entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda.*

The fact that our delegation is present here within the framework of a tripartite mechanism is essentially a commitment to the thrust of this august body to secure social justice while respecting the rights of the social partners, and doing so within a legislative system. The Director-General picks up on the changes which have occurred throughout many parts of the world preceding this Conference. Perhaps the most remembered event would be the achievement of democracy through transparent elections in South Africa which returned Nelson Mandela as President. President Mandela presented his case for democracy before this assembly as he had done on several occasions before. But democracy in South Africa will not be remembered without recognizing the role that this Organization has played in keeping the South African question in focus, year after year, as the apartheid issue remained on the agenda of the Conference.

Democracy is moving at the same time as the private sector is designated the "engine of growth", and the performance of the market economy has become the driving force behind movements for freedom in many nation States, even where there was only subdued violation of human rights posing in the skin of democracy, but as the Director-General pointed out, history is in the making, and the world is shedding another skin. As in nature, for nation states, this has also been a very painful exercise.

My early reference to tripartism was deliberate to allow me to mention now and speak of a welcome change that has taken place in our own country, which saw a wind of change blowing away crumbling edifices to return democracy to a people who had earned it 30 years ago, but from whom it had been snatched.

Tripartism of the social partners has worked. Although the experience is short in our country, I can say that it has brought the social partners better understanding of the severe problems which can confront a society going through a process of structural adjustment. The employers support this unadulterated model of tripartism and will strive at every opportunity to make it work and to protect it.

The process of change has, however, come at a time when there has been a serious degrading of the country's infrastructure, and at a time when economic recovery to improve the quality and the life of our people must be cast within the supervision of the international institutions – the World Bank and the International Monetary Fund.

On the employers' side, we need to create employment, we need to invest in new plant and technology, and we need to harmonize industrial practices to cope with the rising expectations of the workforce, and to do so within the ability of private investment to sustain and improve. This is a process that calls for understanding and the words of the Director-General in his Report can be instructive.

I refer to the points that he made in the Report as he reviewed the challenges facing the constituents, first and foremost, employers' and workers' organizations.

In this period of pain and change, the ILO must also review its programme of work and assistance. It would seem that too much emphasis has been placed on designing new standards through Conventions and instruments.

Employers generally have expressed dismay that such a programme should continue in the face of declining ratification for reasons of incompatibility, either within the world of work or in the state of development. We urge greater consideration in the field of training in the support for small business development, where productive employment demands support in the application and use of new technology.

The ILO office in the Caribbean, with the advent of the multidisciplinary teams, has been working closely with the Caribbean Employers' Confederation in designing programmes for the assistance of employers. I take this opportunity to thank the Regional Director and her staff for the interest and support which she has shown to our Organization.

I am happy to report that, in spite of its painful development which a structural adjustment programme will bring, Guyana has been experiencing significant growth in the mainstream productive industries, registering a growth of 7 per cent in GDP over the last three years. Increases in agricultural production have moved significantly and major areas of financial, fiscal and monetary controls have been deregulated, while the Government and the private sector regularly collaborate to define policies on privatization and investment.

Let me conclude, by expressing my appreciation of the President's wise and able conduct of this session of the Conference, and on my own behalf and on behalf of my delegation, wish to pay tribute to the wisdom and foresight of the Director-General and his staff, who must secure the contribution to peace and social justice which this Organization can inspire.

(The Conference adjourned at 1.15 p.m.)

Fifteenth sitting

Wednesday, 15 June 1994, 3 p.m.

Presidents: Mr. Gray, Mr. Mendoza

STATEMENT OF THE PRESIDENT CONCERNING THE SPECIAL SITTING OF THE CONFERENCE

The PRESIDENT – I would like to begin by reading a statement concerning the special sitting.

The delegates will recall that a special sitting of the Conference is to be held tomorrow to consider the Appendix to the Report of the Director-General on the situation of workers in the occupied Arab territories.

You will further recall that the list of speakers for the special sitting was closed on Tuesday, 14 June, 1994 at 6 p.m. so as to enable me, after consulting the Vice-Presidents, to submit to the Conference for decision, without debate, the proposal for a time-limit for speeches at the special sitting.

The list contains the names of 43 speakers, of whom seven are representatives of international non-governmental organizations. This number has enabled the Officers of the Conference to consider fixing the maximum length of speeches at seven minutes, it being understood that this would be a maximum, and that the average length of speeches would be five to six minutes, in order to respect the limits of the timetable already decided upon by the Conference.

An exception will be made in favour of the European Communities, whose spokesman will speak on behalf of 12 member governments. An exception will also be made in favour of the Arab Maghreb Union, whose spokesman will be the representative of the Government of Algeria. Since this contributes substantially to an overall reduction in the length of the debate, and since this practice is followed in other organizations, it appeared to the Officers of the Conference that as last year, it would be equitable, and in the interests of the Conference itself to increase the maximum length of these particular statements from seven to ten minutes.

Moreover, in order to ensure that the absolute deadline of 9 p.m. already fixed by the Conference is respected, the Officers of the Conference have also concluded that it should be understood that the President will periodically review the situation in the light of the number of speakers who remain on the list, and that the maximum time allotted to each speech will then be recalculated to conform to the time remaining for the speakers still on the list.

If there is no objection to these arrangements which have to be decided without debate by the Conference in accordance with article 14, paragraph 6, of the Standing Orders, I will consider them adopted.

I would also like to inform the Conference of certain other arrangements concerning this sitting which fall within the prerogative of the President and the Officers of the Conference, but which I feel I should inform you of now in order to ensure complete clarity and to enable everyone to act accordingly.

The first concerns possible requests for the right of reply during this sitting. In order to save time, this right of reply will be granted at the end of the sitting, in a global, but not in a cumulative manner. This means an absolute limit of two minutes which was decided on in a general manner at the beginning of the Conference for the exercise of the right of reply. It will not be multiplied by the number of statements to which the speaker requesting this right wishes to respond, it being understood that the President may, if time permits, allow this limit to be somewhat exceeded if the reply concerns a large number of statements.

The second matter concerns non-governmental organizations, of which, as I have already mentioned, seven have registered for this sitting, but which may in principle only speak with the authorization of all the Officers of the Conference. My colleagues and I have concluded that they will only be authorized to speak at the end of the sitting, in the order in which they are registered, and only if their interventions do not result in the special sitting continuing beyond 9 p.m.

May I in conclusion emphasize that these arrangements have been decided upon by the Officers of the Conference in the interests of consistency and objectivity and of respecting the legitimate interests of all the parties concerned, with whom, moreover, there have been contacts. They are entirely in accordance with the spirit of consensus without which this special sitting could not take place. They should contribute, once again, to the success of an undertaking of whose importance everyone is aware.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We will now continue our discussion of the Reports of the Governing Body and of the Director-General.

Original Chinese: Mr. PAN *(Employers' delegate)* – On behalf of the Chinese Enterprise Management Association (CEMA) I should like to congratulate the President on having been elected at this session of the International Labour Conference. My congratulations also extend to the Vice-Presidents. I am confident that, under his chairmanship, this session will achieve success.

This year we gather here to celebrate the 75th anniversary of the ILO. The Director-General concludes in his Report that "ILO stands alone all for an ideal: that of promoting social justice in the world". In this post-Cold-War period, the main goal for all countries of the world is economic development. The essence of international competition is actually the struggle for the nation's overall strength based on her economic, scientific and technological power. Activities of the ILO will be welcomed and supported by its member countries only if these activities can promote the healthy growth of the national economy of its Members. And only under such a condition, will the ILO itself maintain its vitality and dynamism. In our present epoch, this is also a vivid standard in appraising whether or not it can promote social justice in the world.

After 15 years of reform and opening up, the economy of China has achieved unprecedented growth, and the standard of living of the people has improved distinctly. In the past 150 years in the modern history of China, there has never been any period in which the Chinese people could live in such an ever-improving situation as in these recent years. The success has been achieved by change and reform, and this change is based on China's 5,000 years of culture and tradition. Maybe there is no people like the Chinese who can feel so deeply how change may bring so much benefit through promoting economic development. Definitely, the prerequisite of change should produce a positive effect on economic growth and give people real benefit. It should not be change brought about by social disorder and chaos, which is a disaster for the people. No country can develop and prosper under chaotic conditions, and there has never been such a case in the history of mankind.

China set the goal of reform to establish a socialistic market economy in 1992. This is an extension and development of our economic reform in the past ten years.

This deep transformation has further advanced change in various aspects of economic and social life. After the 1992 GDP growth rate of 12.8 per cent, the rate in 1993 was maintained at 13.4 per cent. The deepening of reform has also brought about a change in the composition of ownership. We take the public sector, including state ownership and collective ownership as the main body of our economy and take self-employment, private ownership by foreign investment companies as a necessary supplement. Our policy encourages the parallel development of different ownership systems in the long term. The growth rate of industry in 1993 was 21.1 per cent, in which the growth rate of state ownership companies was 6.4 per cent, of rural township enterprises 41.3 per cent, and foreign investment companies 46.2 per cent. In the vast rural areas of China, establishments of township enterprises exceed 20 million, with more than 100 million job creations for the surplus of the agricultural labour force. Self-employment involves 29 million people, with 1.76 million establishments. By the end of this year, private companies in China will number 370,000, employing 5.35 million people. The number of foreign investment companies is now 174,000. In job creation in the urban areas in 1993, 2.78 million people were employed in the self-employment and private sector, which accounts for 39 per cent of total job creation in the year. The China Chamber of Commerce is a nationwide organization, which covers only the private sector, with more than 700,000 companies among its members.

With the change to a market economy, all the Chinese enterprises, no matter whether they are in the public or private sector, are facing a totally new situation. China wishes to develop her economy. It is necessary for her to train a large number of entrepreneurs. The mansion of socialist market economy in China could not be built without enough genuine entrepreneurs as a basis to support it. So the education and training of managers is the crucial issue, so that they can understand the basics of the market economy and master the art and techniques of market competition. Just in this regard, we have many things to learn from employers all over the world. And this is also a very influential area where the ILO can play an effective role. In such a populous country as China, with 1.2 billion inhabitants, there are many many things to learn from others when entering into a market economy. Training is only one of the fields.

From the above-mentioned figures for the enterprises under different types of ownership you can see that, as the delegate of the Chinese employers, I represent not just several hundreds of thousands of Chinese business leaders, or several millions, but tens of millions of Chinese employers. But you cannot hear the voice of the Employers' delegate of China in the Governing Body of the ILO, though he comes from one-fifth of the world's population, and as a representative of tens of millions of employers in the Orient. We do not intend to ask for anything. The Chinese Employers' delegate will never beg for a seat on the Governing Body. We are very pleased to see and to pay respect to our brotherly countries which have their seats there. But from the viewpoint of the ILO, as a global organization, can it be considered as reflecting the ideal of promoting social justice in the world after China has resumed her position in the ILO for a whole decade?

We are now living in a very diversified world. Economic development differs so greatly in different countries, which gives rise to different views on many issues. In setting Conventions and standards, the ILO has to fully consider these differences, so that Conventions and standards can mesh with the reality of various countries, so that they can be realistic and applicable in their implementation. To take the standpoint of some countries as that of all member nations is not feasible, and it neglects social justice, which the ILO itself focuses and insists on so strongly. A renowned English novelist in the 19th century, Jane Austen, wrote two famous novels, one called *Sense and sensibility* and another called *Pride and prejudice*. In the next three-quarters of a century, I sincerely hope that the ILO will use more of the former and less of the latter in dealing with its member countries, in order to maintain the justice and prestige of the ILO itself.

(Mr. Mendoza takes the Chair.)

Original Portuguese: Mr. WERNA DE SALVO *(Employers' delegate, Brazil)* – On behalf of the Brazilian employers, I extend my warmest congratulations to the President and Vice-Presidents on their election at this 81st Session of the International Labour Conference and wish them every success in their high offices.

It is an honour for me to take the floor on the occasion of the 75th anniversary of the International Labour Organization and on the 50th anniversary of the Declaration of Philadelphia.

With his customary skill and tact, the Director-General's Report presents an analysis of the objectives and means of action of the ILO, dating back to the Report that was submitted for consideration by the 1963 session of the Conference until now. Taking into consideration the magnitude and speed of the transformations that are occurring throughout the world, it proposes a new overall examination of the objectives and means of action of the Organization.

There are many questions deserving of our attention, but we have chosen three: tripartism, standard-setting activities and technical cooperation.

We, Brazilian employers, are convinced that tripartism is a natural consequence of free initiative, for only autonomy for employers and employees and by maintaining an equal distance from the authorities in relation to these forces can the harmonious progress and social justice to which we all aspire be ensured.

When dealing with labour-related matters and issues of general interest that are a government's responsibility, we are convinced that only through the dynamic and permanent use of tripartism can the State efficiently solve or prevent conflicts that arise without resorting to intervention, while still involving employers and workers through conscious and voluntary adhesion in collective bargaining subordinate to the general interest.

The most efficient way to reconcile the interests of social partners is collective bargaining for, while laws establish standards *erga omnes* and do not take into account the unequal burden that may indiscriminately fall on small, medium-sized and large enterprises, through collective bargaining the different socio-economic conditions of each region of a country, and how far each business, according to its size, productivity of profitability is able to implement decisions, can be weighed up.

The Director-General is correct when he points out that any assessment of the ILO's future activities should start with an evaluation of standard setting.

In effect, the legislative functions of the Organization merit extensive consideration and an analysis of their efficiency and response to the current world situation.

Thus, with regard to Conventions, all efforts must concentrate on updating standards that are no longer applicable and on revising others that, though still pertinent, have a low ratification rate. Since the effectiveness of rules does not stem from the sheer numbers produced but rather from their acceptance and overall observance, the reduction of the present rate of issuance of new standards becomes necessary.

It is consequently necessary to re-establish the real value and thrust of Recommendations which should no longer be considered as second rate instruments for merely complementing a Convention.

Conventions should only regulate the general idea of labour-related issues. Unique subjects and those dealing with sectors or specific labour conditions should be the subject of a Recommendation, for it has the needed flexibility and does not impose rigidities on the labour market.

On the other hand, the choice of subjects for future standards should not take place until the social and economic consequences in every region have been duly appraised with all due seriousness.

So as not to widen the chasm that exists between developed and developing countries due to the many different stages of development that exist among the member States, it is necessary to elaborate standards that are flexible and universal.

Here I must mention the point of view of the employers in my country with regards to the so-called "social clauses".

Our interpretation coincides with statements by the Minister of Foreign Affairs of Brazil, Mr. Celles Amorim, in that "the attempt to link labour and commercial matters is far from being a authentic preoccupation with the universal protection of human rights. On the contrary, it aims to abolish the comparative advantages that developing countries have due to the lower wages that they offer as compared to those in developed countries".

Brazilian employers have repeatedly expressed their conviction that technical cooperation should by far prevail over any other ILO programme.

The battle against unemployment, underemployment and poverty calls for intense multilateral cooperation with a view to the formulation of policies aimed for generating full, productive and freely-chosen jobs to keep up with the growing active population; creation and support of "micro" and small enterprises; the establishment of vocational training programmes in response to demands by the production sector in terms of job skills and the use of new technologies.

International cooperation means that the parties involved should come to an agreement as regards how to satisfy their mutual needs without relinquishing their own specific interests, setting aside all isolationist, competitive and conflicting attitudes.

In this sense, technical cooperation, which is a kind of international cooperation, is indispensable for accelerating growth in developing countries in order to allow them to strengthen their internal markets and to set competitive prices for their products internationally.

The theoretical principle that states that technical cooperation basically represents the transfer and appropriation of technologies is difficult to apply in practice due to obstacles arising from the high costs of these technologies and the precarious economic capacity of developing countries to adequately absorb and disseminate them.

Thus, in economic and social terms, regional disparities are worsening, progressively distancing the developed countries from the underdeveloped or developing world. Countries such as Brazil, which overlaps both worlds owing to the yawning gaps between regions and sectors, face enormous difficulties in promoting development due to ever-increasing technological barriers.

Therein lies a future task of the ILO, that of redefining and promoting technical cooperation, and convincing developing countries of the need for international cooperation.

On the other hand, new technologies which we have yet to master represent a huge challenge. A nation cannot gain a foothold in the international market other than through education, instruction and vocational training.

It is in this context that the ILO should focus on the social aspects of technological and scientific development when elaborating its technical cooperation projects.

Finally, it is important to point out that Brazilian employers have a particular interest in the establishment of the ILO programmes inspired by two recent resolutions of the International Labour Conference: the resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely-chosen employment and the resolution concerning employment promotion as an essential component of overall development.

Brazilian employers are confident that the ILO, in coordination with other international organizations, will play a decisive part in the elimination – or at least a reduction – of the obstacles facing the consolidation of global strategies of development and growth and their implementation within a framework of economic progress and social justice.

The demanding challenges and responsibilities that the Organization faces increase our expectation that this session of the Conference will produce favourable results.

Original French: Mr. PARROT *(Workers' delegate, Canada)* – I should first like to congratulate the President and Vice-Presidents of the Conference on their election. I welcome the opportunity to speak on the Director-General's Report.

I would like to agree with his analysis to the effect that the ILO is going through a crisis which is partly a reflection of the catastrophic situation facing workers around the world.

The so-called "new world order" that has replaced the Cold War paradigm has become a nightmare for millions of workers and their families. In seeking to promote globalization, transnational corporations, collectively wielding assets in trillions of dollars, have become the driving force behind global market integration.

Following the example of their predecessors prior to the ILO's birth 75 years ago, powerful corporate leaders increasingly attribute the slow-down in economic growth and foreign investment to trade unions and the social priorities they advocate. All too often public authorities have responded with a nod of approval.

As the Director-General's Report points out, new technology, combined with an absence of global political will to pursue full employment policies, has created labour markets that have take up the challenge of higher productivity, while accepting a rise in unemployment. Millions of workers, representing some 30 per cent of the world's workforce, are idle, while factories work around the clock.

What makes this world employment crisis worse is an emerging definition of competitiveness that savagely pits the wages and conditions of workers in industrialized countries against those of workers living in countries where wages are 20 times lower.

In addition to placing enormous downward pressure on social standards, this situation has produced a staggering global social crisis.

The distribution of wealth in the world is becoming more inequitable. In 1990 the richest 20 per cent of the world's population had an income that was 60 times greater than that of the poorest 20 per cent. Survey after survey shows that the gap is widening, both within countries and between countries. The poor suburbs of large cities in the North and South have begun to appear more alike as increasing numbers of jobless and homeless workers wander the streets.

Yet, to our peril, the link between the lack of social cohesion and the trend towards social disintegration seems more lost on public policy-makers at the national and international level today than it was 75 years ago. The ILO's mission is to pursue world peace through the promotion of social justice. The absence of the ILO in the formulation of the United Nations *An agenda for peace* is perhaps the best example of the lack of appreciation for the social dimension within the leadership of the world.

After more than ten years of ideologically based deregulation, many governments are sitting on the sidelines with increasing irrelevance in a global economy which is almost without borders. In this context, intergovernmental institutions promoting social standards, such as the ILO, are threatened by attempts to strip them of any real influence.

In my own country, ILO standards, especially those dealing with the rights of workers in the public sector, are often flagrantly violated on the grounds that they constitute an impediment to austerity-based budget making. In other countries, unabashed attempts are made by governments to exempt themselves from universal workers' rights on the basis of cultural exceptionalism or, more truthfully, because of the exigencies of rapid industrialization.

In the view of the Canadian workers, the question of principle facing the ILO at this point in its history is not one of definition but rather one of leadership. The adoption of the goals of wild capitalism into public policy-making has left a gap on the social side that must be filled.

The ILO was never envisaged as a mirror to reflect the existing realities of the prevailing international economic and social climate. The ILO was created to provide leadership in the promotion of social justice by bringing together governments, workers and employers and helping them to motivate themselves to bring this about. It is time to renew this sense of leadership.

Workers everywhere have their backs to the wall, fighting attacks launched against many of the social gains achieved during this century. As we wage these battles we look for leadership and support to the ILO, the only intergovernmental organization devoted to workers' interests.

Canadian workers are also concerned about some of the language in the Report which suggests an acquiesence to the demand for exceptions in the application of universal standards. While the calls for exceptions come from governments, we know very well that many of them are inspired by the corporate sector. We think that there is no area of ILO work that is more demanding of steadfast leadership than the promotion of universal standards and principles. A global village with a global economy but no global rules is a recipe for moral anarchy.

In our view, in its 75th year the ILO should be reaffirming its role as an institution that promotes and safeguards social standards while acting as the chief United Nations advocate for the adoption of universal social standards in international trade, aid and finance policy-making. This is not a time for meekness or the promotion of voluntary restraints on corporate conduct. It is a time for active reregulation of the global economy through the establishment of social clauses based upon basic ILO standards. In the absence of a defunct United Nations Centre on Transnational Corporations, an ILO strategy should be developed to set standards for international corporate behaviour.

The *soft law* approach of the Director-General is therefore unacceptable. Rather, new ways must be found of applying standards more effectively. In particular: the setting of new standards must continue; standards on freedom of association, discrimination and forced and child labour should be declared a world charter of workers' rights, with the ILO campaigning for their universal ratification and application; a complaints mechanism like the Fact-Finding and Conciliation Committee on Freedom of Association should be extended to cover all the standards in the world charter.

An active ILO campaign promoting standards would undoubtedly offend some governments, especially the historical special pleaders. After all, the demand for social progress has often been viewed as an affront to free market advocates. In fact, it could be argued that the mandate of the ILO is itself an affront to the free market. There is no need for apologies.

And finally, a word about the issue of employment. I agree fully with the emphasis placed on the world employment crisis in the Report. There are some governments, and the Canadian Government is one of them, that have sent strong signals to their electorates that they are serious about abandoning market liberalization as a primary policy tool and are ready to pursue a course of full employment promotion through active intervention. This attitude must be encouraged and forcefully taken up by the ILO.

Given that unilateral action could place well-intentioned governments at a competitive disadvantage, a key to such a change in course will be the willingness of countries to engage in economic cooperation. Once again, universal social and other standards will be essential to building the necessary confidence for joint action.

A pertinent example is the need for active promotion of a social clause in the new World Trade Organization (WTO). Such a clause should contain ILO standards and the ILO itself should play a clear, decisive and pivotal role in its elaboration and implementation.

Canadian workers see no contradiction or conflict between the goal of full employment and progressive labour legislation and we fail to understand why the Report suggests that these contradictions or conflicts could exist.

The idea that more jobs can be created by removing basic worker protections is dangerous and wrong. The ILO must reject any trade-off between the quantity and the quality of employment. It must play an increased role in international policies designed to boost jobs and tackle poverty throughout the world.

Employment without the possibility of collective bargaining will do little to resolve the distributive and social problems of a society. In promoting employment, the ILO should be fostering the idea that quality production and employment accompany organized labour.

Solving the problems caused by increased unemployment and productivity will require the willingness of governments, workers and employers to embrace innovation and manage change. Here again, the ILO can and should be playing a pivotal role through the promotion of standards and by the offer of technical assistance to those doing research on working time and other innovative solutions.

After more than a decade of being mesmerized by the rhetoric of the free market, the international community needs to be reawakened to the prospects for peace and prosperity through the struggle for social justice. On this, the 75th anniversary of the ILO, Canadian workers depend upon a strong International Labour Organization to provide both support and leadership in this task and today we reaffirm our commitment to do what we can to help.

Original Spanish: Mr. NAVARRO CABRERA *(Employers' delegate, Cuba)* – In taking the floor at this 81st Session of the International Labour Conference, I should like to congratulate the President on his election.

In celebrating its 75th anniversary, I should also like to express special gratitude to this Organization for its contribution to world peace.

The Director-General's Report this year has set itself the task of evaluating the ILO's past achievements and adopting new decisions for fresh activities; he has taken as his basis the very purpose of the Organization which is to support an ideal: promotion of social justice. Looking at the first few chapters, I would like to offer a few reflections.

I would be lacking in objectivity in not recognizing that the world today has changed and that we are living with a new international economic order. But the task at hand is to analyse the pros and cons of this new order with respect to social justice.

That is why I would like to put forward my concept of economic and social development, since it is very closely linked to the aforementioned concept of social justice.

This concept begins by establishing a link of organic interdependence between the economic and social aspects of development which may be seen as an integral entity aimed ultimately at changing human beings, making them nicer, healthier, better educated and more involved with and supportive of their fellows.

Development is not just economic growth, nor the form it takes; rather it is the way production is shared out and how the economic and social inequalities that stem from under-development and poverty are overcome.

Can we therefore state categorically that the market economy is a magic formula that will solve the inequality, under-development and poverty afflicting a large part of humanity? Since 1990, global growth in production has undershot its potential. In 1993, for the third consecutive year, global production grew more slowly than world population. In developed countries with market economies, production continues to stagnate, and in transitional-economy countries, it is declining.

In market-economy developed countries, the number of unemployed rose by 5.6 million and a total of nearly 30 million unemployed has been forecast; this means that almost 8 per cent of these countries' workforce will be jobless.

One of the great anachronisms of our times is that, although the world produces food enough to meet the needs of the world's population, there are huge numbers of people, especially in the developing countries, suffering from hunger or malnutrition, and many people are still dying from starvation every year. The number of people undernourished may be as high as 780 million, that is to say some 20 per cent of the total population of the developing countries.

If this is the result of the dominant economic system in the market economy world, we may well doubt what the Director-General says in his Report about the adoption of a market economy enjoying widespread public support because it inspired hope for a better future. We might expect that the 780 million hungry, the millions of unemployed, and the many other millions lacking the most basic resources – precisely because of the worldwide spread of the market economy – will not be in agreement with this statement. Would it not be more equitable to globalize the solution to the world's economic and social problems and thus solve the problems of the Third World which, after all, account for three-quarters of humanity?

In his Report, the Director-General refers to certain factors speeding up the globalization of the economy, including: expansion of world trade, and the growing inter-connection of financial markets.

But what is happening is that, in this increasingly transnationalized and globalized world, in which Latin America has to struggle for survival, competitiveness, in the best of cases, is a deceptive naivety. Amidst the upheavals brought about by competition, which involves the trade deficits of certain major powers and their jousts with other powers for domination of the markets of the 21st century, Latin America is a passive bystander that has lost its world-trade clout.

There is no way we can escape the dangers to which our America is exposed if, instead of deciding our own integration approach, we allow others to integrate us in their image and likeness in a process of globalization and planetary competence in which we might end up playing a rearguard action.

Speaking of the link between trade liberalization and the respect of certain labour standards and social protection, that famous "social clause", I consider the ILO should give priority in its programmes to creating jobs, to creating better conditions of work and to protecting the conditions. But the ILO should not influence the development of social rights unless there are mechanisms hampering economic growth and, consequently, employment growth.

As regards Cuba, our economy cannot be viewed in the same way as that of other countries, where trends can be called "cyclical". In our case, we are faced with a very specific situation. Ours is a country which is being affected by the collapse of what had been the basis of its foreign trade and which had a very important impact on the growth of its domestic economy.

Alongside this collapse, it is suffering from the intensification of an economic blockade to which it has been subject for the last 20 or 30 years. It is thus affected by two major causes acting together.

Nevertheless, the Cuban economy has shown great capacity to resist without renouncing either its social qualities, the guiding role of the State or the principles of socialist distribution.

At this present time, we are creating the conditions for something more than a business cycle boom. We are trying to ensure the viability of a socialist model under new circumstances.

The main organizational changes that have taken place in Cuba, in opening ourselves to the world, have been as follows:

- decentralization of foreign trade management starting with the elimination of the state foreign trade monopoly. Halfway through 1993, a total 287 Cuban economic agents of various kinds were involved or active in foreign trade. This is a sharp increase from the figure of 70 in the early 1980s;
- new negotiation modalities based on the development of a new concept of "business engineering". Up until November 1993, 112 joint ventures or other forms of economic associations were working with foreign undertakings. Another novel feature has been the increasing interest Cuban undertakings have shown in looking at setting up economic relationships in other countries;
- creation of new economic agents such as trading companies set up basically as joint stock companies. These companies, also called Cuban private firms, are basically of two kinds: truly speaking, Cuban firms and joint ventures between a Cuban entity and a foreign company. This type of Cuban-capital trading company may have different forms of autonomy, operational activity and employment structure to those found in State undertakings. By mid-1993, 101 private Cuban companies had been registered. In addition, there is a significantly growing number of foreign firms that are increasingly active as economic agents in Cuba;
- new operating functions and styles have developed in state institutions in our country as a result of promulgation of the legislative decree on the reorganization of the Central State Administration aimed at reducing the ministries and their staffs to give them greater authority.

Finally, may I say that, although our country is in a very difficult position which demands heavy sacrifices from us, we have a people sturdy enough and idealistic enough to continue our progress.

Original Chinese: Mr. LI *(Workers' delegate, China)* – First of all, may I warmly congratulate the President and Vice-Presidents on their election. I am convinced that under their guidance this session of the International Labour Conference will be a complete success.

The representative of the Chinese workers has taken note of the concern the session has shown for change. Now, at a time of multipolarity in the world and the globalization of the economy, all countries are exploring ways for change. China is also making efforts to deepen its reform. We believe that, given the immense differences between countries, no change should be made that fails to take account of a country's circumstances by imposing a uniform model, that fails to seek the active participation of workers or, even worse, that is at the expense of their interests. As the Director-General points out in his Report, in contrast to the sluggish economy in the world, China's economy has registered a sustained growth in the 1990s. China's reform is one with Chinese characteristics and this is the very fundamental reason for China's remarkable achievements.

Reform has brought about profound changes in China. Those who have benefited most from reform are the people. Over the past 15 years of economic reform, China's national economy has grown at an average annual rate of 8.6 per cent and the income of workers by 5.6 per cent. In 1993 alone the per capita income of urban residents actually increased by 10.2 per cent.

Trade unions in China mobilize and organize workers to participate actively in reform where their fundamental interests lie. At the same time, they are fully aware that the establishment of the socialist market economic structure calls for a further strengthening of trade union functions to effectively protect the specific interests of workers. A great deal of work has been done towards this end, in particular the following.

First, trade unions participate in the management of state and social affairs on behalf of workers, take an active part in various reforms that involve the interest of workers and, in particular, in the formulation of reform programmes in the fields of wages, employment, social security, health care and housing, which bear on the vital interests of hundreds of millions of workers, as well as in the enactment of relevant laws and regulations.

Second, the trade unions propose that the following principles must be adhered to in the reform process: democratic and scientific policy-making: all major measures and reforms plans that involve the vital interests of workers must be subject to extensive discussion by workers; workers as a whole must benefit; no reform measure should be too drastic for workers to endure. The overall capacity of endurance of the overwhelming majority of workers should be taken into account in reforms to make sure that basic living conditions are guaranteed.

Third, the trade unions in China convey the demands and requests of workers on the basis of investigations and research and by vigorously encouraging workers to participate in discussions so that every reform measure takes into account the actual capacity of endurance of workers, psychologically and economically, and accommodates the interests of the State, collectives and individuals.

The current session coincides with the 75th anniversary of the founding of the ILO and the 50th anniversary of the Declaration of Philadelphia. The trade unions in China believe that the ILO has done a lot of useful work in its long history for the achievement of the objectives and purposes enshrined in the Constitution and the Declaration of Philadelphia. However, the ILO is confronted with grave challenges as mankind approaches the 21st century. Here I wish to make the following comments concerning the future work of the ILO.

The objectives and purposes set forth in the ILO Constitution and the Declaration of Philadelphia are still of major practical significance. We deem it an important task to make continuous efforts to achieve those purposes and objectives. The end of the bipolar structure has not only brought about the universal peace ardently aspired to by mankind. People in many regions are still suffering from wars and chaos as a result of power politics. Economic globalization has not changed the long-standing irrational economic international order. The gap between the North and South is further widening. As mentioned in the Director-General's Report, the countries with the richest 20 per cent of the world's population received 59 times more than those with the poorest 20 per cent in 1989, as against 30 times in 1960. So there is still a long way to go before the ILO can achieve its purposes and objectives of lasting world peace and the eradication of poverty and unemployment on the basis of social justice.

The ILO should give top priority to providing jobs and eradicating poverty. To this end, it should focus its efforts on the developing countries. Today's economies are interdependent and the interests of the workers of various nations are also closely inter-connected. Any further deterioration in the economy and workers' livelihood in the developing countries will seriously affect not only their own development but also the economic growth of the developed countries and the world at large. Furthermore, it will pose a potential threat to world peace and stability. The developing countries have suffered from cruel exploitation and plunder as a result of the current inequitable international economic order. They are still faced with numerous difficulties. Except for a few countries and regions, the achievement of long-term social stability and progress, sustained economic development, full employment and poverty reduction remains a grave challenge. The ILO should help to put an end to this situation.

The ILO should adhere to tripartism and fully activate the three social partners in its member countries, the workers in particular. The various organs of the ILO should be universal and representative, comprising representatives of different political inclinations, from different regions and from countries at different levels and stages of development. The ILO should listen to the opinions of all sides on major issues concerning international labour and should involve tripartite representatives in its important activities. Only in this way can the ILO develop and grow in strength.

The trade unions in China attach great importance to and actively participate in ILO activities. We are ready to strengthen our cooperation with the ILO and workers' representatives of other countries in an effort to contribute towards achieving the objectives and purposes of the ILO.

Original German: Mr. ARBESSER-RASTBURG *(Employers' delegate, Austria)* – I should like first of all, on behalf of the Austrian employers, to congratulate the President on his election to steer the deliberations of the 81st Session of the International Labour Conference. I am sure, that under his guidance, he will be able to master the difficult problems before this Conference, at a time when the International Labour Organization is celebrating its 75th anniversary.

Austria, in particular the employers in my country, attaches considerable importance to the work of the ILO; it is therefore quite natural that I should report to you on some of the activities of the Austrian employers and share with you our thoughts on the future of the Organization.

Section XIII of the Peace Treaty of Versailles set up the International Labour Organization – and Austria became a member on 29 May 1920. For economic reasons, Austria was only able to send a full delegation to the 5th Session of the International Labour Conference in 1923. From 1923 to 1937 Dr. Theodor Schmidt was the employers' delegate for Austria.

In a commemorative publication issued on the 40th anniversary of the ILO, Dr. Schmidt spoke of the considerable friendliness that the creator or the ILO, Albert Thomas, had always shown towards

Austria and of his profound understanding for the suffering and tribulations of the young Republic – as it was at the time. Thomas had also been concerned by the disintegration of the economic space of the former Danubian Monarchy. We can therefore see that soon after it was established, the ILO already had very close ties with Austria.

For ten years, Dr. Schmidt was a member of the so-called Committee of Paragraph 408 (of the Peace Treaty of Versailles); this Committee established the supervisory machinery of the ILO, i.e., it controlled the implementation of Conventions ratified by member States.

After the Second World War, Austria once again joined the ILO – on 29 June 1947; since then Austrian employers' delegates have played an important role in industrial committees and at the International Labour Conference.

The following Employers' delegates have belonged or still belong to the Governing body: Dr. Weinberger, Dr. Hoynigg, Mr. Mautner- Markhof and myself. Indeed, I have belonged to this body since 1978 and have been involved in four Governing Body Committees. Furthermore, in 1987 I was Vice-President of the European Regional Conference.

Mention should be made of Dr. Wunschheim who was a member of the Workers' delegation to the Conference for many years; in fact I succeeded him in 1979.

I think the time has now come, on this the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, to voice a few thoughts on the future of our Organization.

I believe that the people who belong to and work for this Organization are of the utmost importance; consequently the choice of staff is vital if we are to attain our objectives. But of course, it goes without saying, that they must be adequately trained to cope with the demands of modern management.

We must strive to ensure that we have greater influence amongst international organizations; and we must make our presence felt at the Social Summit for Social Development which is to be held next year in Copenhagen. The ILO is the social conscience of the world and must play a leading role in social matters within the United Nations family.

Standard-setting is a decisive task of our Organization; however it would seem that many new Conventions have only been ratified by a few member States. We must therefore ensure that older Conventions are renewed so that they can be dovetailed to the circumstances of the present and the future.

The world has changed decisively in recent years. We must take more account of these changes, and above all, we must pay attention to the establishment of new employers' and workers' organizations in the new member States and in the new democracies of Central and Eastern Europe.

Above all, we must try to improve technical assistance for the developing countries. More funds from other organizations, for example the World Bank and the UNDP, should also be earmarked for this type of assistance.

Since I do not have much time at my disposal, I am unable to discuss all the items I would like to have done. However, it is vital that there should be full cooperation, based on confidence, between leading executives and Members of our Organization.

The 75th anniversary of the ILO provides us with an opportunity to review our work: a challenge which the Director-General has taken up in his Report.

In concluding, we must all join forces to try and guarantee social peace, thereby laying the foundations for world peace.

Original French: Mr. MBILA *(Minister of Labour and Social Welfare, Cameroon)* – It is a great honour and pleasure for me to take the floor before this august assembly, on behalf of my country and of my delegation.

First of all we would like to congratulate the President as well as the Vice-Presidents on their election. We are sure that under their leadership our work will be very successful. Our congratulations also go to the Director-General for the high quality of his Report on the future policy of our Organization.

As we solemnly celebrate the 75th anniversary of the ILO, and the 50th anniversary of the Declaration of Philadelphia, on behalf of the Government of the Republic of Cameroon, I would like to affirm and reaffirm our commitment to the aims of the ILO.

This is also the reason why our Government was determined to celebrate these two anniversaries in an appropriate manner despite the fact that we are going through a difficult period of structural adjustment with its inevitable social consequences.

On the 5th of May we launched the anniversary celebrations with radio and television broadcasts. The celebrations involved banners, posters and leaflets in provincial capitals and in other industrial cities. We projected documentary films about ILO on national television; we organized two televised round-table discussions on the technical cooperation with the ILO and on international labour standards. We launched a song and drawing contest on the theme of "People at Work". We mentioned the events on a postal cancellation stamp, and we also brought out a commemorative stamp, and an evening ceremony to celebrate the event and to award the prizes was also organized.

All these activities were marked by the stamp of tripartism and were designed to make national public opinion aware of the ideals of the ILO. While the celebration of an anniversary is, of course, an occasion to look back and rejoice at what has already been done, it is also important to prepare the ground for the future.

Most of us agree with the proposals of the Director-General as regards standard-setting activities for the years to come, but we would also like to stress the twofold requirements for countries undergoing structural adjustment programmes to ensure both economic recovery and compliance with international labour standards. For example, it is quite clear that the ideal of full employment outlined in Convention No. 122 is often flouted in a period of structural adjustment when thousands and thousands of workers are made redundant.

The social dimension of structural adjustment was developed precisely to soften the harmful consequences on the social environment, but in the face of this huge task, it would be desirable to find other complementary solutions.

Of course the States have a major role to play in this particular field, but it seems to us that the second field of activity of the ILO, namely technical cooperation, should support their efforts more effectively than in the past.

With this in mind, we call upon the countries of the North to increase their development aid, despite their present difficulties, in order to prevent the marginalization of countries in the South, and to allow them to revive their economies which are beset by many ills, including decolonization, devaluations, as well as the decline in financial investments, as in the case of Cameroon, for example.

We would also like to invite the member States of our Organization to ratify amendments to the ILO Constitution, because democratization should not be limited to member States, but should also and above all apply within international organizations such as ours, the fundamental principle of which is reflected in its tripartite nature.

In conclusion, the Republic of Cameroon salutes the advent of a pluralistic and majority-based democracy in South Africa. This is one of those historic victories of which the international community as a whole can be proud. This also applies to our Organization, which worked for many years to raise the awareness of world public opinion regarding the wretched conditions of the workers.

May the same kind of interest be shown towards those developing countries that are in danger of being marginalized so that the main objective of our Organization, namely social justice, is attained, not only amongst individuals, but also amongst States, for as the Declaration of Philadelphia teaches us: "poverty anywhere constitutes a danger to prosperity everywhere".

ADDRESS BY HIS EXCELLENCY MR M. GRYB, PRESIDENT OF THE SUPREME SOVIET OF BELARUS.

The PRESIDENT (Mr. MENDOZA) – I am now pleased to call on Mr. Gryb, President of the Supreme Soviet of Belarus. But before giving the floor to him, let me introduce him to you. A lawyer by education, Mr. Gryb graduated from the Belarussian State University in 1967. In 1990 he was elected a people's deputy of the Republic of Belarus. He was head of the Commission of the Supreme Soviet of Belarus on national security, defence and crime prevention. Mr. Gryb was elected President of the Supreme Soviet of the Republic of Belarus on 28 January 1994. I now give the floor to Mr. Gryb.

Original Russian: Mr. GRYB *(President of the Supreme Soviet of Belarus)* – Allow me to express my gratitude at being afforded this opportunity to address you and to pay our respects to the oldest international organization in the United Nations system on its 75th anniversary.

Allow me to congratulate the President and the Vice-Presidents on their election to their responsible posts at this session of the Conference and wish them every success in their very important work.

On behalf of the Supreme Soviet of the Republic of Belarus, the highest legislative body of our country, please accept our sincere congratulations on this 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. Allow me, also, to wish you continued success in combating poverty and promoting social justice and peace. These were the noble aims enshrined in the Constitution of the ILO and laid the foundations for its activities. This Organization is an institutionalized international body, called upon to deal with very important and urgent problems.

It should be pointed out that although celebrating this momentous occasion, the ILO has not looked inward and heralded its triumphs but is setting its sights on the future and considering how it can adapt its work to ensure that it is more effective.

The end of the Cold War and ideological confrontation impels us to devise a strategy for solving urgent social problems in a global economy.

Allow me to congratulate the Director-General on his constructive and judicious approach which makes an important, intellectual contribution to the theory and practice of state administration and international relations.

The Republic of Belarus is a young State. Having opted for independent national development, we have upheld our commitment to the principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments on civil, political, social and economic rights and freedoms.

Belarus has ratified 42 ILO Conventions, six of them last year. Preparations have been made to ratify a further three Conventions. It is essential that our sovereign State based on the rule of law, which is only just beginning to draw up legislation, should avoid making any mistakes and follow the course laid down in world practice. I would also like to express our gratitude to the Director-General for the successful work carried out by staff of the International Labour Office and their invaluable assistance and contribution to the development of labour legislation in my country.

I believe that the role and significance of the ILO in dealing with the tasks of social justice and peace, and combating world poverty in accordance with its Constitution and the Declaration of Philadelphia should be enhanced. Discussion at this session will enable the political leaders of many countries when they gather in Copenhagen at the World Summit for Social Development to have a conception of and support the idea of extending the ILO's authority with regard to coordinating the activities of international organizations and drafting rules, standards and policies for managing the world economy.

The liberalization of world trade and the movement of capital will have a considerable impact on economic growth, employment and reducing poverty but is no guarantee of social justice in all countries or nations. That is why the international community must pay greater attention to the social aspects of the global economy, with a greater role accorded to the ILO in this sphere.

Unfortunately, the situation in my country remains difficult. So far we have failed to halt the decline in production levels, improve people's standard of living or regulate the financial, credit and monetary system. At the same time, however, we are doing a great deal to tackle certain elements of the social and economic crisis. At the beginning of this year, a new Constitution was adopted, endowing us with a democratic society and socially-oriented market economy. Democratic workers' and employers' organizations have been established and will have a greater role to play in the social and economic life of the country.

On 23 June this year, we will hold national elections to choose the first President of the Republic.

As we move towards the establishment of a democratic and socially-oriented State we will need to work ever more closely with the ILO and the International Labour Office. The Report of the Director-General quite rightly expounds new forms of cooperation with the countries embarking on a democratic form of development. In this connection, we welcome the efforts made by the leadership of the ILO to modernize the Organization's work and improve its structures in the field. It seems to us that it would be expedient to set up an ILO department in Minsk, where the headquarters of the Commonwealth of Independent States is located. The Republic is ready to consider helping with the running of a branch of this nature.

The receptiveness of the ILO to political and economic changes in the world today puts the ILO in a privileged position in terms of promoting new and constructive initiatives and acting as a focal point for all nations and countries. We hope that the ILO both now and in the future will contribute as much as possible to solving the urgent problems of the day.

Finally, I would like once more to express our respect for the ILO and confirm our readiness to do all we can to develop constructive cooperation with this Organization.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: Mr. TINAYRE *(representative of the World Union of Professions)* – This is the first time that the social and professional sector of the liberal professions has addressed our assembly. Let me start by saying, on their behalf, how highly they appreciate the honour they have been given, and how important they consider your work, your deliberations and their participation. They are keenly aware of the considerable work and achievements of the ILO over the past 75 years. They are particularly conscious of the new dynamism which, in pursuance of its traditional vocation, is today being proposed by the Director-General in his remarkable Report.

The liberal professions have noted with interest the three challenges presented in the conclusion of this Report, with a view to adapting the International Labour Organization to the new demands of the world of today and tomorrow. They support them entirely. Among these challenges they have taken particular note of the determination to be open to other actors on the social scene. They concur in the desire to see assembled round the ILO, to work towards the same ideal, representatives of civil society and which the Director-General refers to as intermediate groups, without which a genuinely democratic society cannot function.

The liberal professions share this view, and they are ready, for their part, through their organization, of which I have the honour of being President, to respond to this appeal if it is made by the ILO. And they have, perhaps, some reason to be heard.

It should be realized that the legal, medical and technical liberal professions throughout the world, contrary to what might be thought, and despite their apparent diversity, constitute a surprisingly specific and homogeneous group. Specific, because they use an absolutely unique approach.

The liberal professions claim to be legally, economically and politically independent. They are answerable for their actions. They are detached from all speculative elements, expecting to be paid for their services only and owing nothing, professionally speaking, to capitalistic processes. They are subject to a strict code of ethics, especially to professional secrecy which they insist must be as absolute as possible. Contrary to what is thought in certain quarters, the only justification for this lies in the service and confidence of their fellow human beings. In consulting a doctor, a lawyer, an accountant, a solicitor or an architect, a person must be sure that he can say whatever he likes, that the professional he is consulting is not the antenna of a political regime, the police or an economic, social or cultural force to which he will subsequently betray such confidences.

In fact, it should be realized that the principles that we have just set forth are to be found everywhere: first of all, in the professions: the veterinary surgeon, the accountant, the solicitor, the masseur, the consultant engineer, despite their apparent heterogeneity, all obey similar rules and speak the same ethical language. There are, on our planet, hundreds of millions of members of the liberal professions, and I can assure you that, despite different latitudes, traditions, political regimes and cultures, all of them, sometimes at the risk of their lives, are committed to the defence of these principle, and they fight for them if they are denied. This unity is the source of an intense associative life. It should also be realized that, to our knowledge, in about a hundred countries in the world, there are interprofessional groups of members of the liberal profession which constitute social partners at national level, side by side with the employers' and workers' organizations; interprofessional multinational organizations, doyens of single-professional organizations of lawyers, doctors, architects and, finally, with its mandate to represent all these groups, the World Union of Professions, of which I have the honour to be President, and which addresses this assembly for the first time.

Such are the liberal professions in these closing years of the twentieth century, that you have been kind enough to welcome in your midst, and we feel that we can add both a testimony and a contribution to your work.

The testimony is that of a system of working which is atypical in two very different domains: in the first place, to be sure, members of the liberal professions are employers. They have their secretaries, clerks, switchboard operators, nurses, assistants, but they are not like other employers. In fact, on the one hand, the generally limited size of the premises in which they practise gives rise to particular working methods. On the other hand, the obligation to assist and advise, to which the liberal professions are bound, especially in the medical and legal fields, inevitably has a material effect on their working conditions.

There are emergency cases where the implications for public order may require immediate action, at night as well as in the daytime, on days of rest and other days. There is the necessity to go from place to place and precarious working conditions which are incompatible with normal standards.

Many more examples could be given. They would all speak for a very specific type of work system.

But, in the second place, this specific aspect becomes even more striking when it applies, not to an ordinary wage-earner, but to a professional with the same status as an employer. The statutory independence enjoyed by both the one and the other, since they belong to the same structure, the ethical constraints which this implies, the training necessary in both cases also give rise to unique problems which are found nowhere else and which demand particular consideration.

Of course in this brief speech I cannot even touch upon this discussion. It is enough to know of its existence and to conclude that the failure to adjust of legislation and regulations drafted from the perspective of the labour world, and of trade and industry, can create in this sector, given the current situation, distortions and constraints and subsequently dissuasions due to a lack of awareness about this specific issue.

However, as this sector is currently in full demographic expansion, the solving of these problems may well have a considerable impact on unemployment.

As regards the contribution that the liberal professions consider they can make to the ILO's position, this is both part of its traditional vision and its vision of the future.

On the first point, it would be most valuable if the ILO examined the standards intended to harmonize labour relations in this sector at three levels: for salaried employees, i.e. assistants who do not belong to the profession; for collaborators, i.e. employees who belong to the same profession as the employer and who therefore pose special problems at the ethical level, for example due to conscience or secrecy clauses; and lastly, for a very specific category which is that of joint collaborators, whether or not members of the profession, of which there are numerous examples in the liberal professions, which could cause one to think of a voluntary professional status.

We could mention many other issues here, in particular trade union rights, training and developing countries.

Finally, on the second point, namely perspectives, it seems, amongst other things, that the steps taken with regard to the work of liberal professions is a case in point and may provide a springboard for considering job sharing.

The stability of a surgery, office or agency for the liberal professions is the product of how many clients it has, the clients being in fact the employers of the professional worker. Perhaps something might be concluded from this.

These are the matters for consideration raised for the liberal professions on reading the Director-General's Report. The World Union of Professions, aware of its lack of experience of your discussions and the apprenticeship it must undergo, humbly submits its opinions on your comments.

We thank you for any attention you may give to them, and if you pick up on only one aspect we hope that it is the joy felt by the liberal professions at being amongst you and their determination to work with you in your basic task of ensuring justice and peace.

Original Arabic: Mr. DEGOL *(Minister of Labour, Eritrea)* – It is a great pleasure and honour for me to convey to the greetings of the people and Government of Eritrea.

I should first like to congratulate the President on behalf of my country on his election to the chair of this session. We are sure that his wisdom and experience will stand him in good stead in the conduct of the proceedings.

I would like to say how deeply I appreciate the work that the Director-General of the ILO put into the preparation of this Conference.

This session is particularly important since it coincides with the 75th anniversary of the establishment of the ILO and the 50th anniversary of the Declaration of Philadelphia, which set out the aims of the Organization and the working methods to be followed in pursuit of those aims.

In his Report the Director-General gave us a comprehensive and objective overview of the activities of the ILO and its future outlook in the service of tripartism in the Organization. He pointed out that the ILO had a duty to provide technical assistance in order to play its full role in bringing about progress and equality in the world.

You are all aware that Eritrea has just emerged from a war that was one of the longest and most vicious in the continent of Africa, raging for no less than 30 years. Eritrea acquired during that period a tremendous capacity for self-reliance, given that the international community at the time deliberately turned a blind eye to its situation. The impact of this colonialist war was predictable: total destruction of everything and every part of this little poverty-stricken country. Eritrea is at present attempting to shake off this heavy and repulsive colonial burden but it has monstrous challenges to face, in particular the rebuilding of Eritrea's economic infrastructure, which has been completely destroyed. We are convinced that we will have to rely primarily on our own capacity to find a way out of this impasse, just as we did during the struggle for freedom. But we also know that we cannot do without international support and cooperation in the reconstruction process. The international community has certain responsibilities towards Eritrea, which suffered so much on account of its policy of deliberately ignoring our just national cause in the past.

Eritrea has been ruled by two colonial regimes in the last 30 years: the feudal regime of Emperor Haile Selasse and the "DERG", the bloodthirsty military regime that followed it. These two regimes treated Eritrea as a land without a people and therefore failed to respect even the most basic human rights in the country, not to mention the organization of proper working conditions. As a result, immediately after the country's liberation in 1991, the Government of Eritrea attached great importance to this matter, promulgating Labour Law No. 8/1991. However, when we attempted to put this legislation into practice, we found that it contained a number of shortcomings that needed to be remedied. The Eritrean Minister of Labour has therefore prepared a working document designed to improve the legislation and has organized a number of seminars attended by workers, employers, the Chamber of Commerce and the Eritrean Investment Centre. A decision is expected in the near future on the application of the amended version of the law.

In conclusion, I should like to express my deep gratitude and appreciation to the ILO, represented by its Director-General and its regional offices in Abidjan and Harare, for its support and assistance in training Eritrean workers and officials. We also wish this Conference every success in its work. Lastly, we would like to congratulate the people of South Africa and wish them every success.

Original Portuguese: Mr. SILVA *(Workers' delegate, Cape Verde)* – First of all, Mr. Gray has been entrusted with the presidency of this 81st Session of the International Labour Conference and we would like to congratulate him on his election.

The Report of the Director-General of the ILO, Mr. Michel Hansenne, presented to this Conference gives me the opportunity to deal with various issues which relate to some of the problems facing my country.

Firstly, I would like to say that social and professional relations in Cape Verde have suffered greatly as a result of the changes which have occurred in the political, economic and social spheres.

The Cape Verde trade union movement to which the trade union confederation which I head, the National Union of Cape Verde Workers (UNTC-CS), belongs has obviously been affected by these changes, and it has had to face many serious problems, a number of which are known to the ILO.

In fact, in 1992 on the occasion of the 79th Session of the International Labour Conference, as well as in 1993 during the 80th Session, the UNTC-CS and the International Confederation of Free Trade Unions (ICFTU) lodged a protest with the ILO against the Cape Verde Government's designation for two years running of another Cape Verde trade union organization which is not represented at the national level.

With the intention of shedding light on the question of the trade union representation in Cape Verde, the UNTC-CS proposed that the Government carry out a survey, but unfortunately the Government has not yet given a favourable reply to this proposal.

Again in 1993 the UNTC-CS lodged a protest with the ILO against the Government for interference in its internal affairs.

Nevertheless, and despite successive recommendations of the Credentials Committee and the Committee on Freedom of Association, the situation is still the same today, although there have recently been some positive signs.

Cape Verde is a member of the group of African countries which have made the transition to democracy in peace and tranquillity without social unrest.

Even though the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the ILO is not yet ratified, our country has a Constitution which is considered as one of the most modern and advanced, which enshrines the fundamental rights, freedoms and guarantees for citizens in general and workers in particular, especially the right to work and to job security, the right to freedom of association and the right to strike.

Ordinary laws exist, including laws concerning and regulating the exercise of freedom of association but these are in fact not respected.

This observation applies not only to trade union issues, but also to the economic, social and political spheres.

It can be inferred from the above that much of the information which the Government of Cape Verde communicates to the ILO concerning protests and complaints made by the UNTC-CS, is not true to life.

This being the case, it would be both useful and desirable for the ILO to send a mission to Cape Verde to observe, check and formulate conclusions on the true situation.

Authoritarian principles and practices, intolerance and social exclusion are now emerging and taking shape in Cape Verde, at the expense of social dialogue. This practice, as well as the serious and complex economic and social problems facing the country which require the participation of all through greater consensus amongst the principle actors of national life in all sectors of activity in order to be solved, are endangering Cape Verde's young and fragile democracy.

Unemployment is currently reaching disturbing levels; according to official sources the average is 26 per cent at the national level and over 30 per cent on certain islands. The average yearly growth of GDP in the last three years (1991-93) has been 3 per cent, whilst foreign debt has increased at a rate of US$5 million per year over the same period.

The structural adjustment programme which the Government denies the existence of is a palpable reality in Cape Verde and has the support of international financial institutions, and in particular the World Bank.

Furthermore, within the framework of this programme and contrary to the position of the UNTC-CS and the majority of Cape Verde workers, the Government has started a far-reaching revision of the labour law, abolishing a substantial part of the rights and privileges of workers, and through the liberalization of long-term contracts increasing the precariousness and instability of employment. At the same time, a plan has just been implemented which is aimed at reducing the number of public servants, which will lead to hundreds if not thousands of unemployed. They will join the ranks of the hundreds who have already become unemployed as a result of privatization and the redeployment of workers in labour-intensive activities.

The difficult and disturbing situation which I have outlined requires greater attention on the part of the ILO which should increase the support it has given Cape Verde up until now so as to strengthen and consolidate our young and fragile democracy.

This support should be directed towards both the Government and the social partners, to enable them to take up the challenges they face.

The workers of Cape Verde are aware of the urgent need for economic development in this country and of the sacrifices which will have to be made and shared by all.

The workers of Cape Verde know that the economic efficiency and effectiveness sought through privatization, the redeployment of workers in labour-intensive activities and the reduction of public service personnel must take into account the legitimate rights of the workers, such as the right to work and to employment security, the right to social security, the right to education and to vocational training, etc.

We would like to take this opportunity to congratulate the ILO on its 75th anniversary. The Report of the Director-General of the ILO presented at this 81st Session of the International Labour Conference contains a number of themes and issues of paramount importance for the future of the ILO. At the same time, the UNTC-CS agrees with the position of the Workers' group of the Governing Body of the ILO in the document *The ILO towards the 21st century* which it drew up and submitted to the attention of the Director-General of the ILO.

However, I would like to stress that the mandate of the ILO which was established in 1919 and renewed in 1944 is still both valid and topical. The ILO must firmly pursue its action in its particular areas of competence such as the protection and promotion of trade union rights, the development of international standards and the strengthening of tripartism and workers' education.

We would like to congratulate you on the ILO for its initiatives in favour of Portuguese-speaking African countries. These initiatives are both necessary and indispensable, but should also include the creation and implementation of common and specific programmes and projects for the respective trade union organizations.

Finally, allow me to use this rostrum to salute and congratulate the hard-working and heroic people of South Africa for the freedom won and the defeat of apartheid, as well as for the great example they have provided to Africa and the whole world, during and after the first free democratic elections held in their country.

Original Spanish: Mr. SIMITI PALACIO *(Workers' delegate, Panama)* – In my capacity as Workers' representative from the Republic of Panama I have the honour to take the floor at the 81st International Labour Conference of the ILO.

I would like to extend to the President, the Secretary-General and all the technical departments of the ILO my congratulations for the arduous tasks they have accomplished in seeking lasting peace and social justice for all the marginalized people in our society.

This year's Conference is of particular importance, not only because of the agendas to be discussed by the Working Committees but also because of the commemoration of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. These historical events have marked new and promising steps in the development of the contemporary world in the field of social justice and the humanization of labour.

However, a global crisis is facing the labour field as we approach the twenty-first century in the light of privatization strategies arising from neo-liberal policies. The implication is that man should be at the service of the economy and not vice versa.

Within this framework we cannot fail to mention the dire consequences of galloping unemployment which above all affects developing countries; the intensification of labour via foreign *maquiladoras* which is turning workers into robots and endangering their health; the impoverishment of the farming sector arising from the system of quotas imposed on Latin American economies by the European Union with respect to export products such as coffee, sugar, bananas and staple grains. In the near future all of this will lead to the collapse of the economy of the poorest countries.

With respect to trade unions, I would like to refer to the most important aspects in our country since the invasion in 1989, which wreaked havoc on the Panamanian economy, fundamentally dependent as it is on services and certain export goods.

Unemployment consequently rose 18 per cent; massive dismissals in the public and private sector have been and continue to be a tragic blow to the workers in our country. Elsewhere, ruinous laws have been promulgated, including the Act No. 25 which decapitated the trade union movement by dismissing its most outstanding leaders without respecting legal provisions.

In my overview, I cannot fail to refer to the reforms – counterproductive for people – with respect to the social security system, the increased retirement age and the elimination of early retirement. This affects labour sectors such as industrial and construction workers and others by accelerating the ageing process. Employment accidents and occupational diseases are increasing at an alarming rate, owing to the use of agrochemicals and pesticides banned by the WHO. All of this is due to the lack of a preventive policy among government authorities.

Advances made by labour have been nullified, due to erroneous interpretations of cases by labour courts; the wage policy is insufficient to offset price hikes in the basic basket, which is drawing further out of reach of the people. These are but a few of the serious problems worthy of mentioning, and they are a burden on Panamanian society.

Despite this rather sombre overview of the situation, I would like to point out that recently we have held elections in our country, characterized by transparency and honesty. Many international observers witnessed them, and they have paved the way to a democratic transition and a good outlook for economic growth with social development.

Nevertheless, the Panamanian trade union movement will remain watchful with respect to the offers made by the new government which will assume office as of 1 September 1994. It has committed itself to intensifying social programmes aimed at reducing the gap between the rich and the poor, the latter currently standing at 50 per cent of our population, 33 per cent of whom are critically poor.

I would like to refer briefly to certain statements by the Director-General in his Report to the 81st Session of the Conference and which relate to the revision of the system of international Conventions whereby they should be adapted to the process of change as we move towards the twenty-first century without substantially changing those which need to be applied systematically in the present and in the future.

We agree with the initiative of the Governing Body of the ILO with respect to the preparation of an annual report on world employment and income, and another analysis of the impact these variables have on the political, economic and financial context of this multipolar world which governs international relations and the indices showing variations in employment and income worldwide.

This is important because it is part and parcel of the fate of workers, within both the legal and socio-economic framework.

Therefore, it is our fervent wish that the ILO, which was established in 1919, can efficiently meet this historic challenge with respect to achieving a more just society within the context of new economic models.

Original Russian: Mr. KOLMOGOROV *(Employers' delegate, Russian Federation)* – Allow me first of all to extend my greetings to the participants of this anniversary session of the ILO on behalf of the Russian Industrialists and Entrepreneurs' Union and the employers' associations which are members of the Russian Tripartite Committee on Social and Labour Relations.

Our delegation is pleased to note that the main points in the Report of the Director-General, Mr. Hansenne, are not dedicated to summarizing the past achievements and activities of the ILO, as might have been expected on the occasion of this anniversary, but rather to reflecting on the future of the Organization and the effective use of its truly unique possibilities in the new circumstances.

The radical changes taking place in the world today make it ever more obvious that our world is highly interdependent.

There is no doubt that these changes create a solid basis for the elimination of bipolar rivalries and the strengthening of a single world community. They offer a truly unique opportunity to take a new tack in our approach to cooperation and to make more effective use of the philosophy, values and experience of the International Labour Organization.

In general terms, what can and must the ILO do to contribute to establishing a system of global planning and to ensure that the world community is well organized and can be managed successfully? The answer to this question will shape the solutions to the problems facing mankind and will substantially affect the life of future generations.

In this connection, I am certain that the conclusions already expressed at this session of the Conference and with which we are in full agreement deserve special support. There is indeed a need for a revision of the way in which the ILO and its institutions work and for a departure from a certain sterile intellectualism to a more open and a freer exchange of views on the problems facing the world today.

Since the anthology published for this session contains an article by Mr. A. Volsky, the President of the Industrialists and Entrepreneurs' Union of Russia, on the basic ideas of our Organization on this theme, I will limit my speech to a few points concerning the practical activity of the ILO.

Firstly, we believe the extensive and rapid change taking place throughout the world requires a more rapid adaptation of the content of ILO activities and structures. They must adapt to the realities of the complicated processes taking place in the countries, regions and subregions of the world.

It has already been noted how complicated and slow the transition from a centrally planned economy to a market economy has been in most of the countries of Central and Eastern Europe. This applies fully to Russia.

At the same time I would like to emphasize that in Russia we are moving irreversibly towards an economy which will offer a more effective machinery of production and distribution. There is no doubt that Russian society has entered a new phase of development now that the basic absolutist idea of macroeconomic system has collapsed. A new Constitution has been adopted, and a new Parliament has been elected. There have been changes in the Government. A Presidential Declaration to the Federal Assembly has thrown light on the vital question of the need to choose our own Russian way towards a market economy. And although the economic situation is still very difficult, our Organization's experts have forecast that by the end of this year, and possibly in the autumn, we can expect a certain amount of stabilization: the rate of the drop in production should fall to 12 per cent and the monthly average inflation rate will be reduced to 10 per cent. We can now say that Russian society is in a relatively calm period. To a great extent, the Agreement on Consensus, which was signed by the majority of influential political forces and various public organizations, movements and trade unions, has helped foster this relative calm.

In this connection, it should be mentioned that in the so-called post-communist countries, too much still depends on the effect of the economy on social matters, and eventually on politics. The world community is so interlinked today that it would be naive to suppose that upheavals (if they cannot be avoided) in Central and Eastern Europe and in the territory of the former Soviet Union will not have very serious effects for the whole of mankind.

While we understand that a successful solution to the problems facing these countries depends firstly on their own dynamism and their readiness to pay a certain price for innovation, we consider that in the coming period the role of the International Labour Organization must increase in integrating these countries and in ensuring the unity of action of the world community to guarantee social justice and economic progress.

Such an approach must be reflected in the priorities of the ILO and in the activities of its structures, especially at the subregional level.

In this connection, we believe it is particularly important to set up and properly direct the work of the Office's multidisciplinary team which was recently set up in Budapest. It is obviously now too late to talk about the choice of location for this team. But it is clear that its work must in the first place be coordinated with the general programme of activities for all of the ILO's structures. Secondly, it must really be in the centre of the events taking place in Central and Eastern Europe. It must have a programme of action which corresponds to the specific needs of the development of a tripartite approach. It must also take account of the circumstances I have just mentioned, and above all it must be able to bring to light and share out the practical experiences of problem-solving in these countries so as to ensure greater success in the reforms. We are also convinced that there is a need to give the Moscow office of the ILO greater resources to this end.

Finally, I should like to make one remark. We support the proposals made by Mr. Kapartis, the Secretary-General of the International Organization of Employers, about the need to increase the support of entrepreneurship in the practical activities of the ILO, in its programme and budget as a whole, and especially in the countries of Central and Eastern Europe. For not only is it true that without free associations of employers there can be no valid bargaining process and of course no tripartite approach to solving labour problems. That much is obvious. But in addition, without the development of entrepreneurship there can be no productive regional economy, and this means that there can be no effective international organization of labour as a condition for achieving better and more dignified living conditions, social justice and peace. These are the ideals at the basis of the ILO's work, and the ones to which we all aspire and subscribe.

(Mr. Gray takes the Chair.)

Original Spanish: Mr. VALLARINO *(Employers' delegate, Panama)* – It is my honour to congratulate Messrs. Gray, Mendoza, Ould Sidi and Matinchev on their election as President and Vice-Presidents of the 81st Session of the International Labour Conference and I wish them all the very best in conducting the deliberations of this august assembly.

Almost all the speakers who have taken the floor, including the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, have referred to one undeniable fact – that the world has fundamentally changed in the last few years, above all since the collapse of the Soviet Empire.

These geopolitical changes with their undeniable effect on ideology plus the rapid pace of technological change in the world are facing us more and more urgently with the need radically to review the nature of production relationships in enterprises.

New ideologies, new technologies, new forms of work, all constantly being put to the test are heralding a new world in which the only constant variable shall be that of change.

For this reason when we talk about tripartism as we have known it in the first 75 years of the ILO, we are sort of renouncing the role of the ILO as an agent of change and its successful work in promoting social justice worldwide. Today we must seek new relations between the factors of production making them more human, effective and just, although inevitably more complicated than in the conditions inherited from the Industrial Revolution when we only acknowledged the relationship between capital and labour, perforce antagonistic.

I think I have clearly understood the message expressed by the Secretary-General and other speakers with respect to the second 75 years of the ILO, which must be fundamentally different, otherwise the Organization and all that it represents may be overtaken by the course of events and become anachronistic and irrelevant.

Fortunately, people are aware of the fact that we must adapt to change within this Organization to guarantee its relevance and leading role in the future.

The Panamanian employers that I represent here today are proud of being able to inform the International Labour Conference that our country is at the vanguard of this search and that we are pursuing our task in a creative and productive way on the basis of an ongoing and united effort by both sides of industry.

For our country and particular situation we have found an appropriate instrument in the form of a new institution called the Foundation of Labour. This institution, which is recognized and supported by the national Government has provided new and real opportunities, for the first time in fact, for a tripartite dialogue in our country.

There are certain characteristics and fundamental processes of the Foundation of Labour which ensure its effective functioning and open up favourable prospects for the future.

Above all I would like to stress its structure. The structure of the Foundation of Labour provides for absolute equality between employers and workers. It also includes all the employers' association of the country via the National Council of Private Enterprise (CONEP) and the five main trade union associations within the Panamanian Council of Organized Workers (CONATO).

Its leadership also includes a board of trustees with five members from each sector, and two lists of dignitaries who try to reach consensus. However, its most novel aspect is that the dignitaries from the labour side are chosen by the employers and the dignitaries from the employers' side are chosen by the workers. This eliminates the risk of no irreconcilable incompatibilities which could undermine the organization.

With regard to the management of the Foundation, one of the major characteristics is that all decisions are taken on the basis of consensus.

On the other hand, great emphasis is placed on informal and abundant communication. Every week we have working lunches, open to all and without a set agenda, which is a great help to structured dialogue when it is necessary.

Another key feature of our Foundation is that both sides have accepted first of all to talk about the interests we have in common and then, if we have time, to look at matters that we do not agree on.

The first field identified as of common interest was the need to promote the economic development of the country, to create more jobs, and this is such a vast and intricate subject that the Foundation has not had time or been able to look at other areas.

The result of more than one year of continuous dialogue has been that we have identified a number of fundamental projects to upgrade information on the labour market, such as placement by the Foundation and initiatives to develop human resources including a workers' university.

Another important move has been the establishment of a committee made up of economists representing both workers and employers, and despite undeniable ideological differences they have been able to agree on a text on the nature of the economic development our country needs. This text, which is soon to be presented to the national Government, is a most important step in the search for a national consensus which will lead us to a national development strategy which can be adopted and supported by all the social actors in our country.

Now, the Foundation is preparing to discuss and arrive at a consensus with teachers so that we can draw up a national education which is universally acceptable. This is a challenge which governments in our country have been seeking in vain to meet for over 20 years. But the Foundation of Labour believes that we must succeed, as an education plan is a basic prerequisite for the overall development of our country.

This search for solutions and common interests has, I am sure, contributed to dialogue and mutual knowledge among the two sectors making it now possible for tripartite dialogue not only to help find new and better forms of association within production but also make the country easier to govern.

Let me wind up by saying that our enthusiasm and optimism for what we have achieved in very little time and the enormous hopes we have for the future are why we wanted to share our experience with you, as a case study for the ILO, because we feel that this provides the seeds of how new relations should be in the second stage of the ILO in the next 75 years.

Mr. IOANNOU *(Workers' delegate, Cyprus)* – First of all, I should like to congratulate the President and the Officers of the Conference on their election to steer the deliberations of this Conference. I am confident that under their guidance, their experience and their wisdom the Conference will be a successful one and will constitute a landmark in the history of the ILO.

This year's session of the Conference has a special significance. We are celebrating the 75th anniversary of the founding of the ILO. This is a unique opportunity for serious contemplation. We are at a crossroads, where serious developments, political and economical are taking place – and inevitably these are affecting workers. It is reasonable to expect that the Conference will proceed with a detailed evaluation of what the ILO has succeeded in doing so far. However, the suggestions and ideas which will be put forward can contribute to defining the future course of the ILO and will be based on the expectations of the member States – but mainly on the expectations of the workers whom the ILO has essentially pledged to help.

I believe that there will be unanimity on one point – that the contribution of the ILO has been positive during the 75 years it has been functioning. There is no worker in the world who has not benefited to a greater or lesser extent from the actions and decisions taken so far by the ILO.

The ILO in its 75th year of its existence has offered great services to mankind. There is no doubt that the Organization has contributed to a great extent to the effectiveness of the struggle of the labour movement both at the national and international level, and towards the compilation and prevalence of human rights and trade union freedoms. Furthermore, the ILO, with the decisions adopted by its Conferences, with the mechanisms at its disposal and its continuous activities, has proven to be a valuable aid in attempts to attain social justice and better working conditions and the combat to end racial discrimination and promote equal treatment for men and women.

The ILO also has cause to be proud of the promotion of the principle of tripartite cooperation, whereby the representatives of the workers and the employers cooperate with the representatives of the governments and participate in free discussions to promote the common goals and the proper handling of problems affecting wage earners in everyday life. If we compare the conditions prevailing at the time when the ILO was first founded with those we have today, we can see the substantial differences and progress that has been achieved. The ILO has contributed much to the success of this progress.

The workers' and employers' organizations – but also the governments – recognize and appreciate the work of the ILO. The number of member States of the ILO increases from year to year. This, in my opinion, bears witness to the trust enjoyed by our international organization which translates into trust, respect and recognition, the principles promoted on an everyday basis by the ILO.

Almost all governments accept these principles – at least in theory – and declare that they apply them. In my opinion what matters is how they interpret these principles and how they apply them in practice. Unfortunately, there are many instances where we can witness violations of human rights and trade union freedoms.

It is not my intention to refer to specific cases, but it is well known that there are countries where organized labour movements are under attack. Many trade union leaders are arrested, in prison, and even murdered or have disappeared.

As an example, I would like to refer to my own country, Cyprus. We are a European country, but we are deprived of basic human rights. A foreign power invaded my country 20 years ago – on the pretext of protecting peace – and is forcefully occupying even today more than one-third of its territory. Basic human rights – such as freedom of movement, the free choice of the place of work, the right to return to our own homes – are, after much deprivation and toil, still being violated.

The ILO must reinforce its mechanism of examining complaints regarding the violation of these fundamental principles. Every government which violates human rights and trade union freedoms gives excuses. It is easy to give excuses. The point is, how do they justify these excuses? In our day and age, if we want true social justice and progress and peace to prevail, it is necessary to reinforce the mechanism which looks into such violations. We believe that the ILO, despite maintaining such a mechanism – and we recognize the work it has performed to date – must considerably enforce it to render it more effective.

It is well known that the ILO not only confines itself to promoting and safeguarding these fundamental principles. It has a great record of achievement in setting standards for terms and conditions of work. Without doubt the setting of such standards promotes the principle of social justice. Various arguments have been put forward that the ILO has succeeded to a great extent in setting standards for employment and as a result, the world of work is over-regulated. We do not believe that this argument is valid. In the field of setting standards much work remains for the ILO.

Today, the economic situation is changing. The economies of countries are continuously becoming more and more interdependent, the multinationals are growing and the time will soon come when they have such a marked economic influence that they will affect in a number of ways the policies of governments, especially social policies. Investments undoubtedly affect employment. Wherever they may come from, either from local capital or from the multinationals – or from the World Bank or the International Monetary Fund – they must always take into consideration the social role they have to play in a community. The ILO, as the foremost advocate of the principle of social justice, must be in a position to influence investment policy and affect the policy of these organizations.

Due to time constraints, I cannot go further into detail on other vital issues; but I would like merely to say that my organization supports the specific proposals put forward by the Workers' group to the Governing Body. We consider them very sound.

Let me conclude with a final remark. The Declaration of Philadelphia, which was adopted 50 years ago, clearly states "poverty anywhere constitutes a danger to prosperity everywhere". Millions of people live today in conditions of want, poverty and illiteracy. Human rights and trade union freedoms are being brutally violated by many governments and millions of people live under the yoke of oppression. May this year's Conference mark a decisive point in our history to combat poverty worldwide and to consolidate social justice and the respect of human and trade union freedoms.

Original French: Mr. LAWANI *(Workers' delegate, Benin)* – I would like to congratulate the President on his election. I wish him every success in the post he will occupy during this session.

As you know, the entire world celebrates the 75th anniversary of the creation of our Organization, and the 50th anniversary of the Declaration of Philadelphia this year.

The workers of my country, the Republic of Benin, whatever their affiliation may be, join in the celebrations which started with the opening of the present session on 7 June 1994.

In their name and in my own name, I would therefore like to extend to the 81st Session of the International Labour Conference our sincere and heartfelt congratulations for the quality of the work which has been achieved so far.

It is impossible to list the many achievements of our Organization without giving special mention to all those who in one way or another have contributed to the development of its activities.

People more qualified than myself have already eloquently commented on the exceptional record of the International Labour Organization. It remains for me to pay a well-deserved tribute to all those who have contributed to the success which we can admire today.

Nevertheless, these successes and numerous achievements which are reflected in the diversity and the quality of our Organization's work must not distract us from examining the present conditions which prevail as we celebrate this anniversary.

Indeed, the political, economic, social and cultural situation of Africa in general, and of my country, Benin, in particular, is far from brilliant.

Politically speaking, we may rejoice at the peaceful transition to democracy of certain countries.

But at the same time, we cannot help but be concerned about the less fortunate developments that can be seen in many cases.

What is heartening is the declared will of people to bring democratic renewal to a successful conclusion. Here, I would like to salute the victory of the people of South Africa and its prestigious leader Nelson Mandela. This is a victory which was consecrated by the outcome of the recent elections and the establishment of a government of national unity anxious to bring about reforms to make this country a multiracial State based on equality of races.

For the peoples of Liberia, Burundi, Rwanda and Somalia and many others, we hope that dialogue and reason will triumph over tribal or ethnic rivalries and individual or clan-based political ambitions.

As regards the economic situation, the structural adjustment programmes advocated by the International Monetary Fund and the World Bank have not saved our countries from monetary crises, and have thus been unable to prevent the devaluation by 50 per cent of the CFA franc in relation to the French franc.

The social situation of workers has suddenly declined still more because of this devaluation. It was already bad enough in recent years.

The poverty caused by massive dismissals resulting from the privatization of enterprises, cutbacks in the public service and unemployment among young graduates who have never held a job has thus been compounded by the generalized and uncontrolled rise in the price of basic necessities. All of this exacerbates the already rampant destitution of all categories and levels of society.

How can we here today not mention the measures planned by the Government of our country to reduce considerably the old-age pensions of those whose pensions fall under the Social Security Office of Benin? We are told that this office underwent restructuring with the participation of an ILO expert.

We think that it is absolutely necessary that the retirement of those people who have done so much for our countries should not be jeopardized by measures which would only hasten the death of these pensioners. Our Conference should be concerned about this problem. In the same way, I would like to denounce firmly the actions of intimidation and interference of our Government. It has recently prohibited demonstrations, threatened strikers with collective dismissal and withheld wages for participation strikes called to demand respect for rights recognized as legitimate by the Government.

All of these facts illustrate very well the scope of the challenges still facing us.

At the cultural level, it is obvious that the economic situation has had a tragic impact on the cultural development of our country. Culture and leisure, which must be considered as needs just like any others, have been relegated to the bottom of the list of workers' concerns, if not completely struck off it, because of financial constraints.

These are some of the realities which the workers of my country have to face.

At a time of such great social gloom, the role of the ILO is still more important.

The ILO, one of the oldest organizations of the United Nations system, has always sought to make its activities fit in with the real and full development of countries by promoting universal peace and social justice.

Despite the efforts made so far, the fact that inequalities and economic and social crises still exist proves that there are still important challenges to be met.

First of all, the desire to foster development must not overshadow our Organization's main field of concern, namely the world of labour, and so, of social questions.

As you know, the field of labour has undergone many changes because of technological and structural changes in the employment market.

National legislations which have not yet followed the development of standards at the ILO unfortunately continue to lag behind and to apply laws which are completely obsolete.

The ILO will have to become much more effective in fighting to improve working conditions, to protect the lives and health of men and women workers in the widest sense of the term, and to protect the environment.

To achieve this while strengthening tripartism, the ILO will have, if necessary, to consider reforms designed to increase the effectiveness of its actions and to ensure a greater number of ratifications by its member States.

The important issue of workers in the informal sector, which was discussed at the 78th Session in 1991, deserves more attention today in view of the fact that this is the only solution for many workers left unemployed by adjustment policies and for new graduates in search of employment.

The importance of the informal sector in the economy of our countries and the large number of workers which participate in it bring up the question of how to organize these workers and, as a result, of how to adapt our legislation to cover this new and real phenomenon. It also raises the question of the need for social protection for this important fringe of the active population.

I am convinced that our Organization will not betray the trust of the workers. We are confident that the management of the devaluation will not be self-destructive for the world of labour in general and for the most vulnerable groups in particular.

The ILO must strengthen its action in favour of true social justice and an economy with a human face.

In conclusion, my organization fully supports the concerns and the views of the Workers' group in the Governing Body of the International Labour Office with regard to the Report of the Director-General.

Original French: Mr. SEM *(Government delegate, Cambodia)* – It is a great honour and a special privilege for me to take the floor here on this rostrum today.

First and foremost, I would like to avail myself of this opportunity to say a sincere word of thanks from the Royal Government of Cambodia to the ILO for having invited my country to participate in this important Conference.

I would like to remind you that Cambodia has been a Member of the ILO since 1969 and has ratified the following Conventions: the Night Work (Women) Convention, 1919 (No. 4); the Night Work of Young Persons (Industry) Convention, 1921 (No. 6); the White Lead (Painting) Convention, 1921 (No. 13); the Forced Labour Convention, 1930 (No. 29); and the Employment Policy Convention, 1964 (No. 122).

The Cambodian Government has regularly sent delegations to the International Labour Conferences. From 1975 to 1992, it was not possible for my country to participate in the Organization's activities due to our civil war, and it is with great honour that I head this first delegation, whose task it is, on behalf of the Royal Government of Cambodia, to renew ties of friendship with the ILO. This event is coupled with the celebration of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

I would like to remind you that the 1970 military *coup* plunged Cambodia into a murderous civil war in which more than 700,000 people died and 2 million people were forced to flee from their villages to the towns and cities.

On 17 April 1975, the *Khmer Rouge* radical forces, assumed power and set up Democratic Kampuchea. This regime tried to relocate people, moving them to the countryside in an attempt to create a new Cambodian nation based on community and farming life.

Under this regime, most economic and social infrastructures were dismantled, private property was confiscated, our currency was abolished, schools were closed down, and put to other uses. More than 3,000 Buddhist pagodas were destroyed or used for other purposes, and even as prisons.

Over three years, eight months and 20 days more than 3 million people died of torture, forced labour or inhuman living conditions. This dramatic period of our contemporary history is the only self-genocide which the world has known.

Cambodia has been liberated from the *Khmer Rouge* since 1978, but this group still remains very active and violent in certain parts of the country.

In 1979, my country was therefore completely ruined and deprived of its intellectuals. The population which survived the terrible conditions of life during the Pol Pot regime will remain traumatized for ever. Even today, these traumata have an impact on the reflexes and mentality of people in my country.

It was ten years later, in November 1989, that Cambodia adopted a market economy and thus opened up to free-trade countries.

On 4 January 1992, the economic embargo, which had been strangling Cambodia until then, was lifted. This decision paved the way for the end of a difficult stage in our history.

In May 1993, for the first time in 20 years, general elections took place under the supervision of the United Nations. Since the end of 1993, the Cambodian National Assembly has once opted for the country to become a monarchy. Prince Sihanouk was appointed King of Cambodia.

I fully agree with the Director-General that the rapid pace change in our world is due to the political revolution, i.e. the collapse of the Eastern economic bloc and the economic revolution (labour and investment mobility).

It is difficult for my country to adapt to these rapid changes.

I would like to focus on the dramatic past of Cambodia, to remind the world of the terror and the chaos my country was faced with from 1975 to 1979, due to the *Khmer Rouge* regime.

The change from one type of economy to another, of course, rarely occurs without problems, and it is important that this transition be prepared both at structural and at legal levels.

In both fields, Cambodia suffers from a terrible shortage of experts able to plan, organize and analyse this in-depth change in the operation of my country's economy.

The disastrous situation of our own national infrastructure, which I have already mentioned, and the harsh competition brought about by new investors arriving in our country, will probably lead the Government of the Kingdom of Cambodia to adopt a flexible and intelligent investment policy.

Indeed, Cambodia must reinforce its labour legislation policy to protect those in need who, destitute as they are, have to accept the conditions imposed upon them without any possibility of effective or objective recourse.

The Kingdom of Cambodia needs the aid of the ILO, at a central level, so that it can propose an economic development policy which is harmonious and contributes to well-being for all.

Our country suffers from a profound shortage of training opportunities, especially in technical fields.

Acquisition of know-how is the key to development. It is necessary and indispensable to establish vocational training programmes for agriculture, metalwork, woodwork, management, and so on. Furthermore, training centres should be decentralized and not all located in our capital cities.

This programme should therefore be designed to lend assistance to the least-favoured segments in our society – war disabled, war orphans and the handicapped – by the institution of a proportional recruitment system for these schools.

Finally, I would like to congratulate the President, on the way he has chaired the work of the Conference so far, and I would like to assure him of our cooperation to add to his success and in the later implementation of the results of this Conference.

Mr. BROWNE *(Secretary of State, Labour, Energy and Power, Sierra Leone)* – On behalf of the Chairman and Head of State, His Excellency Captain Valentine Strasser, the National Provisional Ruling Council, the people of the Republic of Sierra Leone and my delegation to this Conference, I have the honour to congratulate the President on his election to the high office of this 81st Session of the Conference. We are confident that the Conference will score successes in achieving the ILO's basic aims, which encompass social justice, human freedom and dignity, economic security and equal opportunity for mankind.

As usual, we are pleased to attend this Conference and to reaffirm the support of the Government of Sierra Leone for the Organization and the Conference.

My delegation acknowledges with delight the Director-General's Report to the Conference, which is meaningful, educative and commendable. This comprehensive Report contains basic facts about the activities of the Organization in meeting the needs of member States. It is noteworthy that "social justice in a global economy" is the theme of the Director-General's Report. My delegation is convinced that the Organization will be able to find a solution to the nightmare of severe imbalances in the global economy, especially at this time when it is such an important occasion as the 75th anniversary of the ILO, one of the oldest international organizations. Although it is a cause for celebration, yet we believe it is time that Members pay greater attention to the provisions in the Declaration of Philadelphia which states, and I quote, "It is a responsibility of the International Labour Organization to examine and consider all international economic and financial policies and measures in the light of this fundamental objective", that is, social justice. We will therefore have to pay more attention to the future responsibilities of the ILO as many countries are now placing their trust in it by becoming Members and paying their contributions despite the gloomy situation.

Since last year's session of the Conference, the global economic conditions and world peace have not improved at all. If global peace is to be achieved, then social justice must be established by all member States, particularly in developing nations in order to effect favourable economic changes.

My delegation considers the establishment of social justice in a global economy to be the key operation in all talks about world peace, equal justice, equal opportunity, equal rights, full employment and democracy. We know that social justice in a global economy has to mean giving every nation the opportunity to improve and develop the socio-economic situation of its people. This demands some sort of equitable sharing of global wealth which can be achieved by stabilizing the developing countries' export of primary products and the industrialized countries' expansion of trade with developing countries.

In a way, a new democratic system started to unfold in South Africa as Nelson Mandela became the President of that country where people are now allowed to have their own freedom, elect their own officials, have the right to live, liberty and pursuit of happiness. Because of this historic event, my delegation congratulates President Mandela and his National Congress of South Africa as well as the people of South Africa on the overwhelming political victory. We also appreciate the ILO's involvement in this new democracy.

Now my delegation hastens to add that there has been an ongoing rebel war in Sierra Leone. This war has made the country economically crippled by way of paralysing exports, agricultural output, mineral production, investment prospects and self-sustained growth. Secondly, the National Provincial Ruling Council (NPRC) Government has been finding it very difficult to shelter, feed and clothe the displaced people who have deserted their respective regions mainly due to insecurity in their areas.

As our Government strives to bring the devastating rebel war to a speedy end, an appeal is therefore made to the ILO and member States to join hands with Sierra Leone in bringing this war to an end.

It is very important to point out here that since all member States are interdependent in one way or another, no country can stand alone.

While the devastating rebel war continues, the NPRC Government remains deeply committed to the building of the new Republic of Sierra Leone based on social justice, human dignity, equal opportunity and open society with no barriers to advancement and protection. Accordingly, the NPRC Government has embarked upon a series of programmes and policies for sustained economic growth and development. Examples: the National Employment Policy has been formulated to provide services to economically disadvantaged target groups which will be identified within Sierra Leone. Secondly, the Economic Reform Programme of Sierra Leone has been set up to facilitate poverty alleviation from the grassroots upwards. The third major policy is the introduction of the 6-3-3-4 system of education, which means six years of elementary, three years of junior high school, three years of senior high school and four years of college tertiary education. This new system will prepare school children for self-employment and self-reliance. This means the education system in Sierra Leone will now be balanced. Fourthly, a very important major change anticipated is the Legal Reform Programme designed to maintain social justice in Sierra Leone, which means the understanding of social conditions of the people. Fifthly, there is an Agricultural Sector Support Programme to construct roads in rural farming areas to facilitate the smooth running of urban-rural trade and self-employment. Sixthly, an Independent Electoral Commission has been formed to enhance the process for the return to civilian rule. There is now a Council for the development of exports and investment in all sectors of the economy. The Draft Labour Laws submitted by the ILO have been reviewed by the Government and submitted to the ILO for final production. There are other achievements of the NPRC Government but time will not permit me to elaborate.

Original Portuguese: Mr. HUNGUANA *(Minister of Labour, Mozambique)* – I would like to join with those who have spoken before me in saluting the President of our Conference. I am sure that under his guidance our work will be crowned with success.

Southern Africa, of which Mozambique is a part, is undergoing promising changes which are bringing us the first sight of real peace and development in many years. The end of apartheid and the beginning of the democracy in South Africa constitutes a landmark of overwhelming importance, marking the end of an epoch and the beginning of a new era for the whole region which, following the success of its anti-colonial struggles, had been confronted by the might of apartheid. To feel secure within its own borders, that regime had to sow insecurity among all its neighbours. Such was the system of destabilization based on a so-called total strategy. This is why no country in the region could consider itself truly free as long as apartheid remained dominant in South Africa.

Mozambique is an excellent example of this strategy. Because all those who neither forget history from one day to the next nor start to rewrite it know how decisive the connection with South Africa has been in bringing about the paralysis and virtual destruction of our society.

Speaking here today, in June, 1994, the backdrop to our discussion is different. Our starting point is that of a South Africa free from apartheid, of a South Africa finally free from the spectre of regional destabilization.

However, for peace and development to have a real chance it is vital that the monstrous aims of those who dream and work to reverse history not be allowed to prosper. To this end two objectives are basic to the continuing struggle: elimination or neutralization of the remnants of apartheid, and converting the priceless moral and political support that the international community has given the struggle of the peoples of the region into committed support for their economic development.

The tasks ahead of us are not easy and there will be no simple or quick solution to them. In Mozambique, for example, we must face the accumulated effects of brutal and systematic destruction on a massive scale – an organized turning back of the clock for our country.

Rebuilding will require a great deal of investment, commitment and imagination. But in the new situation, with apartheid gone, this investment, commitment and imagination will have secure terrain on which to work and will thus bear fruit. With your help we in southern Africa both want to be and can be an example, an example that will be the pride not only of the region but of the international community that is engaged with us.

We want to be an example, not because we are better than anyone else but because history is giving us this rare opportunity for peace, freedom and progress, after so many years of repression and war. We do not want to let this opportunity slip, we want to turn it into a concrete reality for the whole region.

To complete these words of greeting to South Africa, on its readmission to the ILO, I would like to add that the transformations we are celebrating today did not fall like manna from heaven – they are the results of the South African people's heroic struggle, organized and led by the ANC and other democratic forces and, as I have said, of the struggle of the peoples of the region.

History has once again proven that in every phase men of stature have emerged to make decisive interventions in the process of history. Nelson Mandela is one of these charismatic geniuses – a man as big as the struggle itself and who above all has an enlightened vision of a great future – so difficult, yet at the same time so human and so possible – the foundations for which are already being laid.

Nelson Mandela knew how to be the right man at the right time for this gigantic task. This is why the tribute we pay him at this and other fora throughout the world will never be excessive. However, it would be unjust to ignore or forget that other men whose understanding of the need for change was so fundamental and timely. Frederik de Klerk, with a vision of a possible future, had the courage to start on the dramatic march which would lead him to emerge, side by side with Mandela, from the long night of apartheid.

My remarks are particularly relevant to the case of Mozambique. Although the economic rehabilitation programme worked out with the IMF and the World Bank has reactivated the economy significantly, we are very far from achieving the targets that have been planned or from solving our problems.

If, on the one hand, the war was an objective constraint on this reactivation, on the other, the concept and mechanisms on which the programme is based have shown themselves to require evaluation and adjustment in the face of worsening unemployment, increased numbers of people living in absolute poverty and deteriorating living standards for the vast majority. It is true that the end of the war, via the signing of the General Peace Agreement in Rome in 1992, creates new conditions under which our programme can operate – in the short term it creates greater requirements for investment and support.

The people who were internally displaced or refugees in neighbouring countries are returning to their areas of origin on a massive scale. Implementation of the Peace Agreement is resulting in the demobilization of around 100,000 government and RENAMO soldiers. All this is within a context in which the relaunching of our economy is only now just beginning in a time of peace. It is not difficult to imagine the magnitude of the challenges we face, particularly in the area of unemployment.

The problem of employment in the case of Mozambique is thus of decisive importance as regards the peace process. The war factor must be converted into the peace factor, reintegrating thousands of demobilized soldiers both economically and socially. Any swelling of the ranks of the unemployed with ex-soldiers and persons returning must be avoided so that a powerful factor for instability and conflict will not be created, where there is already a tradition of resorting to violence.

With the resources at our disposal, it will be virtually impossible to absorb such a large labour force in a short time, unless we enjoy the support of the international community and particularly of the ILO. We are certain that action taken in isolation or the implementation of a single project in isolation from others will not overcome the problem. Our actions must be multifaceted and multidisciplinary and we must set our sights as high as we can.

The support we hope for from the international community, and from the International Labour Organization in particular, should be principally in areas such as the following: capacity building for the bodies working with problems of employment, training and professional guidance; projects to create small and medium-sized businesses; programmes geared towards self-employment; and finally, technical assistance – for implementing projects and programmes in the field of employment and professional training, for evaluating the consequences on employment of economic and financial measures taken, and for preparing action in relation to underemployment, aimed at increasing productivity and maximizing potential of the labour force.

We have received support from the ILO in some areas, but this unfortunately is not yet sufficient to make an impression on the mountainous task confronting us. We believe that in this, as in other fields, there should be greater responsibility and seriousness in channelling the aid provided by the international community to ensure that such aid really does reach those for whom it is intended and helps them resolve the concrete problems defined as priorities. Without this, and if the real priorities are not respected, the little money available will be wasted in the tortuous course of cooperation and will not achieve the aims which the taxpayers in the donor countries have agreed to support.

Finally, 1994 is the year for multi-party elections in Mozambique, and our aim is to hold them in October. We want these elections and we have an absolute need for them as a fundamental stage in the process of peace and post-war normalization.

However, democracy is not just a matter of elections, no matter how free and fair they may be. Real democracy must be more complex. We have introduced a process of tripartite negotiation which is of particular relevance. This process is already under way in Mozambique with the Government, employers and trade unions working together. The importance of this lies in stabilizing socio-economic life and expanding genuine democracy. We expect to submit the relevant Convention in this field for formal ratification before the end of the year.

Finally, I would like to reiterate my best wishes for this 81st Session of the Conference of the ILO.

Original Arabic: Mr. DERBI *(Government delegate, Libyan Arab Jamahiriya)* – We congratulate the President on his election to the chair of this session and wish him every success. We also congratulate the people of South Africa on their liberation from the regime of apartheid, which has gone never to return, and on the establishment of a democratic State under the presidency of Mr. Nelson Mandela, winner of the Al-Qathafi Award for Human Rights.

I welcome the new member States of the ILO.

The Director-General's Report entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda*, which is an important source of information, raised a number of urgent questions relating to the present and future of the International Labour Organization in the modern world, which is undergoing radical changes in terms of relations among States and between States and their constituents, that is to say the social partners and in particular employers and workers.

In spite of the importance of the Report and the thought-provoking ideas and views it contains, there are two important observations that need to be made.

First, the collapse of the communist bloc does not means that the monitoring of the implementation of international labour standards, on which views at this Conference have clashed, is a thing of the past. We consider that some of the shortcomings of the monitoring system applied may still be criticized and should be remedied, regardless of the position of the former communist bloc.

Second, the Report is in favour of the market economy, viewing it as an internationally recognized standard of reference, and the planned economy is considered undesirable. This does not mean that the market economy is unassailable, since its laws give a free hand to multinational corporations and ignore the principles and foundations of social justice in the wide sense of the term, especially as regards the weaker sectors of societies. It is the law of the survival of the fittest, of those who determine the fate of others. On that account, the State must not be left out but must continue its role as the protector and guardian of social peace in order to ensure equality and a fair distribution of income in society.

The 81st Session of the International Labour Conference coincides with the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. Since its inception, the Organization has achieved many of the aims set forth in its Constitution and in the Declaration of Philadelphia, which state that "... universal and lasting peace can be established only if it is based upon social justice, and ... conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled".

In the ILO we discuss and analyse social problems throughout the world and try to find appropriate ways to reduce unemployment, to combat poverty, to achieve full employment, to guarantee justice and social security and to maintain proper standards for the protection of the labour force. But these efforts are in danger of running aground in some countries because of circumstances beyond their control created, unfortunately, by international bodies such as the United Nations and the Security Council which have been controlled, since the upsetting of world balance, by States that have not yet rid themselves of certain traces of the colonialist mentality. They are now proceeding against us from a new direction, trying to gain absolute control over peoples' resources. Accordingly, the Security Council has adopted resolution imposing unjust and oppressive sanctions against certain countries that have had an adverse social impact on all sectors of the population and particularly on workers.

The sanctions imposed on the Libyan Arab Jamahiriya by unjust and oppressive resolutions have led to unemployment, a phenomenon that the country had not experienced for more than 20 years. On the contrary, it provided employment for thousands of workers from neighbouring and friendly countries because the graduates of our own education and training systems were not sufficient to meet the need for human resources under the economic and social development plan.

Implementation of the air embargo resolutions has put tens of thousands of employees of Libyan Airlines, engaged in various occupations, out of work. The freezing of assets had caused an economic recession and some development projects have been abandoned, leading to a reduction in job opportunities for workers. We have had difficulty in creating appropriate jobs for new graduates from the universities and vocational training institutes and centres. The air embargo, which has made it necessary to travel by land from the Jamahiriya to neighbouring countries in order to travel by plane from there, has led to a large number of road accidents: a total of 14,904, including 2,571 fatalities, 6,017 injuries leading to permanent disability and 7,343 injuries involving absence from work and productive activity for periods of varying length. Five hundred sick people, including 200 infants, who needed treatment abroad died during transport by land. On top of this, enterprises and factories are suffering from shortages of spare parts or materials and the agricultural sector has recorded a decline of 44 per cent, which is equivalent to $334 million.

These sanctions have caused enormous damage and have had far-reaching social repercussions on all citizens, employers and workers, women, old people and children. They are in flagrant violation of human rights, social justice and the principle of full employment. They also contravene the ILO Constitution and the Declaration of Philadelphia. The people of Iraq have also been subjected to the same sanctions as a result of Security Council resolutions, although Iraq has done everything demanded of it and there is no longer any justification for maintaining these sanctions.

I believe that the moment has come for the ILO, by virtue of its Constitution and the Declaration of Philadelphia – now that we are commemorating the 75th anniversary of its founding and the 50th anniversary of the Declaration – to make its voice heard, especially in international organizations such as the United Nations and the Security Council. It must take a courageous stand on all resolutions which have direct negative social repercussions on employment. It must call for an end to these resolutions and for the lifting of sanctions which are affecting all sectors of the population in the Libyan Arab Jamahiriya. We must seek, by means of dialogue, to settle conflicts in a peaceful manner, in accordance with the Charter of the United Nations and international law, especially the Libyan Arab Jamahiriya has adopted an extremely flexible approach to try to find a solution to the crisis which has developed between it on the one hand and the United States and the Western countries on the other hand. This approach has been welcomed by the League of Arab States, the OAU, the non-aligned countries, the Islamic Conference and various trade union and peoples' organizations.

We call upon the ILO to continue its social role to ensure that all peoples may live freely and in conditions of dignity in a world where peace prevails.

May the peace of God, His mercy and grace go with you!

Mr. JENNINGS *(representative, International Federation of Commercial, Clerical, Professional and Technical Employees)* – It is a particular pleasure to speak today and to congratulate Chuck Gray on his election as President of the Conference. We are proud that colleague Gray was once the Assistant General-Secretary of FIET, the organization that I represent today. On behalf of our 11 million members, I wish him and the Conference well. It is also a privilege to be able to express a special word of appreciation about the presence at this Conference of the tripartite delegation of the new democratic South Africa. It has been a long road and it has been a victory for people everywhere. FIET is the International Trade Secretariat for the private services sector and our membership covers many crucial areas of the economy. We celebrate our 90th anniversary this year.

The ILO, as we know, is 75 years old this year. We believe that in the post-Cold War world, where the market is the overwhelming force in structuring our economies, the ILO is more relevant than ever.

Even a superficial look at the world around us shows that a successful economy can only be built on a foundation of cooperation, democracy and popular participation. Without the full support of workers and their families there cannot be sustainable economic development. The role of the ILO in promoting tripartism is essential, be it in established or newly industrialized countries, in developing countries, or in the economies in transition of Central and Eastern Europe and Asia.

Some of the most remarkable developments in the world of work have taken place in Central and Eastern Europe. New roads to freedom and democracy were opened for hundreds of millions of oppressed people. It was rightly expected that these developments would bring prosperity to working people and their families. Many of the expectations have failed to materialize and poverty and unemployment form a serious threat to stability in large parts of the region.

To create normal labour market relations in the countries in transition is a priority issue and the support of the ILO is needed. Governments and employers in the regions must abide by international labour standards. Workers and their unions must be fully consulted by governments and international institutions that participate in the restructuring process.

The situation of the world's developing countries has continued to deteriorate. Suffering from the burdens of the debt crisis and forced to initiate draconian structural adjustment measures, they lack the means to support their growing populations. Unemployment is rampant, social security and health care systems are unable to meet even the most basic needs and educational opportunities are declining as a price for a forced balancing of state budgets. The recent devaluation of their common currency, the CFA franc, has had a devastating impact on living standards in French-speaking Africa. Trade unions all over Africa, Asia, Latin America and the Caribbean can tell us what these developments translate to in the way of human suffering, despair and lack of hope for the future among the young generations.

It is time to be honest with each other and acknowledge that in many cases the free market, and especially deregulation, has failed us. Deregulatory experiments in some countries have been a disaster. We warn of the dangers of a collapse of the unregulated and uncontrolled financial derivatives market which will have repercussions on markets everywhere.

We must not decide at this Conference to completely deregulate temporary employment agencies, they require statutory supervision and licensing.

Where growth has been achieved the market has failed to deliver on social justice and income equity. It has failed to reduce unemployment and end discrimination. It has failed to reduce poverty and homelessness.

A recent study in the United Kingdom concluded that the "trickle down" effect, the cornerstone of free market policies, does not exist. After years of promises, the judgements on the market shows something which we have all feared. It is that the gap between the rich and the poor has not closed. This is a disgrace. We must act now to redress this disgrace. The ILO must play a decisive role in finding a new way.

FIET believes that the ILO can make a contribution and two recent events show this.

The first was the Tripartite Meeting on the Social Effects of Structural Change in Banking, held last year. This Meeting brought together for the very first time government, employer and trade union representatives from all over the world to discuss the massive changes occurring in this critical sector. We now have a social charter for the finance sector.

The second event I want to refer to is the recent Tenth Session of the ILO Committee on Salaried Employees and Professional Workers. We managed to reach agreement on a set of conclusions which would do justice to any national tripartite discussion. They deal with issues which are central to all our futures: skills, training and retraining, employment creation, discrimination and problems posed by offshore processing, subcontracting and outsourcing.

Sectoral activities are at the heart of the ILO and they must continue and the Salaried Employees and Professional Workers' Committee must play a prominent role in them.

At that Committee we also discussed the question of labour standards and trade, one of the main subjects for debate at this Conference. For an issue of such great importance unfortunately a great deal of misinformation is clouding the discussions. We need some fresh oxygen in the debate.

It should be clearly stated that FIET is a strong supporter of free and fair trade, and international and economic cooperation. We can see the benefits of global economic development which creates the resources for improving social standards of workers all over the world. Our global economic destinies are intertwined, but we must not be blind to the risks inherent in a development which does not give full regard to the needs of the people.

Let me help you by saying what the social clause is not: it is not a protectionist clause designed to limit access to markets; it is not a protectionist clause trying to reintroduce tariffs and quota on export trade; it is not a way of trying to foist an international minimum wage on governments; it is not a way of trying to forcibly reduce the wage differential between countries.

So what is a social clause?

A social clause is concerned with basic human rights, which must be available to all workers in all countries and all continents. These rights are fundamental trade unions' rights of freedom of association and collective bargaining, freedom from forced labour, freedom from child labour and discrimination.

FIET believes that the best way for the living and working standards of workers to be raised is through the combination of international trade and cooperation and respect for trade union rights. Both must go hand in hand.

I put the question to this Conference. How are we going to get balanced and sustainable development if a country or a company builds a trade advantage by knowingly and deliberately denying these fundamental rights? Are not such abuses in themselves a form of protectionism?

So how should this delicate issue by handled? FIET has never suggested the setting up of any so-called trade court within the new World Trade Organization, with guillotine powers to immediately stop market access.

FIET believes that a social clause should be implemented using the structures and principles of the ILO, the checks and balances to which we have all already grown accustomed. These structures and principles have developed over many years, they are based on tripartism, transparency, consensus, proven expertise and enforcement, primarily through persuasion and dialogue.

It is high time that ILO and GATT leadership got together to prepare this matter to be ready by the time the WTO is established.

It is with these objectives of fairer trading conditions in mind that FIET is today launching its charter for clean competition. Today is the day when we seek to focus attention worldwide on what we call the invisible people: the cleaners, the security guards and caretakers and maintenance personnel who keep our buildings safe and clean to live and work in. These workers are often ignored, but without their vital services the quality of everyone's lives would be diminished. These workers are also some of the most exploited to be found anywhere. They suffer poverty, pay and poor working conditions, they pay the price of the emerging subcontract economy, being shifted from one worksite to another, one employer to another without any consideration of the hardship this brings to their lives. They are largely forgotten and rarely thanked. Many work for large multinational companies. We want governments, international organizations, employers and unions and workers to take notice of this charter and to take notice of the needs of these workers for justice.

I have given you just a glimpse of the concerns of our 11 million members in the new emerging global economy. I hope that you can see that the ILO has a crucial role to play as the world of work is transformed by technology and new forms of work organization emerge which go to the very root of the nature of employment. I look forward to the conclusions of this Conference and to an adoption of a Convention on part-time work, but above all, to agree a way forward to working out a mechanism to give a social dimension to trade.

(The Conference adjourned at 6.15 p.m.)

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Sixteenth sitting

Thursday, 16 June 1994, 10 a.m.

Presidents: Mr. Ould Sidi, Mr. Mendoza

SEVENTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original French: The PRESIDENT (Mr. OULD SIDI) – The first item on the agenda is the adoption of the seventh report of the Selection Committee, which you will find in *Provisional Record* No. 3F. If there are no objections I take it that it is adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: The PRESIDENT (Mr. OULD SIDI) – We will now resume our discussion of the Reports of the Governing Body and of the Director-General.

Mr. EDSTRÖM *(Workers' delegate, Sweden)* – I wish to congratulate the President and the Vice-Presidents on their election to run the proceedings of this Conference.

As the Director-General states in his Report, tripartism must be reinforced everywhere. This basic principle of the ILO and the world of work, which helps to promote social justice and peace, also constitutes and essential element of a democratic society. The need to strengthen tripartite structures is quite obvious in both developing countries and countries in transition, but also in some developed countries.

I have at a previous session of the Conference expressed our worry over action taken by the Swedish Government to dismantle tripartite structures, a development that is also regretted by the Committee of Experts in its report to this Conference in view of the rapidly deteriorating situation concerning unemployment, a situation in which tripartite social dialogue is needed more than ever.

Other measures limiting the capacity of Swedish trade unions to defend the interests of their members have also been taken. Inherent in the principle of tripartism is a recognition of the need to assist the position of the social partners instead of undermining it. Actions like banning existing collective agreements or, a decision taken a week ago in Parliament, introducing unfair competition for our present union-run unemployment insurance system in the form of a cheaper State alternative subsidized by taxpayers covering all administrative costs, are intended to undermine the rate of unionization.

In his opening speech to the Conference, the Director-General stressed the need to choose important items for the agenda of International Labour Conferences and I fully agree. I therefore deplore the fact that the 259th Session of the Governing Body was unable to choose contract labour as a standard-setting item on the 1996 Session of the Conference as proposed by the Workers. This topic meets the criterion, often referred to by employers and governments, that ILO standards should reflect the changing world. This growing phenomenon in both developing and developed countries undermines the social protection of workers and calls into doubt the effective application of our jointly elaborated international labour standards. The comments made by the Committee of Experts on the Forced Labour Convention, 1930 (No. 29) also reveal the effects of subcontracting and child labour. In my view the spread of contract labour is not merely a challenge to the ILO; it is actually a threat.

In Sweden, the Co-determination Act has been changed, taking away the former right of trade unions to block unethical contractors with a poor record of not paying taxes or mandatory social contributions. In addition, a commission set up by the Government with the task of reviewing existing labour laws last spring has put forward ideas concerning contract labour according to which the decision on whether a person is to be treated as a worker (and thereby granted workers' rights) or not depends to some extent on his or her status with respect to the tax authorities. The danger of abuse is obvious because it will give unscrupulous employers an opportunity to make a vacant job conditional upon the willingness of the jobseeker concerned to register as self-employed, thereby losing his or her social protection.

One question of common concern to most of us here is how to secure the full observation in all countries of fundamental human rights in working life. The basic ILO Conventions regarding freedom of association and collective bargaining, forced labour, child labour and discrimination are widely ratified, almost all of them by over 100 member States. If these basic human rights were fully respected there would not be any need for a social clause. But the facts show that this is not the case. It seems that as long as it is economically profitable to exploit human beings, moral values concerning human dignity do not count. We are forced to introduce an economic incentive not to exploit human rights by introducing a social clause into international trade agreements.

A guiding principle in the history of the ILO is the universality of ILO minimum standards as well as the recognition that human rights can and should be granted independently of the level of economic development. But we still hear some governments argue, for instance in the Resolutions Committee, that if these basic human rights were recognized in international trade it would be an expression of protectionism. Perhaps a social clause could actually be beneficial even for these governments in their efforts to promote respect for basic human rights in working life.

When discussing the question of introducing a social clause, we have to remind ourselves of the notion in the Preamble to the ILO Constitution that, and I quote that "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries". The globalization of the economy proves the continuing validity of this notion today.

In the current debate on standard-setting activities, enough attention has not been paid to the need for all ILO member States to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The establishment of national tripartite procedures dealing with ILO matters would undoubtedly result in an increase in ratification of ILO Conventions and would probably also improve the situation with respect to failure to submit reports to the ILO or ILO instruments to national parliaments or even with respect to the number of violations of ratified Conventions. I hope that in this anniversary year, governments will give special attention to the prospects of ratifying this Convention No. 144.

We, as workers, are not opposed to revising ILO standards that have become obsolete. On the contrary, it is in our interest to have some ILO standards updated. Decisions have already been taken by the Governing Body on a regular revision of ILO standards. It is, however, necessary to establish mutual trust between the constituents of the ILO and it is essential that governments and employers clearly state that the purpose of revising standards is not to weaken the protection of workers or to abandon the basic aim of this Organization, which is to promote social justice and social progress.

Mr. TAN *(Employers' delegate, Philippines)* – On behalf of my colleagues may I extend our warmest congratulations to the President on his election and also to the Vice-Presidents, one of whom, Mr. Mendoza, is a dear countryman of ours whose election makes us justly proud. I am certain the President will direct this historic Conference with distinction and lead it to a successful conclusion.

We are celebrating this year the 75th anniversary of the International Labour Organization by, according to the Director-General, defending values and promoting change. It will be a time for remembrance and resolution as we recall the work of the ILO and judge for ourselves whether it has bridged the gap between the promise and the fulfilment of its mandate in the last 75 years.

Since the birth of the Organization in 1919, the world has changed dramatically. A few years ago, the collapse of Communism brought an end to the bipolar world. As a consequence, the confrontation of yesterday, even in this very hall, is giving way to consensus, and the dogmas of an earlier time are yielding to dialogue and discussion. We are realizing that the international rules of conduct we forged for ourselves were not written in bronze and they must be made to respond to the changing times.

Faced with the fundamental economic and political changes affecting the civilized world, the thought-provoking summons of the Director-General to review the role of the ILO is as compelling as it is provocative. We are called upon to look at how far the ILO has gone and how much it has done to achieve the ends of social justice. As envisioned in its mandate, this was to be secured not by coercion but by moral persuasion and certainly not by governments and workers alone but by employers as well.

In this context, the ideas brought forth in the Report deserve our serious consideration, especially the function of the ILO in standard setting and the values the Organization seeks to nurture through Conventions and Recommendations. We share the view that the ILO should soften the rigidity of its prescriptions if it wishes to gain wider acceptance of the norms of conduct it proposes to adopt for workers and employers. It should allow for flexibility in measuring the reasonableness of terms and conditions of employment commensurate to one's level of economic development.

In a sense, an organization as venerable as the ILO can become the victim of its own devices. Wizened by time, this great institution may wake up to the reality that it may have "exhausted" its capacity for social engineering. Yet the number of Conventions, Recommendations and other documents of transcendental importance do not necessarily reflect the collective virtues of mankind. It is not far-fetched to suppose that if all the Conventions and Recommendations were to be encapsulated in one parchment, how much simpler it would have been to adopt the beatitudes of ancient times.

We must then review not only the standards set by the Organization, but also the method of setting them. In the process, it is but fair to permit the critical concerns of fledgling economies to override the constraints of international standards. Poor nations and destitute peoples should not be condemned as violators of inflexible rules just because they cannot cope with the lifestyle of the rich and famous.

We need only to remind ourselves that the rate of ratification of Conventions has stagnated over the years. This should not surprise us. Rather, we must avoid the temptation of legislating for every conceivable activity in the world of work. If the instruments themselves, no matter how altruistic their purposes may be, become an obstacle to growth and prosperity, they do not deserve much of the value the more prosperous communities place upon them.

Good intentions alone cannot enhance the well-being of the workers. They must have jobs first to appreciate the comfort of social protection, the balm of occupational health and safety, and the rewards of honest toil shielded from the ravages of economic uncertainties.

Towards this end, the ILO should ride on the globalization of the economy. The shift to free enterprise in many areas of the world presents the constituents of the Organization with enough reason to shape it as an agent: to create jobs – not merely to protect existing ones; to promote entrepreneurship – not merely to train workers to support it; to facilitate the free flow of technology, goods, services and capital – not to stifle it with the weight of unenforceable standards.

As we approach a new phase in the life of the Organization, we must not forget that it exists to serve us, not we to serve it. Its relevance must be measured not by the code of rules it forges on the anvil of rhetoric, but by how much human dignity has been enhanced since the ILO was born three generations ago. On this score, the social partners may differ in their perception. But one thing is undisputed: the most vicious threat to the dignity of man is unemployment and it is a problem that both developing and industrialized countries are facing today.

In response to this threat, the social conscience of the ILO should be challenged to achieve the ideal of maximum employment. It must endeavour to accord every person the opportunity to obtain gainful work. It should induce the enterprises to open their gates to as many workers as can be absorbed by the demands of productivity and economies of scale. But even as it pursues all these, we should remind ourselves that there is no right to a job because the world owes no one a means of livelihood. The right to work, if such is to be recognized, simply means the right to offer one's services in a free labour market, not the right to be hired without conditions.

We should, therefore, appreciate the distinction between rights and opportunities. Over the years, the ILO has largely championed the cause of labour for reasons we all can accept, given the environment of sweatshops and exploitation of labour that assaulted the sensibilities of mankind at the time. We too remember these, even as we say that it is also the duty of the ILO to keep the establishment viable and profitable. The right to work, if it is to be meaningful, must likewise ensure the right of an entrepreneur to a fair return on his investment and to industrial peace.

To achieve this balance is, without doubt, the burden and the glory of this Organization. As it stands today at the crossroads of its existence, the ILO must look at the world not as a dilapidated factory but as a forbidding terrain crammed with the hopes and aspirations of jobless millions. It must prepare for this new challenge with renewed vision and vitality, unhampered by misplaced priorities and orthodoxies of the past, and guided only by the timeless Declaration of Philadelphia that "poverty anywhere constitutes a danger to prosperity everywhere". With this as its guiding light, our warm wishes go with it as it begins another chapter of a life well-lived in the service of humanity.

Mr. LAURIN *(Employers' adviser, Sweden)* – Change is the only certainty in today's enterprises and it should also be a key word – it partly is, I think, for this Conference. There are four general tendencies among companies that can be seen: focusing on the core activity of each company; decentralization and fewer levels of decision-making; higher demands for competence and continuous learning at work; a new view and a new attitude towards the advantages of scale in production.

I will not try to analyse these elements here, but it is quite evident that the combination of these tendencies will result in dramatic changes for the labour market – changes that are only beginning to emerge. This may be considered bad or good, but it is my firm belief that such changes are necessary conditions for productive employment to be maintained, and, even more, to increase, in the "old" industrialized countries.

A consequence of this development is that the traditional antagonism between work and capital is disappearing. The old Tayloristic view that workers are interchangeable cogs in the machinery, permanently subordinated to the employer, is clearly a thing of the past.

Today's workers are individuals, each with a unique competence. The enterprise must assemble an optimal combination of the competence as well as the number of workers it needs in order to be competitive. The relationship between these providers of competence and the employer cannot any longer be based on the almost family-like relation that has been a characteristic of contracts of employment in the past. The new relationship is one of equality, not of subordination with a need to protect the weaker party. The starting point is rather a contract of what is to be performed and what is to be delivered.

In many modern enterprises, particularly those with a high demand for knowledge such as technology, finance and the media, to mention but a few branches, there are already examples when today's very complex rules of the labour market hinder this necessary adaptation. It has become necessary to try to circumvent obsolete rules and create more suitable forms of contract. And these efforts are done on a basis of consensus between those who pay to get the work done and those who carry out the work and thus deliver the product paid for.

I have tried in this way to show that the distinction between an employer and a customer becomes less and less clear, and it must be possible and permitted for the contracting parties to arrange their relations also on other mutually acceptable terms than that of old-style employment relations. It is this win-win relationship between parties freely agreeing on a contract that is the characteristic of a well-functioning market.

The ILO could play an important part in this development towards more flexible ways of finding contracts and rules to fit the changing and more diverse needs of the workers-producers and the employers-customers that I have outlined here. But the Director-General's Report takes a different view of tomorrow's working life. New developments of the kind mentioned are only described in terms of risks and threats instead of as a challenge and inspiration to find new and more flexible solutions.

In particular, the ILO standard-setting machinery today is not very helpful and rather counterproductive. One reason for that is that the ILO system of rules is based on an obsolete view of the employer-employee relationship. This is something many industrial countries learn with dismay, when they try to change their national systems and rules to be better adapted to today's problems and find that their hands are tied by ILO Conventions, often made and ratified several decades ago, in a completely different context.

Ideas in this Report, and elsewhere, to go one step further and use these Conventions for social clauses in trade make them even more worrying. Such a course of action would in all probability complicate the standard-setting machinery even further, if not downright paralyse it. In my view, free trade is the only viable way to achieve increased and more evenly spread wealth.

There is a very evident need for fundamental reforms of the ILO, as has been spelled out, together with concrete proposals for such changes by the International Organization of Employers (IOE). These proposals have been made in a spirit of cooperation and stem from a genuine concern and wish to secure that the ILO is a relevant organization both today and tomorrow. Each separate proposal may seem rather modest, but put together, they might however be the very first step to make the ILO a valuable and credible actor in relation to all three parties that are its customers.

But I fear I see little of these proposals in the Director-General's Report. I have had the privilege to be able to spell out my own proposals and thoughts for the future more in detail than the Director-General, in view of the 75 years jubilee, in the anthology called *Visions of the future of social justice*. In that article I make a plea for an ILO that is relevant and useful for all three constituents. The ILO must especially become more useful to the employers if their interest in contributing ideas and resources is to be upheld also in the future. Not least my own organization's past record prove our genuine will to do so, provided that we see the relevance and usefulness to our member companies.

I shall not repeat all my arguments here, they can be read in the article. But under the heading "A new business plan for the ILO", from my background in the packing business, I summarize what I think is needed for the ILO in order to regain its credibility and play a constructive role in the future in the following way. The ILO activities should: be demand drive, not supply drive; capitalize on member experience in order to become a data bank for labour market issues; emphasize support, technical cooperation and education; and last but not least, scrutinize its Convention maze, refrain from detailed Conventions and analyse existing Conventions for deregulation and updating.

To conclude, let me go back to the beginning of this intervention and underline that to an enterprise, it is of vital importance to adapt itself constantly to new and changing circumstances and a changing world situation. Those who ignore what the customer wants to buy do not survive. Also, the public services in many countries now try to orient themselves more toward what is perceived as customer needs. What would be more natural than if the ILO were also to take this same attitude, for instance, when considering new Conventions. Only by having Conventions which can and will be ratified by a great majority of the member States can the ILO standard-setting activity be considered to be customer-oriented.

It is my firm hope that the Director-General will not only listen to the proposals put forward in this debate, but also implement them. If he does, he could be directing an organization well equipped to assume the new challenges that we are going to face in the working life of tomorrow.

Original Spanish: Mrs. VILCHES ARRIBAS *(Workers' delegate, Spain)* – First of all, I would like to congratulate the President on his election, which no doubt will benefit the developments which will take place at this session of the Conference.

The celebration of the 75th anniversary of the Organization in itself justifies an examination of the role played by the ILO in the world and an analysis of future perspectives. The profound changes which have taken place and which are taking place in the world now and over the last few years not only justify but demand that there be an examination and assessment of what has happened and, particularly, that we draw up a programme for the future. The Report of the Director-General is the first contribution to that task and I think it places the debate in the proper context.

Trying to identify these transformations immersing us reveals the fact that we agree with the Director-General in the way he characterizes the situation: disappearance of the communist bloc, globalization of the economy and the exacerbation of social problems. Together with these issues that characterize this moment in history, we can see that now although the polarization of the East and the West has disappeared, there still is a deep chasm dividing the rich North from the poor South. Although the composition of the working class is undergoing constant transformation, workers continue to have specific interests whose defence is entrusted to trade union representatives. We see in a number of countries the shortsighted claims made by a certain number of ideologists wishing to weaken or even to eliminate the trade unions. This is a very dangerous position particularly for those sorcerers' apprentices who make these claims, because they would have to bear the obvious repercussions resulting from an absence of trade unions. The workers will always defend their interests and will always find ways and means to do so.

Common sense tells us that the greater the degree of globalization of the economy, the greater is the importance of international organizations such as the ILO particularly at a time when social inequalities are growing.

As regards the standards of the ILO, we are continually faced with the following alternative: either the provisions are made more flexible so that they can be adopted by the majority of member States, in which case the Conventions would lost their efficiency; or they keep their content and remain strict obligations, in which case there is the risk of ratification by a smaller number of countries. This alternative is not as real as it might appear at first sight. It suffices to glance at the records of the Conference Committee on the Application of Standards to see that a failure to ratify an instrument is often the result of a lack of means to fulfil the provisions implied by ratification, which makes technical cooperation particularly important or, in simple terms, there are a few significant examples of where Conventions are not ratified so that States can avoid having to be investigated.

We are not in favour of eroding the substance of the standards of the ILO. This would presuppose a reduction of the role played by this Organization and would lead us to call into question its very existence. And what would be worse would be that it would lead to a drastic reduction of the rights of the working population.

There is a certain sector calling for greater flexibility and deregulation in sacred areas such as competitivity, bowing down to modernity and sacrificing everything to it. One has the impression sometimes that one could apply in certain cases what the muse of history said to the Spanish people at the end of the nineteenth century, in the words of Pérez Galdós:

"Your governors are creators of myths, and showing them to the people, they walk blindly without knowing what they want or where they are going".

In Spain, both the Government and the employers have embraced with a faith worthy of a greater cause the old myths of deregulation, flexibility and competitivity, and on the altar they have sacrificed realities such as stability in employment for the most vulnerable groups, namely women and children, facilitated the dismissal of older workers and the majority of workers, both men and women, are seeing their rights eroded.

On 23 May 1991 a reform of social legislation in Spain was published which encourages and makes it cheaper to dismiss workers with fixed-term contracts, and extends the grounds for dismissal and debases employment based on "worthless contracts". This means that very often the workers with this kind of contract lost their entitlement to unemployment benefit, and cover for sickness, occupational accidents and retirement. The new regulations covering collective bargaining favour the employers at the expense of the workers, thus abandoning the necessary impartiality and balance.

This reform was not only not negotiated with the trade unions, but only became known to us when the Government, as legally required, submitted it to the Economic and Social Council. Against these measures the working population of Spain held a massive general strike on 27 January, 1994.

All this is taking place in a country such as Spain, where as in the past, the most important and relevant piece of information is how far fixed employment is being destroyed – almost 600,000 fixed-term jobs have been lost since the third quarter of 1992. In the first quarter of 1994 a further 60,000 jobs whose length was not determined have been cut.

At present there are 3,792,800 persons unemployed, corresponding to 24.6 per cent of the population, with women with ten points difference from men at the forefront of unemployment. We continue to hold the record for having double the average unemployment in the European Union.

The seriousness of these figures is not only a question of numbers (a quarter of the economically active population is unemployed) but of time. More than 1,900,000 people have been unemployed for more than one year, and no less than 1,400,000 people have been unemployed for two years. Moreover, there has been a reduction as regards the intensity, scope and duration of protection for the unemployed, which is leading to a reduction in the number of persons who are able to benefit from social protection. Very probably we shall shortly see further erosion of the levels of protection. This analysis cannot be separated and divorced from the situation of many women who in the face of social changes have dependent children, and often little money to live on.

Returning now to the Report of the Director-General, we have stated that we are opposed to deregulation, for the same reasons why our civilization rejects the law of the jungle, and survival of the fittest. We agree that flexibility is necessary as regards the adaptation to standards to social reality. This adaptation or flexibility is so necessary that we do not believe that anyone would oppose it. The question is not whether or not we should have flexibility, but how we can be flexible and to what end. We agree with democratically exercised flexibility, with the participation of all workers, and which prevents enforced adaptation.

In this respect, the ILO has excellent methods of work which are its very essence, and distinguish it from other international organizations. We are referring here particularly to tripartism, which is a guarantee of democracy and efficiency in so far as the foundations of social justice can be laid only if the social actors themselves are involved in finding solutions.

Flexibility should be included as one of the subjects of discussion, and studied in the ILO, and here we would endorse prior discussions at the Conference with a view to identifying the real needs.

As regards the important issue of the social clause in the world markets, we are continuing to support the concept of free trade, and oppose protectionism, but we are also opposed to social dumping, because of the marginalization, deregulation and exploitation it leads to.

We feel that a mere declaration and programme of action adopted on the basis of consensus in the Governing Body of the ILO, would have many inherent limitations. We would, however, be in favour of an international labour Convention which would include incentives for ratification as suggested by the Director-General.

Finally, we would like to express our satisfaction and pleasure at two recent historic events, namely the ending of apartheid in South Africa heralded by the recent elections and the signing of agreements on Gaza and Jericho which we are convinced will help bring about lasting peace in the Middle East. These are important events, but nevertheless do not divest our attention from other issues in the world where there is tremendous suffering of the civilian population, as in the case of Rwanda and the former Yugoslavia, and the new shoots and signs of racism and intolerance at present springing up in parts of Europe.

Original Portuguese: Mr. VAN ZELLER *(Employers' delegate, Portugal)* – First of all, I would like to express my congratulations to the Chairman on his election.

The Report presented by the Director-General at this session of the International Labour Conference concentrates on a series of questions which, in the international context, are indisputably of definite importance. Nevertheless, my statement will deal solely with three issues I consider to be of especial importance.

The first of these questions relates to social justice in the present economic and social context.

Globalization of the economy – a phenomenon which is progressing rapidly, and which the Director-General refers to on pages 12 to 15 of the English version of his Report, raises a set of economic problems which obviously have social repercussions.

It is true that, as the Director-General says, "The liberalization of international trade and capital movements certainly offers reasonable possibilities of worldwide growth, employment creation and poverty alleviation. But there is no guarantee that greater social justice will automatically result from it".

Promoting and developing social justice is one of the ILO's primary objectives, its very *raison d'être*, to use the expression employed by the Director-General in his Report.

In this respect, it is important to emphasize that economic actors in countries with well-developed social protection systems see with concern that many other countries with considerable economic growth rates do not offer their citizens social protection schemes which would be considered satisfactory in global comparisons.

It is therefore our opinion that the ILO should take action to heighten awareness and convince member States about questions raised by these problems.

In this context, the rigorous supervision of the application of international legal instruments is of particular importance.

Indeed, non-implementation of Conventions ratified by member States and, in general, the non-respect of voluntarily accepted standards – a phenomenon all the more undesirable by its common occurrence – are clearly unacceptable and consequently call for reintensified monitoring.

In parallel, and linked with this aspect, I would like to express my concern that, for some years now, the number of Convention ratifications has stagnated. I would also like to state how worried I am that some of the latest Conventions have received very few ratifications at all.

And this leads me to my second question.

This low ratification rate phenomenon is, in my opinion, attributable basically to the texts being too inflexible, detailed and over-demanding.

In the current world crisis, the necessary restructuring and boosting of the economy call for great flexibility. ILO's standards creation efforts should therefore be made bearing this in mind.

I must add that the influence of certain States, including certain European ones, can be highly negative in this respect, when they demand that Conventions and Recommendations contain requirements which may be overly demanding for the less-developed countries, and thus render these instruments impossible to ratify or create a situation in which ratification is followed by non-implementation.

For ethical reasons, at least, these countries should ratify the instruments in question.

I believe it is urgent to prepare a global programme of instrument revision to adapt standards to new economic and social realities and make them more flexible.

Moreover, current practice by which two ratifications are sufficient for an instrument to enter into force, should be modified realistically. The number of required ratifications should be raised as a guarantee that the instrument is reasonable and necessary.

In this context, I would also like to express a point of view which, I think, is shared by employers in general. We should employ Recommendations as autonomous instruments with their own aims and ends rather than as mere back-ups to a Convention, as is currently the case.

I would now like to turn to a question raised by the Director-General in his Report, on the matter of international trade and the social clauses.

In our rapidly and consistently globalizing economy, this problem is a very acute one. The truth is that, as a result of progressive international trade liberalization, certain countries – and I think this is beyond question – which do not abide by certain minimum social conditions, win for themselves a quite considerable economic advantage.

It can, no doubt, be considered that such situations translate into unfair competition. And it is for just this reason that discussion of this issue is increasingly returning to the fore.

Nevertheless, in our view, the ILO cannot play a standard-setting role in this sphere.

The ILO has neither the mission nor the competence to intervene in international trade.

Moreover, its approach is based on the fundamental voluntary nature of the obligations assumed by member States.

For this reason, it would be preferable to leave the problem to bodies responsible for international trade.

In any event, dissemination and enhancement of multilateral trade systems are certainly the best way to encourage economic growth in the less-developed countries.

These are three of today's most acute social and economic questions and ones which are a source of concern to my country's employers.

Mr. HAMEED *(Government delegate, Pakistan)* – May I begin by congratulating Mr. Gray on his election as President of this august assembly. I am confident that under his able leadership the deliberations of this Conference would be highly successful. I would also like to extend felicitations to the Vice-Presidents and other Officers of the Conference on their election.

This year the International Labour Conference reminds us of two important events in the history of mankind, the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. During the last 75 years the International Labour Organization has made great strides ahead. Its role in promoting social justice by way of protecting the rights of workers has been most commendable. While we all feel proud of making progress towards achieving the goals that we have set for ourselves, our success must not become a source of complacency. What is needed today is for us to take stock of our achievements and failures, and plan for the future.

The Director-General's Report, which brings to us an in-depth review of our efforts towards achieving our cherished goals, and which reminds us of the principles of the ILO, is an important one. We commend the efforts made in the preparation of this Report and congratulate the Director-General and his staff.

Since the time of the creation of the International Labour Organization there have been enormous changes in the world. The rapid pace of industrialization, the ever-increasing gap between the rich and the poor, and social injustice, both at national and international levels, have created a new global atmosphere. Time has shown that our response to the new situations has been inadequate. Often, there has been a tendency to drift away from our objectives in consideration of political and other interests.

The basic philosophy of the ILO has always been to work as an apolitical organization, propagating respect for all human beings born free and equal, both in dignity and in rights; respect for human labour being the cornerstone of its ideology. These noble ideals are achieved through persuasion on moral grounds and on the basis of consensus. We feel that this is the best method for fulfilling our aims. To change these fundamentals would, in our view, be tantamount to degenerating the ILO's noble cause to mundane levels.

In recent years there has been a wide-scale campaign by certain countries to establish linkages between ILO standards and trade. The creation of such linkages can only further protectionist tendencies. That aside, we feel that the use of trade as a way of securing compliance with labour standards would in effect be counterproductive to the objective of promoting social justice as it would impede the process of growth and development, and hence social change. Equally, proposals to divide ILO standards into so-called core and non-core standards will destroy the unity and integrity of these standards. In our opinion, this policy would ultimately be detrimental to the cause of workers all around the globe, especially in the developing countries.

The Constitution of the Islamic Republic of Pakistan provides guarantees of the fundamental rights of democracy, freedom, equality, tolerance and social justice. Commitment to these objectives attempts to attain nationally and internationally the goals of human well-being and collective prosperity with justice for all. With these goals and principles, Pakistan shares its role and character with the ILO. Pakistan will remain firm in its convictions to observe internationally recognized workers' rights, through progressive legislative actions and the setting up of an institutional administration.

In this regard, I would like to draw your attention to the manifesto of the Government of Prime Minister Benazir Bhutto, which lays emphasis on taking measures to protect workers' rights in the light of ILO policies. To redeem its pledge, the Government is determined to take steps with far-reaching consequences, and has systematically taken in hand the gigantic task of restructuring labour legislation. Two task forces were constituted for this purpose. The first task force, which was mandated to study the evolution of a progressive scheme of social security and welfare measures, has already submitted its report. The other task force, which was mandated to examine a wide range of subjects concerning workers' rights, is also expected to complete its work shortly. The collective objective of both these task forces is to propose progressive measures for a balanced industrial relations system with further protection for workers, so as to enable Pakistan to meet the objective of its constitutional commitment.

Over the last few years, Pakistan has been subjected to tirades on account of child labour. We in Pakistan would like the critics to adopt a more rational approach on this issue. The problem of child labour needs to be correctly understood in the context of the socio-economic environment of the country. For those who wish to understand, the reasons are very simple. In a household living in abject poverty, the parents can hardly provide food for their children. Often, if not involved in productive and constructive activities, these children become victims of adolescent delinquencies. We feel that child labour can only be eradicated completely if the people are given a decent lifestyle. This can only come through sustained economic growth.

For its part, the Government of Pakistan is committed to take every possible step to eliminate this problem from the country. Progressive laws have been enacted in this regard and efforts are also being made to strengthen the implementation mechanism of these laws. I would also like to inform the Conference that Pakistan has decided to sign a Memorandum of Understanding with the ILO to launch a comprehensive programme for the gradual elimination of child labour.

While continuing with our commitment for the betterment of our masses, which is in conformity with the ideology of the ILO, I have pleasure in informing the Conference that the Government of Pakistan has decided to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

To mark the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia a commemorative stamp has also been issued.

At a time when we are reaffirming our commitment to protect the rights of workers, irrespective of any other considerations, we must include in our future agenda the importance of helping those who are in desperate need of our support. I am referring here to the workers in the occupied and disputed territories around the world. In the past, my delegation has brought to the knowledge of the Conference the situation of workers in Indian occupied Kashmir where the civil, political, social, cultural and economic rights of workers are being massively violated. Forced displacement of labour, in contravention of ILO Conventions, and arbitrary arrest and torture have seriously hampered the economic conditions of workers in Indian occupied Kashmir. This is being done under the spurious argument of cross-border terrorism, while at the same time refusing international monitoring or fact-finding.

Instances of gross violation of human rights continue to occur also in other parts of the world, specifically in Bosnia and the occupied Arab territories. The acts of barbarism perpetuated upon the people of Bosnia, including a large majority of its workforce, are shameful. The ILO also should and must raise its voice on the atrocities committed against the workers of this population.

In conclusion, I would like to reiterate Pakistan's total support of the fundamental right of peoples to self-determination and urge the international community to take immediate steps to protect their basic human rights.

Original Japanese: Mr. ITOH *(Workers' delegate, Japan)* – It is a great honour for me and for the Japanese Trade Union Confederation to participate in this discussion. I would like to extend my wholehearted congratulations to Brother Charles Gray on his election to the presidency of the Conference.

This session of the Conference is a very important one, coinciding as it does with the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. The Director-General has submitted to this anniversary Conference a Report on *Defending values, promoting change*. I would like to pay tribute to the Director-General for his Report.

I would like to raise two points as my contribution to the discussion on the Director-General's Report.

The first point is about tripartism. Tripartism is the most important characteristic of the ILO. If its potential is used to the full, the ILO will certainly contribute to eradicating poverty in the world and promoting human and trade union rights for workers. The Director-General insisted on the need to strengthen the influence of the ILO among the United Nations family and he pointed out that the best way to strengthen that influence is to make others understand that tripartism is not only an indispensable element of democracy but also the most effective means of responding to the drastic changes taking place in the world. I quite agree with him.

In this connection, I would like to point out that the discussions at recent sessions of the Governing and the International Labour Conference, have revealed a tendency for each of the tripartite constituents to insist on its own position, thus making it difficult to arrive at fruitful results for workers, a tendency about which the Director-General has expressed some concern.

For example, with regard to the adoption of international labour standards, which is a very important ILO role, workers argued for the adoption of new Conventions, while governments and employers argued that the promotion and revision of existing Conventions are a more effective way if attaining the objectives of the ILO. As a result, a new technical item for the 1995 Session of the International Labour Conference was not selected.

As a Workers' delegate, I think that the workers' side should also be ready to listen to the arguments of employers and governments and vice versa, since the most important thing is to achieve the objectives of the ILO step by step, through tripartite discussion.

To achieve this, I think it is important for the Director-General to improve the capacity and quality of the International Labour Office and to give good advice to the Governing Body. On the other hand, all the representatives of the tripartite constituents should fully respect the importance of tripartism, which is a unique characteristic of the ILO.

We must always bear in mind that democracy guarantees freedom of speech, but true democracy should make possible a positive consensus through discussion. Governments, workers, employers and the International Labour Office should be fully aware of their roles and execute their own tasks with a full sense of duty and responsibility.

The second problem I would like to discuss is about employment creation. The Director-General expressed very serious concern about this issue. I am also aware of how difficult it is to create high quality employment under present world circumstances amid the turmoil of structural changes.

In order to create employment, I think there are three tasks that the ILO should address. The first would involve making a strong request to the World Bank, the IMF and other similar institutions not to apply stereotyped financial and budgetary policies to all developing and least developed countries. A clear message should be addressed to these institutions that drastic change does not lead to economic growth with employment creation. On the contrary, it introduces confusion into the economy of a country with a negative effect on employment.

The second issue is related to double standards, which are being widely discussed within the ILO. Fair competition in world trade means that all countries should apply ILO standards related to the social clause.

But there are many least developed countries unable to find a way to develop and many developing countries experiencing difficulties. The application of the same working conditions to workers in both developing and industrialized countries is not conducive to development and welfare in developing countries. For least developed and developing countries the most important priority should be guaranteeing employment for workers and people in general. Thereafter the problem is one of guaranteeing good quality employment. In order to improve the quality of employment, it is necessary to improve productivity, and employers should not monopolize the benefit of higher productivity but fairly distribute it among workers. And the government should endeavour, in close cooperation with employers and workers, to achieve gradual improvements in the social clause.

I would like to say a few words here in the light of our experience in Japan. We believe that enterprises, before laying off employees, should make serious efforts, involving close consultation between management and unions, to retrain employees and redeploy them within the enterprise in order to maintain the current level of employment. The government and trade unions should strongly support these efforts of enterprises. We must establish a social awareness that the dismissal of workers is an expression of the failure and incompetence of management and a disgrace for the enterprise. When enterprises are obliged to dismiss employees, they should make a serious effort to find jobs for the dismissed workers.

I am against double standards. Trade unions in industrialized countries should understand the importance of employment creation and improvement of the quality of employment in developing countries, and this can be achieved only through gradual efforts on our part. The improvement of productivity is a necessary and sufficient precondition for the creation and improvement of the quality of employment.

Another crucial issue is how to create a situation in which trade unions can negotiate a fair distribution of the benefits achieved through higher productivity on a equal footing with employers and governments. In order to create this situation, I fully support incorporation of the social clause in a World Trade Organization agreement.

The third task is development of the ILO's technical cooperation, a field in which there are many areas of and in which our efforts need to be upgraded. I should like to mention in this connection the importance of educational activities.

I think that the ILO should fully execute its mandates in these three areas.

Finally, I would like to join others in celebrating, from the bottom of my heart, the birth of the democratic Government in South Africa. I would like to congratulate the ILO on the important role it has played to this end, and I hope that the ILO makes further efforts to promote a final solution of the Israeli and Palestinian issue.

(Mr. Mendoza takes the Chair.)

Mr. MALLIA-MILANES *(Employers' delegate, Malta)* – On behalf of my Employers' delegation, I would like to congratulate the President on his election to steer the deliberations of this Conference.

I should also like to congratulate the Director-General for the excellent Report, marking the 75th anniversary of the ILO, which he has presented to the Conference. The Report takes stock of what our Organization has done over the 75 years of its existence and the world of work, and places its achievement as a solid foundation on which to construct appropriate responses to the challenges of a changing world.

Rightly so, for the Director-General believes that the social justice remains central to the ILO's *raison d'être*. Over the years the ILO has contributed significantly to world peace by promoting social justice, and its tripartite structure has stood the test of time in promoting a continuous dialogue and cooperation with member States and with employers' and workers' organizations. The world has realized that effective and lasting solutions can best be achieved through dialogue and not through confrontation and social divisions.

Celebrating a 75th anniversary can be an achievement in more ways than one; but to my mind the most positive aspect of this celebration is that our Organization is well equipped and oriented to tackle future challenges as they arise.

For instance, the globalization of the economy has highlighted the link between free trade, as exemplified in the Marrakesh agreement on GATT, and international labour standards. To what extent is it still feasible to establish regulatory machinery at international level without discriminating against those countries which, owing to their lack of development, are unable to subscribe to labour standards taken for granted in developed States? There is no doubt that the link between international labour standards and trade practices has never been so relevant as it is today. The integration of national economies into a global system has made differences and inequalities more apparent.

The Director-General casts light on several inequalities that unfortunately exist between States and within States. New forms of poverty in the industrialized countries are creating social marginalization. Past hopes of promoting economic development of the Third World and reducing inequalities have, with some notable exceptions, been disappointed.

Employers have for long been insisting that meeting the demand for employment deserves fundamental priority. The Director-General refers to it as among the values of the ILO, but for us employers it is the practical approach to the employment challenge that is important. We must promote a business-friendly environment which favours the creation of productive employment. Only an economy in which such conditions exist and are actively fostered can the fight against poverty and social exclusion make tangible headway. Experience has shown that the free market is the only system which guarantees this objective in the long term. In this context, my delegation notes with regret that the Report of the Director-General omits any reference to the values of the enterprise. These values constitute the basic philosophy of one of the three partners making up the ILO. Tripartism implies taking into full account the values of each of the three parties involved in such dialogue. The role of private enterprise deserved a prominent place in the Director-General's Report. Any omission to this can only undermine a constructive debate on future challenges.

It comes as no surprise that emphasis is placed on the question of standards in the Report. The Director-General shares the employers' concern that Conventions are being increasingly less ratified and applied. Perhaps the time has come to look into this disquieting situation deeply and objectively. Is it wise today to devote so much time and other resources on continuing to build up an increasingly voluminous labour code? Should we not be concentrating rather on the revision and wider application of existing standards? In most countries the trend is towards less regulation in order to leave more room for individual initiative and for negotiation. It is increasingly acknowledged that national standards must concentrate on what is essential and not get bogged down in unnecessary detail. This is even more true of instruments intended for international application.

Those ILO Conventions, and they are not few, which only enjoy limited ratification should be examined afresh, in the light of difficulties actually encountered, with a view to providing greater flexibility and making them more acceptable to more member States.

Excessive regulation is increasingly seen as a brake on economic development and, as a consequence, on social progress.

To my mind standards should be drafted in such a way that they can be ratified and applied by all member States. A comprehensive study should be carried out allowing for global reform. We should also look into the possibility of separating Conventions from Recommendations. The two do not necessarily have to go together. Each of them has its own merits if adopted separately.

We cannot continue drawing up more and more Conventions when the new world order requires of us that we fight poverty by means of a balanced increase in national wealth and the development of productive employment. To attain this we need to have a climate of freedom and flexibility that promotes the entrepreneurial spirit, the market economy and the development of human resources.

We, as employers, would like to see: a clear and accurate definition of the ILO's priorities and fundamental objectives; a re-evaluation of the ILO's means of action; a new orientation for the role of the Governing Body in determining policy; a reform of its decision-making and regional structures; and a policy to promote the ILO's image.

For instance, the Report refers to the establishment of multidisciplinary teams in the different regions and the strengthening of area offices. This is a positive approach. But questions have been raised regarding the possible negative effect of such decentralization on the quality of remaining services available from headquarters. This is especially important for those developing countries, like mine, which do not have an area office and which belong to a region (in our case Europe) whose level of development is such as to preclude regional assistance projects from which we can benefit. Consequently, our only avenue for technical assistance appears to be directly from headquarters. On the other hand, it should not prove impossible for the geographical zones covered by the proposed multidisciplinary teams to be flexible enough so as to provide for our requirements.

Government and Workers' representatives should give serious consideration to these proposals and we look forward to their own contributions to this debate.

We believe the time is ripe for the Conference to provide the framework for a serious debate on these issues. The world is relying on us to give the International Labour Organization a new sense of purpose and mission on its 75th anniversary.

Original Spanish: Mr. LUNA-ROJAS *(Workers' delegate, Peru)* – This year when we are celebrating the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, the Peruvian workers would like to make an appeal to the ILO that it devote itself with greater impetus and dynamism to its task of protecting and promoting the rights and conditions of work of workers throughout the world.

At this time social justice continues to be a primary demand, particularly in developing countries and those where totalitarianism and the absence of democracy are still a fact.

For this reason we must avoid the weakening of the ILO at all costs. On the contrary, we would like to see a strengthening and extension of its influence and activities in order to contribute to creating a world in which we are able to eradicate poverty, expand protection granted to workers and create the necessary jobs for millions of unemployed and underemployed workers. Without a doubt the ILO, which personifies the ideal of social justice, can help us in a significant manner in achieving these aims.

The lack of implementation of international Conventions by the Peruvian Government has been noted by the various supervisory bodies of the ILO. This can be seen in the statement of the Committee on Freedom of Association in November 1993, which was adopted by the Governing Body, and the report of the Committee of Experts on the Application of Conventions and Recommendations, which was submitted to this International Labour Conference.

Indeed, we find ourselves in the regrettable position of being obliged to denounce the main aspects of the anti-labour policy which the present Peruvian Government is applying against workers in my country. We wish to call attention to the fact that the majority of these measures have been handed down during the Government of President Fujimori, which dissolved the Congress of the Republic, with intervention by the judiciary, and the Court of Constitutional Guarantees was closed.

Taking advantage of this murky situation, Peruvian employers joined together to form a "tripartite" body – the Government, the army and the entrepreneurs – in order to introduce modifications to the Peruvian Constitution and laws with a view to creating greater "flexibility" of the labour market. Thus have the constitutional status of ILO standards and the main international human rights agreements been annulled.

No. 25593 was consequently passed, which introduced a series of obstacles to the exercise of trade union rights: the need to have a large number of members before a trade union can be created; the possibility of administratively dismantling trade unions, making it difficult to unionize workers who are undergoing a trial period, one year of seniority required in order to be an executive, and the prohibition of trade unions from participating in political matters. This decree also undermines the right to free and collective bargaining by making it necessary every year to "review" every collective agreement existing in 1992. In addition, for the first time in Peru the "expirationäof collective agreements after one year in force has been established, tantamount to the elimination of all rights under the agreements. This means that all the benefits stemming from the agreements must now be renegotiated every year for them to remain in force. Nevertheless, if workers opt to strike, this law enables the Government to hand down a resolution ordering a halt to the strike, that workers return immediately to their jobs, and that the trade union petition be settled by the Ministry of Labour. In addition, decisions must be taken by a simple majority of workers, including those who are unionized.

Elsewhere, Legislative Decree No. 728 has established the "expiry" after 30 days of any wage claims, or any claims for non-compliance with legal or agreement standards. This means that if a worker has not received his wages for April and does not submit a written demand by the end of May, then in June he can make no claim for payment.

Moreover, Legislative Decree No. 25921 gives employers the unrestricted right to modify substantially the work schedule, shifts, days and hours of work, and to modify, suspend or substitute financial benefits and conditions of work and to suspend labour negotiations temporarily. There is a procedure for this standard whereby the employer presents a request to the Ministry of Labour, which is automatically approved if the Ministry does not rule on the matter within two weeks.

Legislative Decree No. 728 among other negative aspects, has established the so-called "dismissal for operational necessity" by which five per cent of personnel may be dismissed annually and replaced by others. This is leading to the dismissal of dozens of trade union leaders since they have no special protection despite the position they may hold.

The Government has also created a system of private pensions and administrators of private pension funds, after implementing a policy intended to destroy the system of pensions administered by the Peruvian Social Security Institute, leaving hundreds of thousands of pensioners empty-handed, paying them pensions of around US$40 per month at best. Thus the worst swindle in our history has been perpetrated whereby after persons have had contributions regularly withheld for the pension funds all their life, they retire and find that the rules have been changed, they have been dropped by social security and the State is now responsible for paying their meagre pensions. There are no guarantees nor regulatory standards. A Provisional Standardization Bureau has been created, though there is no tripartite representation, which is to be administered by the State.

On the other hand, Legislative Decree No. 26279 created a committee for drafting a general law on labour and labour procedures within a period of 90 days. This period expired in April without a single article having been adopted. Here is evidence of the Government's lack of political will to have the committee carry out its duties. Instead, it is nothing but a ploy to fool ILO supervisory bodies by informing them that laws are being revamped with participation by workers.

Peruvian trade union organizations have been taking part in committee activities because we do have the right to make certain proposals and to agree with decisions; however, we wish to inform this Conference that we are withdrawing since the Government has shown that it has no interest in reforming labour legislation. This situation does not bode well for Peruvian workers if we comply with the letter of intent signed with the International Monetary Fund this year, which involves a commitment to render labour legislation even more flexible.

The serious violations of the freedom to organize, the right to strike and to collective bargaining which are being experienced by the workers of Peru have been duly noted by the ILO's supervisory bodies. They highlight the importance and the necessity of having international organizations such as the ILO and its tripartite backing.

For these reasons, we, the workers of Peru, express our opposition to the proposal made by the Director-General to reduce the role and influence of the ILO. On the contrary, we believe that every effort should be made to seek new forms of supervision to ensure the effective application of Conventions.

And finally, we, the workers of Peru who are members of the Office of Coordination for Peruvian Trade Union Organizations, believe that the ILO should not shirk its role and responsibility to participate in and support the GATT social clause, because the competence of the ILO in drawing up and supervising the application of International Labour Standards obliges it to participate in creating a social clause. If it were not to do so, it would be showing disregard for the fundamental principles of the ILO and the Declaration of Philadelphia.

Ms. AERENLUND *(Workers' delegate, Denmark)* – Let me start by expressing my satisfaction that, at this session of the Conference, Denmark is represented by female delegates both from the Government and from the employers' and workers' side. I hope that others have noticed this also, and that next year we may well be able to see more happy colours among all the grey, or in other words, the delegations will have a larger representation by the many competent women in the organizations and governments.

Let me thereafter go on to the Director-General's Report, thanking him for the many proposals he has tabled for debate, of which a number can be supported by my organization, whereas there are others which we would prefer not to have realised, for example the soft law approach. In the following I will primarily take up the ILO's role on the international stage in relation to the World Bank, the IMF, GATT/WTO and the Social Summit in Copenhagen.

The common basis for our discussion is the information contained in the Report of the Director-General, where the harsh realities of the world are illustrated by mass unemployment and abject poverty. Almost a third – i.e. 900 million people – of the world's population potentially able to work are either unemployed or underemployed. And since poverty is closely linked to unemployment, the number of people living below the poverty line has increased dramatically in recent years. At the global level we are talking of more than 50 per cent of the world's population.

A social bomb is ticking under the world society and this bomb must be defused before it explodes.

But we do have the instruments needed to defuse it, namely first and foremost the World Bank, the IMF, the future World Trade Organization, the Social Summit in Copenhagen in March 1995, and of course the ILO. All provided that the political will to do so is present and that it embodies sufficient financial contributions.

First I would like to say a little bit about the Bretton Woods institutions.

Last year I was among the few delegates who took up the question of the structural rationalization programmes and spoke in favour of a more visible role of the ILO vis-a-vis the IMF and the World Bank. I have to admit that I felt somewhat lonely in that company.

This year, however, I am very pleased that the Director-General himself has taken up this question in his Report and linked it to the question as to whether the ILO member States want the organization to play a greater role on the international stage. The background for this question is partly the necessity of a linkage between the economy and the social dimension in order to solve the global crisis, particularly as it is based on the realization that the ILO is still far from being accepted as an important actor on the international stage. The Director-General expresses it this way "The ILO has little influence on the deliberations and policy decisions of the institutions which play an increasingly important role in the management of the world economy and whose influence is bound to grow still further, with the growing trend towards the globalization of trade and the closer interdependence of national economies."

My reply as to whether the ILO should play a greater role on the international stage continues to be a clear "yes"! The ILO must make itself visible and assume a distinct social role in relation to the World Bank and the IMF among others.

Mr. Camdessus, Managing Director of the International Monetary Fund, has demanded a strengthening of the "social cornerstone" in order to add a fully-developed human dimension to a new international cooperation system on macroeconomic reforms. These are nice words indeed. But nothing has happened.

Just before leaving for Geneva I checked with the Nordic office under the World Bank whether there were any signs of the rhetoric from the World Bank and the IMF having been translated into practice, and I received the reply that it had not. Reality continues to be the so-called "shock therapy" without the accompanying waiving of debt so crucial to many countries' survival as independent nations. And contrary to the image which the metaphor "shock therapy" suggests, namely a brief, but pronounced shock which leads to a rapid, though painful solution to the problems – dramatic price increases, liberalization of trade, devaluations and privatizations cannot bring about fast results. It has therefore turned out that the "shock therapy" has not worked in practice.

This is abundantly illustrated by the crisis figures on unemployment and poverty in the Report of the Director-General and in the comprehensive documentation following from other reports published by, for example, the ILO, UNICEF and the British relief organization OXFAM.

Given that the IMF and the World Bank are, in practice, far from realizing their own ideas of linking the social dimension to the economy, the ILO must not only offer, but demand, active participation, and make this publicly known.

In this respect, I support the Director-General's proposals concerning the gaining of influence on the world society through analysis of the impact of economic developments on the labour market and the social consequences thereof – and, in this connection, to create alternative social policies as discussed in the ILO Governing Body. I would even say that it is high time!

From the programmes on structural rationalization, I go on to the social clause in relation to the global economy and trade agreements. Also here the Director-General poses the question whether the ILO should take part in this debate. And once again my reply is an unconditional "yes".

The Director-General himself is somewhat uncertain concerning his attitude to the question – maybe because the necessary mandate is lacking – and he ends up in a complicated kind of ambiguity. But fortunately this is already history. In the ILO's paper "Towards full employment" for the informal tripartite meeting on ministerial level on Friday 10 June, the ILO's attitude is clear. A social clause, centred around universally recognized labour standards, will contribute to protecting the most vulnerable workers in the world economy against exploitation. And the clause is linked to the GATT agreements. This I welcome as a positive development on which I would like to congratulate the ILO. And the ILO is not alone. The spokesman of the European Union at the GATT meeting in Marrakesh in April, Sir Leon Brittan, said in his intervention that the social question cannot remain a taboo among the parties in the world economy. The WTO must actively involve itself in the question, in cooperation with the ILO and take up subjects such as child labour, forced labour, freedom of association, etc., which are close to the social clause advocated by the Workers' group and which have already been presented by Charles Gray and William Brett. Of course, there must be no double standards and of course the developing countries must be sure of their right to exploit their own comparative advantages and formulate their own policies suitable for their respective economic and social development, without being afraid of protectionist exploitation on the part of the industrialized countries. But this is a question of negotiation which could be solved with the ILO's tripartite assistance.

From this I go on to the Social Summit in Copenhagen where the key themes, as you all know, are the combating of unemployment and poverty, and the integration of the vulnerable groups in society. At the informal meeting on the Social Summit last Friday, I noted that out of the 108 ministers present, only one or two spoke against the proposal by the Director-General on the social clause. And in the Employers' group there was no agreement on opposition to the ILO's position. Seen in the right perspective, I therefore see a unique opportunity for the ILO to play a leading role at the Social Summit and especially in the follow-up to the meeting. This brings me back to the question of the ILO's role on the international stage, and I will make my conclusions in the following way: nobody is going to nominate or appoint the ILO to be the social watchdog in a global context. This role the ILO must take on itself, in relation to the World Bank, the IMF, GATT and the WTO. The ILO must seek to achieve this through many channels, including through support from national governments and the social partners. But the strategic breakthrough must take place at the Social Summit in Copenhagen in order for the ILO to be secured a key role in follow-up to this meeting.

The issue at stake is that the ILO should be given the mandate to become a sort of social GATT or WTO, with the objective of creating a competitive climate balanced against universally recognized social standards. It is a question of making the social adjustment programmes more socially acceptable. The IMF, the World Bank and WTO will be present at the World Summit, and the meeting is a good chance for the ILO. I would therefore urge the Director-General to make use of this opportunity in Copenhagen.

In conclusion, I as a Dane have the pleasure of saying to everybody present at this session of the Conference: welcome to Copenhagen, and let us jointly secure the ILO and its tripartite structure a strong role at the Summit itself and, most importantly, in the follow-up thereto. The ILO is our tool. Let us use it.

Original Arabic: Mr. NASR (Employers' adviser, Lebanon) – I should first like to congratulate the Organization on its 75th anniversary and to thank the Director-General on his penetrating and courageous Report that befits this worthy occasion: it is thought-provoking, stimulates the imagination and challenges us all to engage in an in-depth and purposeful discussion of the Organization's future prospects, and of its role, policy and working methods in the service of a changing world replete with challenges: poverty, oppression and underdevelopment.

If the founders of the Organization in 1919 set forth their ideas regarding the aims and means of the ILO in the Constitution and the participants in the Philadelphia Conference evaluated 25 years of work and made their famous Declaration, what is our most fitting response today, 75 years after the foundation and 50 years after the Declaration?

In his Report the Director-General examines a wide range of issues, raising questions to which he expects us to respond. I have selected two topics since I have neither the time nor the specialist knowledge to deal with them all.

The first concerns the "tripartite" structure of the Organization. The Director-General notes the importance of the ILO's unique status among international organizations in that respect and describing it as an historical asset. I shall try to respond to some of the questions that he raises.

Yes, tripartism as we know it from the Constitution and in practice is still a highly effective means of addressing social issues and the move to democracy makes it more essential than ever before.

It is true that informal economic activity has spread to such an extent that it virtually constitutes a separate sector but it is also true that such activity has always existed and that the change, despite its scale, is still one of quantity. Likewise agricultural work: it is nothing new and it is not expanding, but what is new is the growing awareness of its importance and the need to assist its development.

It is true that "tripartism" has existed in its present form for 75 years but it is even more true that it could not have effectively survived without evolving in accordance with the times and circumstances: it had to evolve to accommodate problems relating to the independence of peoples and continents and the efforts of societies to emerge from underdevelopment, to modernize themselves and acquire technology and to make quantitative leaps forward in economic development and social liberation.

The development in employers' organizations and trade unions has had a positive impact on their role in the ILO, the International Labour Conference, the Governing Body, the industrial committees and other meetings. If the International Labour Office is more concerned today than in the past to include all groups in society among its activities, this development must be based on "tripartism", whose usefulness has withstood the passage of time. And if the demands of socioeconomic development have made it necessary for the ILO to listen to the views of wider sectors of society, this must also be achieved through "tripartite" mechanisms, which are the sole means of organizing the representation of the relevant groups so that their positions and needs are taken into account. There is no need for such rash action as forcing the Organization to become involved in the complexities of representative machinery.

The second matter I intend to discuss is technical cooperation. My first criticism of the Report is that it fails to devote a separate chapter to the subject, addressing it instead here and there throughout the different sections so that one almost gets the impression that technical cooperation is not the mainstay of the Organization's work. If we add up the amount of expenditure and staff devoted to technical cooperation, we find that its programmes account for at least half of the activities of the International Labour Office.

The importance of technical cooperation does not consist in its volume alone but also in its aims and impact. For how can the ILO assist in promoting productive employment, in combating underdevelopment and poverty, in protecting workers and their health, and in raising productivity and hence standards of living without human resources who are aware of these aims and trained to achieve them?

It is not enough to set standards aimed at achieving the Organization's goals when we find that many of the standards are not ratified and very many are not implemented. We must also help the social partners, especially in the developing countries, to create the economic conditions and the development structures that make it possible and beneficial to apply the standards. We should not threaten to cut off technical assistance if they fail to apply specific standards.

Multidisciplinary teams are an effective means of ensuring technical cooperation based on exchanges of information and constructive dialogue between the ILO and the social partners and perhaps one of the advantages of this type of dialogue is that it gives the specialist members of the teams the chance to engage in direct consultations, to form an understanding of needs and to provide assistance in accordance with programmes and plans, and in some cases projects, that the central technical administrations and the International Training Centre in Turin can help to implement.

In conclusion, I join others in asking: What is the role of the ILO in tomorrow's world, the world described by the Director-General in his Report and about which he raises a number of questions?

It seems to me that our Organization should continue to play a leading and fundamental role among international organizations for the creation of employment opportunities, the enhancement of human resources and the protection of workers and working conditions, and that it should remain, first and foremost, a protector of freedoms, a prominent defender of the right of all human beings to a free and decent life and to choose their work and occupation.

In order to maintain that position, the Organization needs to do two things: firstly, to provide effective, purposeful and specific support to its tripartite constituents, and, secondly, to adjust its organs and working methods to bring them into line with its new tasks.

Original Arabic: Mr. AL-JASEM (*(Employers' delegate, Kuwait)* – In the name of God, the Merciful, the Compassionate! I should like, first of all, to convey to you all the greetings of the Chamber of Commerce and Industry in Kuwait, which represents the employers in my country. May I also congratulate the President and the Vice-Presidents on their election to steer the deliberations of this Conference and I wish them every success in their task. It is also my pleasure to welcome the Sultanate of Oman, the Republic of South Africa, Tajikistan and Turkmenistan who have just joined the ILO.

When we think back to this 81st Session of the International Labour Conference we will no doubt remember that it was a very special occasion. Indeed, it is being held at a moment in history when developments are shaping its particular character; it is very different from previous sessions. It is also commemorating the 75th anniversary of this noble organization and the 50th anniversary of the Declaration of Philadelphia. It is also the first session to be held since the abolition of apartheid in South Africa, after a long and bitter struggle in which the ILO played a leading role – of which we can be proud.

We are extremely honoured to be participating in this celebration of the 75th anniversary of our organization because its founding marked a decisive turning point in history: it introduced the concept of social justice to the modern world, thus protecting it against dangers which could have had very serious repercussions. Industrial growth and technological progress have had a high social cost and have affected working conditions and industrial relations.

Since its creation, the ILO has clearly defined its philosophy; it has set out to lay the foundations of social peace based on justice and human rights. To attain this objective it has adopted its unique tripartite structure which is a sort of international parliament grouping all the social partners throughout the world. The International Labour Conference and the regional conferences have become forums where the member States of the ILO may meet to settle their differences, smooth out contradictions and try to find joint solutions to problems. These meetings do not encroach upon the rights of workers; neither do they overlook the interests of employers. They rather try to bring both parties together so that they can give voice to the principles and values proclaimed in the Declaration of Philadelphia – the 50th anniversary of which we are commemorating today.

If credit must be given where it is due, I believe that it is the duty of our Conference, at a time when it is recalling the achievements of this Organization over the past 75 years, to express its gratitude to those of previous generations who have helped to build it up and contribute to the greatness of this institution. And I am particularly referring to the three parties who have represented their countries and their organizations and to those who have served the organization's objectives by working at the ILO throughout this period. We are truly grateful to them all.

On behalf of the employers of Kuwait, I should like to congratulate the ILO on its diamond jubilee and express our gratitude for its achievements at the international level, especially for its support of the rights of Kuwaitis during the tragedy which occurred on 2 August 1990. Kuwait is still suffering the consequences of this barbarian aggression and the documents of the Committee on Freedom of Association of the Governing Body bear witness to this state of affairs.

In his Report, *Defending values, promoting change*, the Director-General has raised a number of vital issues which warrant our attention. If I may be allowed to say, the Director-General has taken the side of one of the social partners to the detriment of the other when he writes: "Our mission is to help them to grow into States genuinely governed by the rule of law and able to guarantee basic human rights, and the rights of workers in particular." But what about the scores of employers who are living under a regime which I shall not mention – a regime which hangs employers and tradesmen in front of their shops until they die, without any fair trial and under false pretexts. Are they not entitled to be defended by our Organization? The Report also speaks about the "social clause" in the context of an increasingly global economy.

I should like to draw the Director-General's attention to the need for the Office to take into account the economic and social situation of developing countries when this item is discussed.

The Report also mentions the emergence of a number of Asian countries as dynamic leaders in the world economy. In this context, I should like to propose that the ILO undertakes a study to assess developments in these countries which might serve as a reference for many developing countries aspiring to growth. Chapter 2 of the Report deals with a very vital subject: the values and structures of the ILO. We share the Director-General's concern about the rapid and continuous changes that have occurred throughout the world since the end of the Cold War, making it necessary for the Organization to review its working methods, instruments and standards which constitute the cornerstone of its activities; but how can we set about this task without affecting the basic nature of the work of the Organization and undermining it in the eyes of some?

The Report refers to a new concept concerning the most developed countries and societies – the concept of "post-industrial or post-modern society". This new term warrants the attention of economists and specialists because of the implications this might have – either positive or negative – on the various countries.

We agree with the Director-General when he says that we need to revise standards which have become outdated and to re-examine the role of certain Conventions, some of which are recent and have not even been ratified. Allow me also to say that we should revise the questionnaires which the Office sends to its member States and, through them, to the employers' and workers' organizations and federations.

Chapter 4 of the Report has a section entitled "A partner in technical cooperation". This deals with the ILO's new role in technical cooperation and the policy of "active partnership" it has adopted, consisting, among other things, of setting up multi-disciplinary teams in the various regions. I should like to congratulate the Organization on this new approach; we consider this to be a positive change in its activities and in the way it is fulfilling its obligations to its member States in the area of technical cooperation. However, given the fact that this approach is entirely new, the Office should do everything possible to publish more information on this subject and also ensure that it chooses outstanding members for its teams.

In ending my comments on this valuable report, I would like to refer to the Director-General's intention to publish an annual report, containing an authoritative analysis of the situation of employment and incomes in the world, and the impact of economic and financial policies on them. While congratulating the Director-General on his proposal, I should like to suggest that the report should be bi-annual so that it accurately reflects the situation in a number of countries. I should also like to refer to the Director-General's suggestion that the Governing Body should, every two years, hold high-level sittings at its March Session, at which government members would be represented at the ministerial level. The Director-General did not specify if Ministers of Labour, Planning or Finance would be invited to this meeting. It is an important proposal; but it is not clear.

In concluding, I should like to thank you for your attention and pray God to have pity on our martyrs and to free Kuwaiti hostages and persons of other nationalities.

May the peace of God, his mercy and grace, go with you.

Original Arabic: Mr. ABOU LAHCEN *(Employers' adviser and substitute delegate, Morocco)* – I would first like to congratulate Mr. Charles Gray on his election to the presidency of this Conference. On behalf of the employers of Morocco and in my own name, I wish him every success in his endeavours. I also wish to congratulate the Chairman of the Governing Body of the International Labour Organization for the important annual report he has submitted on the occasion of this session.

Defending values, promoting change is the title of the Report submitted by the Director-General on the occasion of the 75th anniversary of our Organization and on the occasion of the 50th anniversary of the Declaration of Philadelphia. I would like to congratulate him on this Report and for the wealth of topics he has chosen to address and programmes he is proposing.

The changes which have occurred in our economic and social world should indeed prompt us to defend certain values while making appropriate adjustments.

I do agree with the three main points reaffirmed in the introduction of the Director-General's Report, namely, social justice as a fundamental value of the Organization, the importance of the principle of tripartism as a motivating force, and the adjustment of the Organization and its secretariat to the tasks that lie ahead. They are in line with the requirements of the development of the market economy. In my view, however, they also need to adjust to the situation of enterprises as units for the production of assets.

Tripartism is one of the essential features of our Organization. We note that this principle is becoming increasingly topical, although it has been applied by the ILO since 1919. Indeed, several countries have set up economic and social councils which operate on the basis of the principle of tripartism.

My country, the Kingdom of Morocco, recently amended its Constitution precisely with a view to establishing an economic and social council whose membership will include representatives of the employers, workers and government. Since 1990, we have also a High Committee, consisting of representatives of these three social partners, which discusses various demands submitted by employers or workers.

As regards the activities of the ILO in the field of standard setting, it must be recognized, with full objectivity, that the Organization's work in this area deserves every commendation, for it is unparalleled at the international level. However, the world is currently undergoing momentous changes, including the disappearance of the Communist bloc, the end of a bipolar world, the predominance of a market economy, globalization of the economy and the weakening of the nation State. All these changes call for our Organization to adjust its standard-setting activity better to enterprises' needs, labour market characteristics and the requirements of social justice.

I would like to point out that I fully agree with the proposal made by the Director-General in his Report regarding the need for a kind of "soft law", i.e. the development of texts that would not have the same legal status as official international labour standards but which governments and other decision-makers might take into consideration in dealing with specific problems.

Labour law and the right to work raise a major issue. Everybody recognizes the negative effects of unemployment, which is increasingly throughout the world. This is true for both developing and developed countries. It has been decided to convene a summit in 1995 to deal with social development issues. I do not claim to provide a solution to unemployment, but I wish to stress that major importance should be given to private enterprises, because employment creation largely depends on the creation of new enterprises and the development of existing ones.

The employers of Morocco have always stressed the need to create a favourable environment for the stimulation and development of enterprises by providing them with a range of incentives. The Moroccan Government has taken the necessary measures to this effect.

Another essential factor in job creation is the need to ensure that the educational and training system matches labour market needs so as to enable young people to acquire the technical skills that enterprises need. In this connection, Morocco has established a higher council for youth which conducts studies and research aimed at improving the match between training policy and the needs of producers. We consider that the International Labour Organization has a role to play in respect of enterprises by promoting closer links between training strategies and enterprises' needs. To this end, a number of suggestions can be made.

First, we should use all available means of technical cooperation, especially the multidisciplinary teams. Second, information and analyses should be provided on the subject of labour and employment. And, third, as many training and information seminars as possible must be organized for enterprises.

I would like to express support for the Director-General's proposal to include the topic of employment and the improvement of living standards in the agendas of the sessions of the International Labour Conference. The study of this issue could produce useful information for employers, workers and governments, following the implementation of a structural adjustment programme over the past 10 years, which succeeded in redressing major economic imbalances. My country, Morocco, is now giving primary emphasis to social concerns in all of its development programmes, thereby stressing the importance of this factor in the overall balance of society.

However, emphasis on social concerns should not affect macroeconomic equilibrium. A balance must therefore be struck between the need to maintain that equilibrium and the need to ensure greater social justice, bearing in mind the interrelationship between economic development and social justice.

Before concluding, I would like to thank all those who have worked so hard to made this Conference a success.

Original Arabic: Mr. RASHED *(Workers' delegate, Egypt)* – In the name of God, most merciful and compassionate! I would like to congratulate Mr. Gray on the confidence placed in him and his election to chair this session of the Conference. This confirms the importance attached to the role of the workers. I would also like to congratulate the Officers of the Conference and wish them all every success in their difficult task of ensuring the positive outcome of the work of the ILO.

This session of the Conference coincides with the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. We hope that the ILO will continue to forge ahead and play the role assigned to it in order to protect social justice and combat poverty wherever it may strike, reduce unemployment and participate actively in finding effective solutions which will help us gain the upper hand and turn the principles of justice and peace into reality.

I would like to congratulate the Director-General on his Report, which is both clear and frank and defines the future role of the ILO. The Report lives up to the aspirations of all those who have the honour to belong to this Organization.

Today's world which was clearly described by the Director-General impels us to strengthen the role of the ILO, so that it can find real solutions to the social problems which have arisen. In other words, we must consolidate the Organization and its means of action to ensure social justice and establish standards giving greater guarantees of protection for workers and safeguarding their rights.

We wish to confirm the importance we attach to the ILO and its essential role. It is the only institution whose structure is capable of responding to the needs of democracy. At this point I would like to turn to the principle of tripartism.

At the same time, we hope that at the next stage the ILO, as the Director-General said in his Report, will step up its efforts and strengthen technical cooperation on behalf of the developing countries, especially in the fields of planning, employment and workers' organizations, so that these countries will be able to create employment, eliminate unemployment and provide workers with education at every level.

We, the workers of the Third World, would like to see serious consideration given to the call to link trade with international labour standards, that is, the call for a social clause.

Apparently motivated by a concern for generosity, this call in fact masks unjust intentions, that is, the desire to export unemployment from the richest countries to the poorest.

The countries of the Third World, which are going through a period of transformation, need to improve their social and economic situation. They cannot attain overnight the level of the industrialized countries that went through the industrial revolution long ago.

We are fully aware that genuine economic progress is essential if any social progress is to be achieved.

Allow me to mention now what has been done in my own country, Egypt, to adapt labour legislation to world developments. I am referring to the new Egyptian Labour Code, which was drafted thanks to the active and serious participation of the three social partners: government, employers and workers. Its special provisions and its main themes were widely discussed in the International Labour Office and in the opinion of the experts it was found to be in accordance with international labour standards. This once again provides proof of Egypt's respect for its international commitments.

I would like to extend my warm congratulations to the ILO. Indeed, this will be the last session at which a Committee on Apartheid will meet. Democracy has prevailed in South Africa, the distinguished leader Nelson Mandela has come to power in accordance with the will of the majority, and the tripartite delegation of South Africa has done us the honour of taking part in this session of the Conference. We are also delighted to extend a warm welcome to the delegations of Oman and Tajikistan.

I wish you full success in the work of this session. It is my hope that our Organization will continue its work on the path of progress.

May peace, mercy and the grace of God be with you!

Mr. CALAMATTA *(Workers' delegate, Malta)* – Please allow me to express my warmest and most sincere congratulations to Mr. Gray on his appointment to preside over the discussions at this 81st Session of the International Labour Conference, which also marks the 75th anniversary of the foundation of the International Labour Organization. I would like also to join those who have taken the floor before me in expressing my complete faith in his vast experience and in his considerable personal qualities which, I am sure, will be a guarantee of the wise guidance which we will receive in our debates.

Secondly, I wish to convey to all of you gathered here the greetings of the workers of Malta, and especially of the members of my Union – the General Workers' Union – and of the other Maltese unions grouped in the Confederation of Malta Trade Unions.

The Report of the Director-General of the ILO – for which he should be highly commended – does not hide the fact that he wants this Conference to promote social justice in a rapidly changing world. As the Director-General said, at a press conference in Brussels to mark the 75th anniversary of the ILO, we are living in a world that has "converted to the market economy" and is undergoing a very difficult period of change, especially as a result of privatizations and deregulations.

I cannot but concur with the Director-General that the explosion in international trade was accompanied by an explosion in social problems, and we can no longer consider the social dimension separately from the economic dimension.

Within this context, we cannot address workers' rights without also tackling the problem of the working people's most fundamental right, which is the right to work. And this problem needs to be tackled with urgency considering that nearly every country is suffering from unemployment. There are 700 million unemployed in the world and the most recent estimates point to the fact that over 40 million jobseekers are being annually added to the worldwide labour force.

Having said this, I now come to the situation in my country, Malta, where unemployment is again on the rise, presenting us with an ominous situation following a period when it was reduced to socially acceptable levels.

Malta is a small country in terms of both geography and population. It has a high import bill and its economy depends wholly on exports of manufactured goods, ship-repair works (which account for nearly 40 per cent of the gross domestic product), and other tertiary sector activities.

My country therefore has an open economy exposed to the whirlwinds of the global economy – meaning that what happens in the world, especially in Europe and in countries on the Mediterranean rim, has a considerable impact on us.

Since 1992 we started to face, although not yet in an aggressive way, the blows of the international recession, and we experienced, and are still experiencing, job losses mainly in the manufacturing sector, and most especially in textiles, clothing and apparel industries.

But to make matters worse the Government, without any justified reason, devalued the Maltese lira – a decision which proved to be very wrong. Devaluation not only resulted in high rises in the cost of living, but also contributed to further job losses due to increased production costs.

As a result of this and a plenitude of other reasons, unemployment, which stood at 3.6 per cent of the labour supply at the end of 1991, rose to 4 per cent by the end of 1992, and reached 4.5 per cent in December of last year.

Some may say that these are not high unemployment figures, but the situation starts to be alarming when one takes into consideration that of those gainfully employed, 3.5 per cent were in temporary employment at the end of 1993.

Furthermore, all indications show that unemployment is to continue to rise. Warnings of an increase in the jobless population have already been given by the Central Bank of Malta.

When analysing the unemployment statistics, one comes across facts which should be very disturbing and therefore call for serious and effective action on the part of the Maltese Government. For example, according to the latest accurate statistics, 63 per cent of the unemployed are in the 26 to 49 age bracket – meaning that a very substantial number of workers in the prime of their life are without a job.

Apart from this, there is the fact that unemployed people aged 40 upwards find it very difficult, if not impossible, to get a job because employers prefer employing and training younger people from whom they are assured to profit from long years of work.

The 1993 trends indicate that the number of unemployed persons in the 26 to 49 age group is to increase, so is it also very likely that the number of persons in long-term unemployment will also increase.

While the share of short-term unemployment (that is, those registering as unemployed for less than eight weeks) remained relatively stable during 1993, the share of medium-term unemployment (those registering for eight to 48 weeks), declined by 9.6 per cent to 35.1 per cent.

But this decline was entirely absorbed by long-term unemployment (those registering for more than 48 weeks), whose share rose by 10 per cent to 52 per cent.

According to the Central Bank of Malta's annual report for 1993, this shift away from medium-term to long-term unemployment seems to indicate that many of those previously falling within the medium-term unemployed category were unable to find jobs and moved to the long-term group.

The Central Bank report warns that this shift away from medium- to long-term unemployment seems to imply that we have a hard core of unemployment which is proving difficult to break. And to this I add that the longer it takes to break this core, the harder it will get and the situation could become unmanageable.

It is really depressing speaking of unemployed workers and unemployment problems, so I wish to conclude my address to this assembly by speaking of something positive and encouraging – and this is that the social partners in Malta are in full agreement that the Conditions of Employment (Regulation) Act of 1952 needs a general overhaul.

This piece of legislation – which for short we refer to as CERA – was a milestone when it was enacted 42 years ago. But after all these years, which have brought with them new working methods, new industries, new concepts and new philosophies, the CERA in many of its aspects does not respond well to today's needs.

So it is encouraging for us as trade unionists that the Maltese Government's Parliamentary Secretariat for Human Resources is redrafting the 1952 Act and it is doing so following full consultations with trade unions, employers' bodies and other interested organizations.

My union – the General Workers' Union – has submitted a long list of amendments and new provisions for the new CERA Act and is insisting that, wherever applicable, the Act should be in conformity with the relevant ILO Conventions.

Among the proposals being made by my union are the following:

First, when a worker suffers a permanent disability following an accident at the workplace and cannot continue working in the same job, the employer should be duty-bound to provide him with an alternative, suitable job within the same enterprise.

Second, the privileged wage in the case of company bankruptcies should be no less than the equivalent of six months' pay, because the present sum is inadequate and does not reflect today's wage levels.

Third, workers employed on a part-time or casual basis should not be deprived of adequate social protection and should benefit from recreation leave, sick leave and other conditions, the amount of which should be in proportion to the number of hours they work.

Fourth, definite work contracts should be limited to certain types of work only and where such contracts are renewed periodically year in year out, the employers should be obliged to automatically put the workers concerned on indefinite work contracts.

I really do hope that in regard to the new CERA legislation we will not have to wait for over six years as was the case with a new occupational health and safety law promised by Government in 1987 but only submitted to Parliament and enacted earlier this year.

I think it would be very befitting if the new CERA legislation is enacted by Parliament this year during which we are marking the 75th anniversary of the foundation of the International Labour Organization.

We would thus be able to crown this anniversary year by giving the Maltese workers better means to pursue – in the words of the ILO in its Declaration of Philadelphia, 1944, Article II(a) – "both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".

Original Russian: Mr. MAYKO *(Employers' delegate, Ukraine)* – Allow me to join in congratulating the President on his election to a post of such responsibility in a memorable anniversary year for the ILO, and to express my conviction that under his leadership this session will conclude its work successfully.

The Director-General's Report, both by its title and by its content, embodies the experience and the wisdom of the ILO. I believe that the future activity of the Organization will endow it with even greater authority.

For the employers of Ukraine – and I assure you, for all its people as well – virtually all the issues raised in the Director-General's Report are of the utmost importance.

A young State, Ukraine has just begun to draft its policy in the social and labour field, so today it is particularly important for us to understand which values should be defended from among those we had in the past, and what changes should be promoted.

We are building a democratic State with a market economy; we are trying to become an integral part of the world market. These are good intentions: the market economy is more progressive than that which is centrally planned; a democratic society allows the individual to develop more. The reality, however, is different. The loss of old traditional markets, the disruption of former production linkages, the lack of experience in independent administration of the

State – add to this the problems of conversion of many enterprises, the extent of which is difficult for employers and statesmen of other countries to understand – despite our natural resources, despite our strong productive and scientific potential, all of this has led today to a serious decline in production, a worsening of the social protection of the population and a drop in the workers' standard of living.

Society has been split according to standard of living into very rich and poor. This is creating social tension in a society whose standard of living in the past, though perhaps not very high, was almost the same for everyone.

I have referred to just a few of the problems that are of concern today for the people of Ukraine, but even they show how important the experience of the ILO is for us and how our State has a stake in further increasing the role of the Organization, since I am convinced that the problems facing other countries today – the globalization of the economy, changes in employment due to technological progress – will concern us sooner or later.

I would like to give you an example of how we are using this experience.

In order to find a solution to social and labour problems, a decree was signed by the President of Ukraine on 8 February 1993 concerning the establishment of a national Social Partnership Council, and on 27 April last year the Regulations respecting the National Council were adopted.

The main objectives set down in the Regulations are as follows: the preparation of recommendations to the President of Ukraine on social policy; tripartite consultations in the social and labour field, taking into account the interests of the State, owners and workers, and the search for a compromise between the social partners in order to avert disputes; participation in drafting legislation, agreements and proposals concerning labour legislation, taking international standards into account; the preparation of sectoral agreements; consultation on ratification and denunciation of ILO Conventions.

The Council is headed by three co-presidents (one from the State, one from the employers and one from the trade unions). Thanks to the active work of this Council, the Parliament of Ukraine has ratified six important ILO Conventions: the Unemployment Convention, 1919 (No. 2), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Collective Bargaining Convention, 1981 (No. 154), the Termination of Employment Convention, 1982 (No. 158), etc.

During the short period of its existence the Council has considered 27 items, chiefly concerning the socio-economic situation of Ukraine and ways to remedy it, the elaboration of a national public works programme and the programme of activities of the Ukraine Government for September-December 1993 and 1994.

Recommendations to the President of Ukraine were drawn up on state policy in the field of labour relations.

We are convinced that almost all the questions which have been raised at the Conference will affect the life and the activities of our Alliance.

I would like to say a few words about the enterprise which I direct. It is a large plant in Kiev, with a branch in Rovno, and it produces radio equipment, military hardware, medical equipment and consumer goods. The plant has undergone extremely thorough and abrupt conversion of up to 89 per cent. Many specialists who advised the enterprise thought that it was impossible to convert the plant in such a short time to the production of non-military goods, but we managed to do it, and we have begun increasing our production of such goods. We have found customers in Western markets. We have maintained the social development programme of the collective, and are continuing to build housing, maintain and build resorts and places of leisure and kindergartens while carrying out further construction at the plant.

This has all been made possible thanks to the assistance of the State. But the main contributions have been made by the workers at the plant, who have organized the production of products for which there is demand on the market. A Ukranian-Austrian joint enterprise has been established at the plant, and joint production is taking place with American and German firms. The plant is now being privatized.

As the Ukranian economy is restructured we can see the authority and the role of the Ukranian Alliance of Entrepreneurs and Industrialists (USPP) growing. The Alliance is composed of 4,500 associate members with various forms of ownership. They employ some 4,500,000 workers. The main objective of the Alliance is to defend the interests of entrepreneurs and enterprises.

The Alliance holds a dialogue with the Government on the development of State programmes, and defends the idea of equal opportunities for producers with various forms of ownership. It makes proposals to improve the financial and tax systems. The employers have firmly defended the stability of the legislation regulating foreign investments, and have enjoyed the support of the Government in this connection.

We are waiting for the employers of many countries with a market economy to weigh up the prospects of cooperation with the young Ukraine which is rich in natural resources, and boasts a wealth of productive and scientific potential. We are open to such cooperation.

Ukraine is proud of its participation in the ILO, and supports the vision of the Director-General with regard to the future development of the Organization because we know from experience how important it is to have the possibility of discussions with experienced persons and access to the experience and knowledge of specialists of many countries. However, we understand how complicated it is for the ILO to act when situations are continually changing.

(The Conference adjourned at 12.45 p.m.)

Credentials

Second report of the Credentials Committee

Composition of the Conference

1. Since 10 June, when the Committee adopted its first report, credentials have been received from Armenia, bringing the total number of Member States at present represented at the Conference to 158. The number of delegates and advisers who have registered at the Conference at this time is contained in the annex to this report.

Substitute delegates

2. With respect to the composition of the delegations, the Employers' member of the Committee raised a question concerning the number of advisers who also appear as substitute delegates in the credentials. He considered that many countries were appointing considerably more substitute delegates than the number provided for by the Standing Orders. This could give rise to a problem, particularly towards the end of the Conference, where several members of a delegation had the power to vote on a particular subject. The other members of the Committee welcomed the flexibility provided by the appointment of substitutes and felt that the cure to the problem that had been mentioned lay with the delegates concerned exercising proper control over the casting of votes on their behalf.

3. Without seeking to interpret the basic rule – Article 3, paragraph 7 of the Constitution and Article 1, paragraph 3(1) of the Conference Standing Orders – which addressed a somewhat different situation, the Committee understood that the purpose was to ensure that delegations could exercise their right to vote right up to the end of the Conference. From this point of view, there was no need to appoint more substitutes than those required for the purpose of voting in Plenary (since advisers could be members of Committees, no problems could arise there). It was felt that the information given in the forms for credentials might be made clearer on this point. At the same time, the Committee concluded that, unless an objection were lodged with respect to the appointment of particular substitute delegates, the Committee should not take the matter further.

Objection concerning the nomination of the Workers' delegate of Morocco

4. The Committee had before it an objection concerning the nomination of the Workers' delegate of Morocco, submitted by the "Confédération démocratique du Travail (CDT)", under the signature of Mr. El Amoui Noubir.

5. The objecting organization stated that it had not been consulted on the nomination, in spite of its great representativity according to the last elections and that account had not been taken of the recommendations of the Credentials Committee at the African Regional Conference in 1994.

6. In a written communication to the Committee made at its request, Mr. El Ghali Benhima, Permanent Representative of Morocco and Government delegate to the Conference, stated that the shop-steward elections in the three most representative central organizations, at the end of 1992 and beginning of 1993, resulted in the CDT having 16.08 per cent of the votes, UMT (to which the Workers' delegate belonged) having 26.93 percent and the third organization, 10.72 percent. The three organizations had been convened to a meeting as required by the ILO Constitution, but only the UMT had attended. Finally, the communication maintained that the objection was not receivable, pursuant to Article 26, paragraph 4(c) of the Conference Standing Orders, as the author was "serving as adviser to the delegate to whose nomination objection is taken".

7. In accordance with the Standing Orders, the Committee first took up the question of receivability raised by the Government. Noting that Mr. El Amoui Noubir had indeed become an adviser to the Workers' delegate subsequently to the objection, the Committee considered that the condition established by Article 26, paragraph 4(c) of the Standing Orders had been met and accordingly declared the objection not to be receivable.

Objection concerning the nomination of the Workers' delegate of the Central African Republic

8. The Committee examined an objection to the nomination of the Workers' delegate of the Central African Republic submitted by the "Confédération syndicale des Travailleurs de Centrafrique (CSTC)".

9. The objecting organization maintained that, at the request of the Minister of the Public Service, five trade union central organizations in the country including the "Organisation du syndicat libre du secteur public (OSLP)", to which the Workers' delegate belonged, had attended a meeting to determine the method of nomination of the Workers' delegate to the International Labour Conference. The meeting took place on 11 April 1994. According to the min-

utes of the meeting, which were annexed to the objection, and communicated to the Government, a timetable for the rotation of the trade union centres had been established on the basis of the various proposals made. The timetable indicated the following order of representation: CSTC, CCTC, USTC, CNTC, OSLP, the latter's turn for proposing the Worker's delegate being 1998. The minutes were not signed by the OSLP, which had withdrawn its proposal before the timetable was established. In addition, the objecting organization claimed that the Worker's delegate held a politico-administrative position which was incompatible with the exercise of trade union activities. For these reasons, the Workers' delegate was not validly appointed.

10. The Committee heard Mr. Fidèle Ogbami, Minister of the Public Service, Labour, Social Security and Professional Training and Head of the Delegation to the Conference, who also presented a written statement to the Committee. He informed the Committee of the particular situation of his country, which had recently instituted political and trade union pluralism, and then referred to the five trade union centres mentioned by the objecting organization (CSTC). While he had reasons to believe that the CSTC and the CCTC were much less representative than the three others, the five centres had been considered on an equal footing, pending the establishment of criteria for the determination of representativity. In this regard, a draft decree had been drawn up by the Government and transmitted to the centres for comment. The meeting of 11 April to which the objection referred had been preceded by a meeting held on 8 March, the minutes of which were communicated to the Committee by the Minister. According to the minutes, four of the centres had agreed to nominate the OSLP. Since the fifth centre had called into question the conclusions of 8 March, the Minister had requested them to meet again. As the meeting of 11 April was still inconclusive, the Government decided to take into account the results of the meeting of 8 March. As regards the functions of the Workers' delegate, the Minister indicated that the exercise of trade union functions was not incompatible with public service.

11. The Committee considered that the allegations relating to the functions of the delegate were contradicted by his presence – without any objection whatsoever – at the various meetings of the Workers' organizations. On the main question raised in the objection, the Committee observed that, in the absence of criteria for determining the representative character of the organizations, the Government had sought to get the five centres to agree on the representation to the 81st session of the Conference. It noted that the Government had nominated the Workers' delegate on the basis of the first meeting, the minutes of which had been signed only by the Chairman/Secretary but appeared to be more conclusive than those of the second meeting. The Committee considered that a further effort could perhaps have been made by the Government after the impass of 11 April with a view to reaching agreement among the five centres. It drew attention to the importance of providing statistical data in order to permit it to assess the representative character of the organizations. The Committee noted that a decree was being drawn up and hoped that in the future there would be no doubt as to the representative character of the Workers' delegate to the Conference in keeping with Article 3, paragraph 5 of the Constitution. The Committee therefore decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegate of Nepal

12. The Committee had before it an objection to the nomination of the Workers' delegate of Nepal submitted by the General Federation of Nepalese Trade Unions (GEFONT).

13. According to the objecting organization, the organization to which the delegate belonged, the Nepal Trade Union Congess (NTUC), was a "paper" union, consisting of employers and managers and chosen by the Government for political reasons. GEFONT considered that it should have been selected to participate in the Conference.

14. In a written communication to the Committee made at its request, Dr. Govind Prasad Regmi, Government delegate of Nepal to the Conference, stated that trade union legislation had recently been promulgated in Nepal and trade union elections would be held in the near future. This process would help in determining the respective strength and character of the trade unions. The Workers' delegate was the president of NTUC, which had had a long history of promoting freedom of association and workers' rights. It had an extensive nationwide membership and representative character. For financial reasons only one member could be appointed for each non-governmental delegation.

15. The Committee recalled that, in 1992 at the 79th Session of the Conference, when a similar objection had been lodged by GEFONT, the Committee had expressed the hope that the adoption of the new trade union legislation would remove any doubts concerning the representative character of future Workers' delegates of Nepal to the Conference. Now that the legislation had been adopted and trade union elections were imminent, the Committee reiterated that hope and, noting once again the lack of information, in the various communications, concerning the representative character of GEFONT and NTUC, decided not to uphold the objection.

Communication concerning the Delegation of Zaire

16. The Committee took note of a letter to the President of the Conference dated 10 June 1994 and signed by Mr. Wodia Mutombo G., as representative of the "Gouvernement de Transition under Mr. Etienne Tshisekedi" of Zaire. The letter set out the composition of the delegation of Zaire, as communicated to the representative by the Ministry of Foreign Affairs of the "Gouvernement de Transition". For the reasons given by the Committee last year, in its report on the representation of Zaire (80th Session of the Conference, Provisional Record No. 14, page 14/46), it was not possible to treat this communication as credentials.

17. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 16 June 1994

(Signed) T. SPENCER
Chairman

D. FUNES DE RIOJA.

L. TROTMAN.

1) Government delegates
2) Government advisers
3) Employers' delegates
4) Employers' Advisers
5) Workers' delegates
6) Workers' Advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	2	4	1	·	1	·
Albania	2	2	·	·	·	1
Algeria	2	8	·	6	1	6
Angola	2	1	1	1	1	·
Antigua and Barbuda	1	·	1	·	1	1
Argentina	2	9	1	7	·	10
Armenia	2	·	·	·	·	·
Australia	2	5	1	3	1	3
Austria	2	7	1	2	·	4
Azerbaijan	1	2	1	·	1	·
Bahamas	2	·	1	·	1	·
Bahrain	2	5	1	1	1	2
Bangladesh	2	2	·	1	1	·
Barbados	1	·	1	·	1	·
Belarus	1	2	·	2	·	6
Belgium	2	13	1	7	1	9
Belize	2	·	1	·	1	·
Benin	2	1	1	·	1	·
Bolivia	2	·	1	1	·	·
The Rep. of Bosnia and Herzegovina	1	·	·	·	·	·
Botswana	2	1	1	·	1	·
Brazil	2	8	1	9	1	9
Bulgaria	2	5	1	3	1	6
Burkina Faso	2	4	1	1	1	·
Burundi	2	2	1	·	1	1
Cambodia	2	·	·	·	·	·
Cameroon	2	4	1	·	1	2
Canada	2	4	1	5	1	5
Cape Verde	2	·	1	·	1	·
Central African Republic	2	1	1	·	1	·
Chad	·	·	·	·	·	·
Chile	2	7	·	5	1	8
China	2	13	1	3	1	5
Colombia	1	8	·	5	1	5
Comoros	2	·	·	·	·	·
Congo	2	1	1	·	1	·
Costa Rica	2	1	1	·	1	·
Côte d'Ivoire	1	2	1	·	1	2
Croatia	2	·	1	·	1	1
Cuba	1	3	1	·	·	·
Cyprus	2	3	1	5	1	3
Czech Republic	2	8	·	5	1	4
Denmark	2	6	1	4	1	4
Djibouti	·	·	·	·	·	·
Dominica	·	·	·	·	·	·
Dominican Republic	2	2	1	3	1	3
Ecuador	2	2	1	·	1	3
Egypt	2	9	1	1	1	6
El Salvador	2	·	1	·	1	2
Equatorial Guinea	·	·	·	·	·	·
Eritrea	1	·	1	·	1	1
Estonia	2	1	1	·	1	1
Ethiopia	2	·	1	1	1	·
Fiji	2	1	1	·	1	·
Finland	2	6	1	3	1	4
France	2	13	1	9	1	9
Gabon	2	5	1	2	·	2
Georgia	·	·	·	·	·	·
Germany	2	13	1	7	·	8
Ghana	2	3	1	6	1	1
Greece	2	15	1	5	·	8
Grenada	2	·	1	·	1	·
Guatemala	1	3	·	1	1	·
Guinea	2	2	1	·	1	·
Guinea-Bissau	·	·	·	·	·	·
Guyana	2	·	·	·	1	·
Haiti	2	2	·	·	·	·
Honduras	2	·	·	·	·	·
Hungary	2	8	1	4	·	7
Iceland	2	2	·	1	1	2
India	2	10	·	5	1	5
Indonesia	2	18	1	8	1	10
Islamic Republic of Iran	2	5	1	1	1	6
Iraq	2	4	1	·	1	·
Ireland	2	5	1	·	1	1
Israel	2	2	·	1	1	5
Italy	2	9	1	6	1	6
Jamaica	2	2	1	·	1	1
Japan	2	19	1	6	1	10
Jordan	2	3	1	4	1	1
Kazakhstan	2	·	·	·	1	·
Kenya	2	2	1	1	1	1
Republic of Korea	2	11	·	4	·	4
Kuwait	2	9	1	2	1	3
Kyrgyzstan	·	·	·	·	·	·
Lao People's Dem. Rep.	2	1	·	·	·	1
Latvia	1	·	1	·	1	·
Lebanon	2	6	1	3	1	2
Lesotho	2	2	1	·	1	·
Liberia	1	·	·	·	·	·
Libyan Arab Jamahiriya	2	3	1	2	1	3
Lithuania	2	·	1	·	1	·
Luxembourg	1	8	1	4	1	6
Madagascar	2	3	·	·	1	1
Malawi	2	2	1	·	1	·
Malaysia	2	7	1	2	1	1
Mali	2	2	1	1	1	1
Malta	2	2	1	3	1	2
Mauritania	2	1	1	·	1	·
Mauritius	2	·	1	·	1	2
Mexico	2	3	·	8	1	2
Republic of Moldova	2	1	1	·	1	·
Mongolia	2	4	1	·	1	1
Morocco	2	6	·	5	·	7
Mozambique	2	2	1	·	1	1
Myanmar	2	7	1	·	1	·
Namibia	2	3	1	1	1	1
Nepal	2	1	1	·	1	·
Netherlands	2	10	1	6	1	8
New Zealand	2	5	1	1	1	1
Nicaragua	2	3	1	2	1	·
Niger	2	1	1	·	·	1
Nigeria	2	11	·	3	1	2
Norway	2	4	1	9	1	4
Oman	2	5	1	·	1	·
Pakistan	1	3	1	1	1	
Panama	2	3	1	·	1	·
Papua New Guinea	2	3	1	·	1	1
Paraguay	2	1	1	·	1	1
Peru	1	3	1	2	1	2
Philippines	2	17	1	4	1	6
Poland	1	7	1	4	·	7
Portugal	2	10	1	5	1	6
Qatar	2	2	1	·	1	·
Romania	2	7	1	3	1	6
Russian Federation	2	6	1	3	·	4
Rwanda	·	·	·	·	·	·
Saint Lucia	·	·	·	·	·	·
San Marino	2	1	1	1	·	3
Sao Tome and Principe	1	·	1	·	1	1
Saudi Arabia	2	5	1	·	1	1
Senegal	2	6	·	3	1	7
Seychelles	1	·	1	·	1	1
Sierra Leone	1	·	1	·	1	·
Singapore	2	3	·	·	1	6
Slovakia	2	4	1	4	1	4
Slovenia	1	2	1	2	·	2
Solomon Islands	·	·	·	·	·	·
Somalia	·	·	·	·	·	·
Republic of South Africa	2	4	·	10	1	8
Spain	1	9	1	6	1	8
Sri Lanka	2	6	1	·	1	5
Sudan	2	5	1	1	1	3
Suriname	2	·	1	·	1	·
Swaziland	2	1	1	·	1	·
Sweden	2	4	1	6	1	6
Switzerland	2	8	1	6	1	6
Syrian Arab Republic	2	9	1	2	1	2
Tajikistan	2	·	1	·	1	·
United Republic of Tanzania	1	2	1	3	1	1
Thailand	2	13	1	8	1	7
The Former Yugos.Rep. of Macedonia	2	2	1	·	1	·
Togo	2	·	1	·	1	2
Trinidad and Tobago	2	2	1	1	1	·
Tunisia	2	7	1	4	1	5
Turkey	2	9	·	10	1	10
Turkmenistan	·	·	·	·	·	·
Uganda	2	3	1	·	1	·
Ukraine	2	6	1	1	1	2
United Arab Emirates	2	7	1	·	1	1
United Kingdom	2	14	1	9	1	9
United States	2	17	1	5	1	10
Uruguay	2	3	1	2	1	1
Uzbekistan	2	·	·	·	1	1
Venezuela	2	4	·	5	·	10
Viet Nam	2	4	1	·	1	1
Yemen	2	4	1	1	1	1
Yugoslavia	·	·	·	·	·	·
Zaire	1	·	·	·	1	2
Zambia	2	3	1	4	1	1
Zimbabwe	2	5	1	2	1	1

	1)	2)	3)	4)	5)	6)
Total	**293**	**665**	**125**	**325**	**132**	**415**

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Sixteenth sitting:

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Reports of the Governing Body and of the Director-General: Discussion *(cont.)* . . . 1

Speakers: Mr. Edström, Mr. Tan, Mr. Laurin, Mrs. Vilches Arribas, Mr. Van Zeller, Mr. Hameed, Mr. Itoh, Mr. Mallia-Milanes, Mr. Luna-Rojas, Ms. Aerenlund, Mr. Nasr, Mr. Al-Jasem, Mr. Abou Lahcen, Mr. Rashed, Mr. Calamatta, Mr. Mayko.

Credentials Committee:

Second report of the Credentials Committee 19

No. 14 – Saturday, 18 June 1994

PRINTED IN SWITZERLAND

International Labour Conference
Provisional Record
Eighty-first Session, Geneva, 1994

15 (rev.)

Second item on the agenda: Programme and budget proposals and other financial questions

First report of the Finance Committee of Government Representatives

1. The Finance Committee of Government Representatives met on 14 June 1994 with Mrs. Y. Zhang (China) as *Chairperson and Reporter*, and Mr. S. Randiga (Kenya) as *Vice-Chairperson*.

Status of collection of member States' contributions

2. The Committee had before it *Provisional Record* No. 5, containing information on the status of collection of member States' contributions as at 31 May 1994.

3. The representative of the Director-General (the Treasurer and Financial Comptroller) reported that since the preparation of the document contributions had been received from the following member States:

Country	Swiss francs
Albania	20 174
Guatemala	126 510
Malaysia	404 573
Morocco	101 466
Mauritania	81 718
Portugal	673 996
Romania	359 477
Senegal	29 246
Trinidad and Tobago	270 467
Zimbabwe	99 699
Total	2 167 326

4. The receipt of these amounts meant that Malaysia, Morocco and Portugal had now paid their 1994 contributions in full, and Mauritania and Senegal had recovered the right to vote.

5. In reply to a query from the representative of Italy, the Treasurer advised that total 1994 contributions received to date now amounted to 144,372,721 Swiss francs.

6. *The Committee took note of the information in the document.*

Assessment of contributions of new member States: Scales of assessment of contributions to the budget for the 1994-95 financial period

7. The Committee had before it Report II: Information concerning the Programme and Budget for 1994-95 and other financial and administrative questions, and document FC/D.2, containing resolutions submitted by the Governing Body concerning the assessment of contributions for a number of new member States. Document FC/D.2 also contained a draft scale of assessments of member States' contributions for 1995 as recommended by the Government members of the Programme, Financial and Administrative Committee of the Governing Body.

8. The representative of the Czech Republic wished to put on record its reservations as to the amount of the Czech contribution to the ILO, assessed on the basis of figures approved by the United Nations General Assembly in December 1993, of 0.42 per cent. The way this rate was established in the United Nations unfortunately contradicted principles of international law, in particular the principles of equity and non-discrimination. The Czech Republic therefore did not consider itself bound by the decision of the United Nations General Assembly concerning the rate of assessment for its contribution. The rate of the Czech contribution to the United Nations was not stipulated properly as that of a new member State of the United Nations. The Czech Republic was ready to pay its contributions to the ILO and to other international organizations' budgets based on the UN scale of assessments on a provisional basis only until this problem was settled in the United Nations organs.

9. *The Committee recommends that the Conference adopt these resolutions, the texts of which appear at the end of this report.*

Arrangement for the settlement of amounts due by Viet Nam

10. The Committee had before it document FC/D.4, proposing a resolution for the settlement of amounts due by Viet Nam.

11. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Arrangement for the settlement of amounts due by Albania

12. The Committee had before it document FC/D.5, proposing a resolution for the settlement of amounts due by Albania.

13. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Financial report and audited financial statements for 1992-93

14. The Committee had before it the Financial Report and Audited Financial Statements for the 63rd financial period (1992-93); Report II: Information concerning the Programme and Budget for 1994-95 and other financial and administrative questions; and document FC/D.3, containing a recommendation submitted by the Governing Body that the Conference adopt the Financial Report and Audited Financial Statements for 1992-93.

15. The representative of China congratulated the Chairperson and Vice-Chairperson of the Finance Committee on their appointments. The financial report and audited financial statements showed clearly the financial situation of the Office as well as details of how it had carried out the programme and budget activities for 1992-93. Although the Office had anticipated a shortfall in 1992-93 by reducing administrative expenditure and rescheduling programmes, it should probably have done more to collect outstanding contributions. The financial statements showed that at the end of 1993 some 125 million Swiss francs of contributions, representing about one-third of the annual total, remained unpaid. The Office could perhaps make better use of its relations with other international organizations and look at their experiences to help find ways of collecting outstanding contributions. It should also liaise more closely with member States and look at other ways of raising funds. Resources could be used more effectively if the Office was able to reduce administrative overheads even further.

16. The Treasurer said that the late payment of member States' contributions was a matter of great concern to the Office. An early payment incentive scheme had been introduced in 1989 but regrettably had made little or no difference to the pattern of payment of contributions. An alternative would be to impose financial penalties on member States if they failed to pay on time. One or two of the smaller organizations of the UN system already had such schemes and their record of collection of contributions was significantly better than that of the other organizations.

17. *The Committee recommends that the Conference adopt the Financial Report and Audited Financial Statements for 1992-93 in accordance with article 29 of the Financial Regulations, and accordingly that it adopt the resolution the text of which appears at the end of this report.*

Treatment of the 1992-93 cash surplus

18. The Committee had before it Report II: Information concerning the Programme and Budget for 1994-95 and other financial and administrative questions, containing a resolution submitted by the Governing Body concerning the cash surplus for the 1992-93 biennium.

19. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Treatment of the amount received from the Compagnie Générale de Climatisation et de Maintenance

20. The Committee had before it Report II: Information concerning the Programme and Budget for 1994-95 and other financial and administrative questions, containing a resolution concerning a receipt from the Compagnie Générale de Climatisation et de Maintenance.

21. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Composition of the Administrative Tribunal of the International Labour Organization

22. The Committee had before it Report II: Information concerning the Programme and Budget for 1994-95 and other financial and administrative questions, containing a resolution submitted by the Governing Body concerning appointments to the Administrative Tribunal of the ILO.

23. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Appendices

24. A table showing the contributions due from member States for 1995 is appended to this report (Appendix I). A statement of appropriations from the 1992-93 cash surplus is also appended to this report (Appendix II).

Geneva, 17 June 1994. *(Signed)* Mrs. Y. Zhang,
Chairperson and Reporter.

Resolutions submitted to the Conference

Resolutions concerning the assessment of contributions of new member States

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the contribution of South Africa to the ILO budget for the period of its membership in the Organization in 1994 be based on an annual assessment rate of 0.40 per cent.

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the rates of assessment of the contributions of Georgia, Tajikistan and Turkmenistan for 1994 be 0.21 per cent, 0.05 per cent and 0.06 per cent respectively.

The General Conference of the International Labour Organization,

In accordance with article 9, paragraph 2, of the Financial Regulations;

(a) decides that the contributions of Eritrea and the former Yugoslav Republic of Macedonia for the periods of their membership in the Organization in 1993 be based on annual assessment rates of 0.01 per cent and 0.02 per cent respectively, and that the resulting assessment for 1993 of the former Yugoslav Republic of Macedonia be deducted from that of Yugoslavia for 1993;

(b) decides that the rates of assessment for 1994 of Eritrea and the former Yugoslav Republic of Macedonia be 0.01 per cent and 0.02 per cent respectively and that the rate of assessment of the former Yugoslav Republic of Macedonia be deducted from that of Yugoslavia for 1994 of 0.16 per cent.

The General Conference of the International Labour Organization,

In accordance with article 9, paragraph 2, of the Financial Regulations;

(a) decides that the contributions of the Czech Republic and Slovakia for their periods of membership in the Organization in 1993 be based on annual assessment rates of 0.42 per cent and 0.13 per cent respectively;

(b) decides that the total credits that were due to the former Czechoslovakia in 1993 of 267,332 Swiss francs be allocated to the Czech Republic and Slovakia as credits against their assessments for the periods of their membership in 1993 proportionate to their respective rates of assessment for 1993 proposed in subparagraph (a);

(c) decides that the definitive rates of assessment of the Czech Republic and Slovakia for the 1994 year be 0.42 per cent and 0.13 per cent respectively;

(d) decides that the total credits due to the former Czechoslovakia of 2,109 Swiss francs in 1994 and 1,230 Swiss francs in 1995 be allocated to the Czech Republic and Slovakia as credits against their assessments for the 1994 and 1995 years proportionate to their respective rates of assessment for those years.

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the contribution of Oman to the ILO budget for the period of its membership in the Organization in 1994 be based on an annual assessment rate of 0.03 per cent.

Resolution concerning the scale of assessment of contributions for 1995

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, to adopt the draft scale of assessments for the 1995 year as set out in column 3 (headed "Percentage 1995") of Appendix I to this report.

Resolution concerning an arrangement for the settlement of amounts due by Viet Nam

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Approves the arrangement with the Government of Viet Nam for the settlement of the amount of 182,960 Swiss francs due in respect of its previous period of membership of the ILO by the payment of 15 annual instalments made up of 14 equal annual instalments of 12,190 Swiss francs and a final fifteenth instalment of 12,300 Swiss francs, beginning in 1993.

Resolution concerning an arrangement for the settlement of amounts due by Albania

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the proposal of the Government of Albania for the settlement of the amount of 135,142 Swiss francs due in respect of its previous period of membership of the ILO by the payment of 12 annual instalments made up of 11 equal annual instalments of 11,262 Swiss francs and a final twelfth instalment of 11,260 Swiss francs, and agrees that this arrangement should come into force retroactively as from 1 January 1994, with the first of the 12 annual instalments being payable in 1994.

Resolution concerning the Financial Report and Audited Financial Statements for 1992-93

The General Conference of the International Labour Organization,

Decides, in accordance with article 29 of the Financial Regulations, to adopt the Financial Report and Audited Financial Statements for 1992-93.

Resolution concerning the treatment of the 1992-93 cash surplus

The General Conference of the International Labour Organization,

Noting that for the 1992-93 biennium an excess of regular budget income over regular budget expenditure has resulted in a cash surplus of 24,230,334 Swiss francs (equivalent to $16,710,574 at the 1994-95 budget rate of exchange of 1.45 Swiss francs to the US dollar),

Decides, as an exceptional one-time measure and in derogation of article 18 of the Financial Regulations, to finance expenditure itemized in Appendix IV to the First Report of the Programme, Financial and Administrative Committee (reproduced as Appendix II to this Report), amounting to 21,729,700 Swiss francs from the cash surplus, thereby reducing by a corresponding amount the sum which would otherwise be available for reducing member States' contributions for 1994-95,

Notes that, taking into account the above appropriation, the amount available under article 18 of the Financial Regulations for reducing the assessed contributions of member States for 1995 will be 2,500,634 Swiss francs.

Resolution concerning the treatment of the amount received from the Compagnie Générale de Climatisation et de Maintenance

The General Conference of the International Labour Organization,

Decides, in derogation of article 11.1 of the Financial Regulations, that the amount of 3,668,185 Swiss francs received from the Compagnie Générale de Climatisation et de Maintenance be paid into the Building and Accommodation Fund for the maintenance of the headquarters building's technical installations.

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization

The General Conference of the International Labour Organization,

In accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization,

Decides to extend the terms of office of Sir William Douglas (Barbados), Mr. Edilbert Razafindralambo (Madagascar), and Mr. José Maria Ruda (Argentina) as judges by a further period of three years, with effect from June 1994.

APPENDIX I

Scales of assessment

INCOME BUDGET FOR 1994-95

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1995

(In Swiss francs)

	State (French alphabetical order)	Percentage 1995	Assessed contribution for 1995	Credit in respect of the Incentive Scheme for 1993	Credit in respect of cash surplus for 1992-93	Credit in respect of 50% of net premium for 1992-93	Net Contribution for 1995
1	Afghanistan	0.01	33 822	-	-	-	33 822
2	South Africa	0.40	1 352 879	-	-	-	1 352 879
3	Albania	0.01	33 822	-	-	-	33 822
4	Algeria	0.16	541 152	6 120	3 863	1 435	529 734
5	Germany	8.81	29 797 159	314 645	226 194	84 037	29 172 283
6	Angola	0.01	33 822	-	-	-	33 822
7	Antigua and Barbuda	0.01	33 822	-	-	-	33 822
8	Saudi Arabia	0.95	3 213 088	44 315	24 427	9 074	3 135 272
9	Argentina	0.56	1 894 031	-	-	-	1 894 031
10	Armenia	0.13	439 686	-	-	-	439 686
11	Australia	1.49	5 039 474	67 958	38 136	14 167	4 919 213
12	Austria	0.74	2 502 826	29 159	18 321	6 805	2 448 541
13	Azerbaijan	0.22	744 083	-	-	-	744 083
14	Bahamas	0.02	67 644	-	-	-	67 644
15	Bahrain	0.03	101 466	-	-	-	101 466
16	Bangladesh	0.01	33 822	107	249	93	33 373
17	Barbados	0.01	33 822	397	249	93	33 083
18	Belarus	0.47	1 589 633	-	-	-	1 589 633
19	Belgium	1.04	3 517 485	47 960	27 543	10 232	3 431 750
20	Belize	0.01	33 822	371	249	93	33 109
21	Benin	0.01	33 822	-	-	-	33 822
22	Bolivia	0.01	33 822	305	249	93	33 175
23	Bosnia and Herzegovina	0.04	135 288	-	-	-	135 288
24	Botswana	0.01	33 822	130	249	93	33 350
25	Brazil	1.57	5 310 050	5 526	37 637	13 982	5 252 905
26	Bulgaria	0.13	439 686	136	-	-	439 550

INCOME BUDGET FOR 1994-95

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1995

(In Swiss francs)

	State (French alphabetical order)	Percentage 1995	Assessed contribution for 1995	Credit in respect of the Incentive Scheme for 1993	Credit in respect of cash surplus for 1992-93	Credit in respect of 50% of net premium for 1992-93	Net Contribution for 1995
27	Burkina Faso	0.01	33 822	-	-	-	33 822
28	Burundi	0.01	33 822	327	249	93	33 153
29	Cambodia	0.01	33 822	-	-	-	33 822
30	Cameroon	0.01	33 822	-	-	-	33 822
31	Canada	3.07	10 383 346	142 135	76 769	28 521	10 135 921
32	Cape Verde	0.01	33 822	-	-	-	33 822
33	Central African Republic	0.01	33 822	-	-	-	33 822
34	Chile	0.08	270 576	-	-	-	270 576
35	China	0.76	2 570 470	18 863	19 193	7 130	2 525 284
36	Cyprus	0.02	67 644	910	498	185	66 051
37	Colombia	0.13	439 686	933	3 365	1 250	434 138
38	Comoros	0.01	33 822	-	-	-	33 822
39	Congo	0.01	33 822	105	-	-	33 717
40	Korea, Republic of	0.68	2 299 894	2 773	16 950	6 296	2 273 875
41	Costa Rica	0.01	33 822	-	-	-	33 822
42	Côte d'Ivoire	0.02	67 644	-	-	-	67 644
43	Croatia	0.13	439 686	-	-	-	439 686
44	Cuba	0.09	304 398	-	-	-	304 398
45	Denmark	0.64	2 164 606	28 513	16 451	6 111	2 113 531
46	Djibouti	0.01	33 822	-	-	-	33 822
47	Dominican Republic	0.02	67 644	-	-	-	67 644
48	Dominica	0.01	33 822	105	-	-	33 717
49	Egypt	0.07	236 754	3 194	1 745	648	231 167
50	El Salvador	0.01	33 822	-	-	-	33 822
51	United Arab Emirates	0.21	710 261	-	-	-	710 261
52	Ecuador	0.03	101 466	-	-	-	101 466

INCOME BUDGET FOR 1994-95

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1995

(In Swiss francs)

	State (French alphabetical order)	Percentage 1995	Assessed contribution for 1995	Credit in respect of the Incentive Scheme for 1993	Credit in respect of cash surplus for 1992-93	Credit in respect of 50% of net premium for 1992-93	Net Contribution for 1995
53	Eritrea	0.01	33 822	-	-	-	33 822
54	Spain	1.95	6 595 285	79 568	48 604	18 057	6 449 056
55	Estonia	0.07	236 754	-	-	-	236 754
56	United States	25.00	84 554 937	-	-	-	84 554 937
57	Ethiopia	0.01	33 822	374	249	93	33 106
58	The former Yugoslav Republic of Macedonia	0.02	67 644	-	-	-	67 644
59	Fiji	0.01	33 822	451	249	93	33 029
60	Finland	0.56	1 894 031	24 308	13 335	4 954	1 851 434
61	France	5.92	20 022 608	261 883	151 544	56 302	19 552 879
62	Gabon	0.02	67 644	-	-	-	67 644
63	Georgia	0.21	710 261	-	-	-	710 261
64	Ghana	0.01	33 822	204	249	93	33 276
65	Greece	0.34	1 149 947	3 430	-	-	1 146 517
66	Grenada	0.01	33 822	-	-	-	33 822
67	Guatemala	0.02	67 644	-	-	-	67 644
68	Guinea	0.01	33 822	-	-	-	33 822
69	Guinea-Bissau	0.01	33 822	-	-	-	33 822
70	Equatorial Guinea	0.01	33 822	-	-	-	33 822
71	Guyana	0.01	33 822	-	-	-	33 822
72	Haiti	0.01	33 822	-	-	-	33 822
73	Honduras	0.01	33 822	-	-	-	33 822
74	Hungary	0.18	608 796	6 873	4 860	1 806	595 257
75	Solomon Islands	0.01	33 822	-	-	-	33 822
76	India	0.35	1 183 769	15 557	9 098	3 380	1 155 734
77	Indonesia	0.16	541 152	7 200	3 863	1 435	528 654
78	Iran, Islamic Republic of	0.76	2 570 470	-	-	-	2 570 470

INCOME BUDGET FOR 1994-95

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1995

(In Swiss francs)

	State (French alphabetical order)	Percentage 1995	Assessed contribution for 1995	Credit in respect of the Incentive Scheme for 1993	Credit in respect of cash surplus for 1992-93	Credit in respect of 50% of net premium for 1992-93	Net Contribution for 1995
79	Iraq	0.13	439 686	-	-	-	439 686
80	Ireland	0.18	608 796	7 769	4 486	1 667	594 874
81	Iceland	0.03	101 466	1 129	748	278	99 311
82	Israel	0.23	777 905	-	-	-	777 905
83	Italy	4.23	14 306 694	169 930	102 442	38 059	13 996 263
84	Jamaica	0.01	33 822	332	249	93	33 148
85	Japan	12.28	41 533 384	196 868	294 862	109 550	40 932 104
86	Jordan	0.01	33 822	382	249	93	33 098
87	Kazakhstan	0.34	1 149 947	-	-	-	1 149 947
88	Kenya	0.01	33 822	-	-	-	33 822
89	Kyrgyzstan	0.06	202 932	-	-	-	202 932
90	Kuwait	0.24	811 727	11 627	6 730	2 500	790 870
91	Lao People's Democratic Republic	0.01	33 822	-	-	-	33 822
92	Lesotho	0.01	33 822	418	249	93	33 062
93	Latvia	0.13	439 686	-	-	-	439 686
94	Lebanon	0.01	33 822	-	-	-	33 822
95	Liberia	0.01	33 822	-	-	-	33 822
96	Libyan Arab Jamahiriya	0.24	811 727	-	-	-	811 727
97	Lithuania	0.15	507 330	-	-	-	507 330
98	Luxembourg	0.06	202 932	2 707	1 495	556	198 174
99	Madagascar	0.01	33 822	-	-	-	33 822
100	Malaysia	0.12	405 864	4 751	2 866	1 065	397 182
101	Malawi	0.01	33 822	24	-	-	33 798
102	Mali	0.01	33 822	105	-	-	33 717
103	Malta	0.01	33 822	454	249	93	33 026
104	Morocco	0.03	101 466	253	872	324	100 017

INCOME BUDGET FOR 1994-95

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1995

(In Swiss francs)

	State (French alphabetical order)	Percentage 1995	Assessed contribution for 1995	Credit in respect of the Incentive Scheme for 1993	Credit in respect of cash surplus for 1992-93	Credit in respect of 50% of net premium for 1992-93	Net Contribution for 1995
105	Mauritius	0.01	33 822	465	249	93	33 015
106	Mauritania	0.01	33 822	-	-	-	33 822
107	Mexico	0.87	2 942 512	8 293	22 433	8 333	2 903 453
108	Moldova, Republic of	0.15	507 330	-	-	-	507 330
109	Mongolia	0.01	33 822	-	-	-	33 822
110	Mozambique	0.01	33 822	429	249	93	33 051
111	Myanmar	0.01	33 822	465	249	93	33 015
112	Namibia	0.01	33 822	464	249	93	33 016
113	Nepal	0.01	33 822	354	249	93	33 126
114	Nicaragua	0.01	33 822	430	249	93	33 050
115	Niger	0.01	33 822	-	-	-	33 822
116	Nigeria	0.20	676 440	-	-	-	676 440
117	Norway	0.54	1 826 387	24 317	13 584	5 046	1 783 440
118	New Zealand	0.24	811 727	3 422	5 982	2 222	800 101
119	Oman	0.03	101 466	-	-	-	101 466
120	Uganda	0.01	33 822	257	249	93	33 223
121	Uzbekistan	0.25	845 549	-	-	-	845 549
122	Pakistan	0.06	202 932	1 237	1 495	556	199 644
123	Panama	0.02	67 644	510	498	185	66 451
124	Papua New Guinea	0.01	33 822	305	249	93	33 175
125	Paraguay	0.02	67 644	981	623	232	65 808
126	Netherlands	1.48	5 005 652	68 635	39 008	14 492	4 883 517
127	Peru	0.06	202 932	-	-	-	202 932
128	Philippines	0.07	236 754	912	1 994	741	233 107
129	Poland	0.46	1 555 811	21 178	12 836	4 769	1 517 028
130	Portugal	0.20	676 440	2 970	4 736	1 759	666 975

INCOME BUDGET FOR 1994-95
STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1995
(In Swiss francs)

	State (French alphabetical order)	Percentage 1995	Assessed contribution for 1995	Credit in respect of the Incentive Scheme for 1993	Credit in respect of cash surplus for 1992-93	Credit in respect of 50% of net premium for 1992-93	Net Contribution for 1995
131	Qatar	0.05	169 110	940	1 246	463	166 461
132	Romania	0.17	574 974	971	4 486	1 667	567 850
133	United Kingdom	4.95	16 741 877	202 991	122 257	45 421	16 371 208
134	Russian Federation	6.62	22 390 146	-	-	-	22 390 146
135	Rwanda	0.01	33 822	-	-	-	33 822
136	St. Lucia	0.01	33 822	458	249	93	33 022
137	San Marino	0.01	33 822	443	249	93	33 037
138	Sao Tome and Principe	0.01	33 822	-	-	-	33 822
139	Senegal	0.01	33 822	-	-	-	33 822
140	Seychelles	0.01	33 822	-	-	-	33 822
141	Sierra Leone	0.01	33 822	-	-	-	33 822
142	Singapore	0.12	405 864	4 615	2 866	1 065	397 318
143	Slovakia	0.13	439 686	5 739	3 442	1 279	429 226
144	Slovenia	0.09	304 398	2 375	1 787	664	299 572
145	Somalia	0.01	33 822	-	-	-	33 822
146	Sudan	0.01	33 822	352	249	93	33 128
147	Sri Lanka	0.01	33 822	436	249	93	33 044
148	Sweden	1.09	3 686 595	51 726	28 665	10 648	3 595 556
149	Switzerland	1.14	3 855 705	51 497	27 668	10 278	3 766 262
150	Suriname	0.01	33 822	-	-	-	33 822
151	Swaziland	0.01	33 822	260	249	93	33 220
152	Syrian Arab Republic	0.04	135 288	1 125	997	370	132 796
153	Tajikistan	0.05	169 110	-	-	-	169 110
154	Tanzania, United Republic of	0.01	33 822	454	249	93	33 026
155	Chad	0.01	33 822	1	-	-	33 821
156	Czech Republic	0.41	1 386 701	939	-	-	1 385 762

INCOME BUDGET FOR 1994-95

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1995

(In Swiss francs)

	State (French alphabetical order)	Percentage 1995	Assessed contribution for 1995	Credit in respect of the Incentive Scheme for 1993	Credit in respect of cash surplus for 1992-93	Credit in respect of 50% of net premium for 1992-93	Net Contribution for 1995
157	Thailand	0.11	372 042	4 965	2 617	972	363 488
158	Togo	0.01	33 822	-	-	-	33 822
159	Trinidad and Tobago	0.05	169 110	-	-	-	169 110
160	Tunisia	0.03	101 466	-	-	-	101 466
161	Turkmenistan	0.06	202 932	-	-	-	202 932
162	Turkey	0.26	879 371	10 626	7 353	2 732	858 660
163	Ukraine	1.84	6 223 243	-	-	-	6 223 243
164	Uruguay	0.04	135 288	-	-	-	135 288
165	Venezuela	0.48	1 623 455	-	-	-	1 623 455
166	Viet Nam	0.01	33 822	4	202	75	33 541
167	Yemen	0.01	33 822	-	-	-	33 822
168	Yugoslavia	0.14	473 508	-	-	-	473 508
169	Zaire	0.01	33 822	-	-	-	33 822
170	Zambia	0.01	33 822	11	-	-	33 811
171	Zimbabwe	0.01	33 822	-	-	-	33 822
		100.00	338 219 750	1 988 136	1 470 395	546 286	334 214 933

Appendix II

Proposed use of the 1992-93 cash surplus

Summary	Dollars	Adjustments already proposed	Further possible adjustments
		(decreases)	increases (decreases)
ILO support to constituents in countries and territories undergoing major political and economic changes			
South Africa	900 000		100 000
Occupied Arab territories	800 000		100 000
Central and Eastern Europe	700 000		100 000[1]
Asia	250 000		250 000
The Americas	150 000		275 000
Africa	200 000		275 000
Technical advisory services	1 900 000		—
	4 900 000		**1 100 000**
ILO participation in the World Summit for Social Development and other major technical activities			
ILO work for the World Summit for Social Development	842 000		
Support to the Special Adviser on Women's Questions	366 000		
Encyclopaedia of Occupational Health and Safety	500 000		
Study on international labour standards	352 000	(102 000)	(100 000)
Development of ILOLEX	452 000	(102 000)	
ILO access to INTERNET	95 000		(95 000)
	2 607 000	**(204 000)**	**(195 000)**
Modernization of the ILO's field offices			
Re-equipping/redecorating/renovating ILO external offices	2 400 574	(400 574)	(369 000)
Transfer of financial administration to field offices; and computerization of sales records in ILO external offices	2 385 000	(85 000)	(350 000)
Strengthening implementation of the Active Partnership Policy	130 000		
	4 915 574	**(485 574)**	**(719 000)**
ILO public information activities			
Additional public information activities	620 000	(120 000)	
75th anniversary missions	100 000	(30 000)	(70 000)
	720 000	**(150 000)**	**(70 000)**

Summary	Dollars	Adjustments already proposed	Further possible adjustments
		(decreases)	increases (decreases)
Improvements in the efficiency of the Office			
Management and technical training for staff	955 000		
ILO building, repair of joints	760 000	(760 000)	
ILO building, renovation of the fire-alarm system	164 000		
Replacement of old printing presses	116 000		(116 000)
Modernization of the ILO's financial systems	725 000	(125 000)	
	2 720 000	**(885 000)**	**(116 000)**
ILO policy-making organs			
Conference: electronic voting	273 000		
Third Session of the Committee of Experts on the Application of Conventions and Recommendations	575 000		
	848 000		
Total adjustments		**(1 724 574)**	
Total provisional cost in US dollars calculated at the 1994-95 budget exchange rate of 1.45 Swiss francs to the US dollar	**16 710 574**	**14 986 000**	**14 986 000**
Total cost in Swiss francs	**24 230 334**	**21 729 700**	**21 729 700**

[1] On the understanding that the increase is going to be used for Central Asian and other developing countries presently covered by the Regional Office for Europe.

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No. 15 — Saturday, 18 June 1994

International Labour Conference
Provisional Record 16
Eighty-first Session, Geneva, 1994

Seventeenth (special) sitting

Thursday, 16 June 1994, 3 p.m.

Presidents: Mr. Gray, Mr. Ould Sidi

REPORT OF THE DIRECTOR-GENERAL ON THE SITUATION OF WORKERS OF THE OCCUPIED ARAB TERRITORIES: DISCUSSION

The PRESIDENT – I would like to call to order the special sitting of the Conference to examine the Director-General's Report on the situation of workers of the occupied Arab territories.

Before giving the floor to the first speaker, I would like to remind you of the arrangements which I announced to the Conference yesterday afternoon.

First, the maximum length of speeches fixed by the Conference at seven minutes, with the exception of those speakers who would speak on behalf of groups of countries such as the European Community and the Arab Maghreb Union who would be granted ten minutes. I would earnestly call on all speakers to respect the time-limit for their interventions and appeal to all of you kindly to abide by the decisions of the Conference Standing Orders and the decisions taken by the Conference in order to give this debate both the dignity and the respect its deserves.

May I also remind you that, if there are any requests for the right of reply, they will be granted at the end of the sitting and should be limited to two minutes.

Finally, I would remind the representatives of non-governmental organizations who register to speak that they will be authorized to speak at the end of the sitting.

Original Arabic: Mr. RAMLAWI *(representative, Palestine)* – I should first like to congratulate the President on his election to the chair of the 81st Session of the International Labour Conference and to thank the Director-General, Mr. Michel Hansenne, for his useful two-part Report and for the Appendix dealing with the situation of labour and workers in the occupied Palestinian and Arab territories. I also wish to express my gratitude and appreciation to the representatives of the Director-General who visited the occupied territories and provided the Director-General with basic first-hand information on the situation of labour and workers under Israeli occupation, circumstances that call for careful attention and effective action on the part of the International Labour Organization.

If we compare the Report of the Director-General to this session with those that preceded it, we realize the gravity of the persistent Israeli practices that affect the living conditions of Palestinian workers and of the Palestinian people as a whole. These practices have continued in spite of the signing of the Washington and Cairo agreements between the Palestine Liberation Organization and the Government of Israel concerning the interim self-rule period. The Report drew attention to the persistent policy of the Israeli occupation authorities, who kill and imprison Palestinians, perpetrate massacres, impose collective punishment, destroy their homes, seal off their regions, deprive workers of their rights and prevent them from reaching their jobs, confiscate their land and water, annex their economy to Israel's, and continually expand Israeli settlements and establish new ones in the occupied territories, all of which has made the lives of Palestinian workers and all sectors of the Palestinian population an unbearable hell on earth that has bred violence in the past and continues to generate violence today between Israeli soldiers and settlers who occupy the land by force of arms, perpetrating all forms of oppression in order to tighten their grip on Palestinian land, and Palestinian citizens defending themselves, their livelihood and survival, their land and their property. The former is armed with military force and instruments of murder, destruction and oppression, while the latter is armed with the rights, legislation and lofty principles established by the international community to bring about justice and friendly relations among nations. The Report of the Director-General gives a true account of the facts although some parts require further expansion and greater objectivity to shed full light on the seriousness of the Israeli practices in the occupied Palestinian territories, which has an impact not only on the living conditions of the workers and people of Palestine but also on the peace process that began in Madrid.

As I say, the peace process began in Madrid and the Palestine Liberation Organization took part in it and played a leading role in ensuring its success in the belief that it was essential to reach a just settlement that would guarantee rights and security for all parties under the peace to which our Palestinian people aspire, based on international law, the principle of returning the land to our people in return for peace, and implementation of Security Council resolutions 242 and 338. The process led to the signing of agreements between the Palestine Liberation Organization and the Government of Israel concerning the interim provisional stage, which is to be followed by a final stage with the cessation of the Israeli military occupation of all Palestinian and Arab lands occupied by Israel by force of arms in 1967. This means that the Israeli occupation of Palestinian territory will continue until that stage, and that its danger and persistent evil practices will continue to endanger the livelihood and lives of the Palestinian people. This being the case, the International Labour Organization and the international community as a whole,

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represented by the United Nations and its specialized agencies, are still committed to fulfilment of their obligations under the resolutions adopted on the various aspects of the question of Palestine until such time as the Israeli occupation of Palestinian territory is ended and the Palestinian people recover their national rights, in particular the right to self-determination and to establish an independent State on their land, with its capital in the Holy City of Jerusalem. For that reason, the provisions and resolutions of the Conferences of the International Labour Organization and the resulting missions to the occupied territories to establish the facts about the situation of labour and workers there, the holding of a special sitting and the establishment of a special committee to monitor implementation of the resolutions of those Conferences and the Recommendations of the Director-General derived from the views expressed by Member States in their statements, continue to be an important and fundamental necessity, an expression of the responsibility of the ILO to the Palestinian people until the complete cessation of the Israeli occupation of the Palestinian territory occupied by military force. In this connection, I should like to commend the ILO's technical assistance programmes for the building of an infrastructure for Palestinian society and I take this opportunity to urge the donor countries to speed up the delivering of their contributions to the Palestine Liberation Organization and the implementation of the projects proposed with a view establishing an infrastructure for Palestinian society, following its destruction by the Israeli military authorities during the years of occupation. I also urge the countries of the world and international and regional institutions capable of doing so to provide material and technical support to the Palestinian people At this stage there is an extremely urgent need for such vital support so that life can return to normal in our land.

I wish to extend warm thanks to the President and to everyone who has contributed to the success of this special setting for their constructive role in strengthening and protecting the national rights of the Palestinian people and establishing a just peace in our region and in the world as a whole.

Mr. BOUCAOURIS *(speaking on behalf of the European Communities; Government delegate, Greece)* – One more excellent Report by the Director-General and his staff on the situation of the workers in the occupied Arab territories has been produced, with valuable information and well-balanced conclusions. On behalf of the European Union, I wish to thank them all and to congratulate them on their competence and perseverance.

As in the past, the parties directly involved have been cooperative over the preparation of the Report, although this year some facilities usually provided by the Israeli authorities were lacking, and the programme established by the latter did not include, as in previous years, meetings with some senior officials.

We are confident that, whatever difficulties lie in its path, the situation in the occupied Arab territories will continue to improve. The agreement between Israel and the Palestine Liberation Organization (PLO) on Gaza-Jericho, signed in Cairo on 4 May this year, is tangible proof of that, and the European Union did not fail to welcome it. Tribute was paid to the determination of both sides not to allow extremist elements to place obstacles in the way of peace. The part played by the co-sponsors, the host country and others, in encouraging the continuation of bilateral contacts and negotiations was also acknowledged.

The agreement on Gaza-Jericho is an important step towards the full implementation of the Declaration of Principles on Interim Self-Government Arrangements, signed by Israel and the PLO in Washington on 13 September last year. The earlier the Declaration is implemented, the better. If a climate of mutual trust can be promoted, then the whole Middle East peace process will be on the right track.

The European Union, for its part, has reaffirmed its continuing commitment to the peace process by adopting a joint action on 19 April, intended to mobilize the political, economic and financial resources of the Union in support of a just, lasting and comprehensive peace. Two of its members are already taking part in the temporary international presence in Hebron, while it has confirmed its willingness to participate, at the request of the parties concerned, in the temporary international presence in Gaza and Jericho and monitoring of the elections.

As we all know, the Cairo agreement has yet to be fully implemented. Although security is of vital importance, prolonged curfews and closures of the occupied territories and of Jerusalem jeopardize the economic development of the territories and thus the establishment of an enduring peace; a peace which is furthermore threatened by the continuing settlement programme.

The Palestinians have also to do their own bit if they are to succeed. It is up to the Palestinian authorities to adopt the right policies conducive to investment and job creation. It is up to them to set the basis for a democratic society where labour rights are fully respected and trade unions play a major part in setting up labour legislation. The European Union urges the Palestinian labour movement to establish still closer contacts with the Histadrut and with international trade unions. We are confident that the ILO will continue to play a full role in this process.

We have reached a turning point in the Middle East peace process. Recent developments in the region can justify some optimism. The European Union hopes that, in the next year, this Conference can dispense with the special sitting on the occupied Arab territories and turn its attention to the scope for constructive engagement by the ILO in support of the search for peace.

Original Arabic: Mr. NIA *(speaking on behalf of the Arab Maghreb Union; Government adviser, Algeria)* I would like to take the opportunity offered by this special sitting of the Conference on the situation of workers of the occupied Arab territories to make a few remarks on this just cause, which still needs the support of the intentional community. A just cause to which the countries of the Arab Maghreb Union, on behalf of which I am speaking, attach great importance, like the other Arab countries and all the countries anxious to secure peace and justice throughout the world.

The Declaration of Principles on Interim Self-Government Arrangements signed on 13 September 1993 in Washington was given due recognition at the time.

The hopes which it aroused were strengthened by the agreement of 4 May 1994, which opened up a period of transition for part of the occupied territories.

By setting up an autonomous entity on part of its national soil, the Palestinian people have achieved an initial victory, which we hope will be followed by other victories, until an independent Palestinian State is set up, with the holy city of El Qods as its capital.

We are convinced that a settlement of the Middle East problem can only be achieved if Israel withdraws from all the occupied Arab territories,including El Qods.

The happy developments we are witnessing and those the whole world is hoping for have not changed the situation of workers in the occupied Arab territories. We therefore greatly appreciate the excellent Report submitted to us and wish to pay tribute to Mr. Michel Hansenne, Director-General of the ILO, and to his colleagues for the serious work they have accomplished.

We observe that the economic hardship in which the people in the Arab occupied territories live – or rather eke out an existence – is made daily worse by administrative harassment, gratuitous bullying, restrictions on freedom of movement, arbitrary arrest, fines out of all proportion to wages and other collective punishments which should be condemned and are unjustified.

However we look at it, the situation of the workers in the occupied Arab territories is, to say the least, complex, difficult and worrying.

It calls for total, urgent and consistent solidarity on the part of the international community. This is a challenge the community must take up if it is to contribute to consolidating peace and achieving security in a region beset by terrible ordeals which have long been a blot on the conscience of the world.

Urgent action is required to lift the restrictions on the employment of Palestinian workers, to offer them protection and adequate social benefits, to put an end to the denial of their most fundamental rights and the injustices perpetrated against them.

We cannot but pay tribute to the heroic resistance of the people of the Golan, led by the workers, who regularly organize strikes and demonstrations to denounce the policy of *fait accompli* practised by the Israeli occupation authorities.

The economy of the Golan has been disrupted by the accelerated confiscation of land, the main source of wealth, the expansion of settlements, discrimination in the distribution of water and various measures which run counter to the elementary principles of international law.

The population of the occupied Arab territories needs effective protection. It is the duty of the international community to give it this protection. What is at stake is peace and security in this part of the world.

The International Labour Office is familiar with the situation of the workers in this region, as it has followed developments since 1978. Its assistance and that of the Organization are particularly necessary today.

The stage which is beginning now with the transitional period calls for increased, multiform assistance to the Palestinian people to enable it to set up and develop an effective administration, set up sound institutions and create a viable economy.

It is in the interests of peace to fulfil the aspirations of the Palestinians as soon as possible by creating jobs, by providing adequate social protection and by an active struggle against poverty.

More than ever before, this is a challenge to the international community. The ILO must continue to include the question of the situation of workers of the occupied Arab territories on the agenda among its greatest and most urgent concerns.

Mr. OEDIYANTO *(speaking on behalf of the Non-Aligned Countries; Government adviser, Indonesia)* – It is a great pleasure for my delegation to address this special sitting concerning the situation of workers in the occupied Arab territories on behalf of the Non-Aligned Countries. We consider the holding of the sitting to be very timely, since it is held against the background of some important events which will have lasting effects on the future of the territories and the region as a whole, in particular the situation of the workers there.

Before I proceed, permit me to express our deep gratitude and appreciation to the Director-General of the ILO for the Report on the situation of workers in the occupied Arab territories which he has comprehensively prepared and submitted to us. Our thanks are also due to his representatives who have successfully completed their fact-finding missions in the occupied territories.

At this point in time, we all witness that while the pace and movement in the peace process towards the achievement of a comprehensive, just and lasing peace in the Middle East based upon relevant Security Council resolutions and the principle of land for peace seemed to be adequate, it has failed so far to generate the momentum which could bring relief to the plight of workers in the occupied territories.

Regrettably, the occupying power has so far been reluctant to take the necessary measures toward the promotion of social and economic well-being for workers in the occupied Arab territories. We nevertheless fully concur with the Director-General's observation in his Report that a daunting task faces all the parties concerned, including of course the ILO, who are all duty bound to help create a situation conducive to the attainment of peace, stability and economic development in a region which, for almost three decades, has experienced foreign military occupation, turbulence and social and economic justice.

As the Report of the Director-General rightly shows, the general situation of the workers in the occupied territories to date remains far from satisfactory. For the greater part, this is due to the maintenance of stringent policies by the occupying power. Thus far, for example, the arbitrary practices and security restrictions affecting workers have not been eased, while the significant restrictions placed on the employment of Palestinian workers in Israel are being maintained.

It is much more regrettable to see that the overall labour situation in the occupied territories has further deteriorated as a result of the closure of territories, prolonged curfews and other restrictive measures. The Israeli Government's intention to apply a policy that would reduce to a minimum the number of Palestinian workers allowed to work in Israel, if applied, will only further worsen this invidious situation. If such a policy were to be applied, it would have dire consequences for the economy of the occupied Arab territories, as the economic survival of the territories depends largely, at least in the shorter term, on access to jobs in the occupying State.

In this connection, we strongly urge the occupying power, which deliberately created such economic dependency, to re-open its frontiers to Palestinian labour, at least until such time as the economy of the territories permits the absorption of the Palestinian workers into the local labour market. Despite that grim situation, I should like to avail myself of this opportunity to commend the agreement signed in Cairo by the PLO and the Israeli Government on 4 May 1994, which is to pave the way for the Palestinian authorities to take charge of their affairs in the social and economic domain.

In the same vein, we would also like to welcome the launching of a blueprint for the social development of the occupied Arab territories, prepared by the International Labour Organization at the request of President Yasser Arafat of Palestine, and contained in the Appendix to Part II of the Report of the Director-General, as a measure to help create a conducive environment to the attainment of stability and economic progress by the people in the occupied territories, based on democratic principles and social justice.

While welcoming the readiness of donor countries to provide a fund to meet the costs of running the new Palestinian national authority, it is the considered view of member countries of the movement that the fund must be disbursed immediately without any conditions attached, since such an arrangement is humiliating and represents a serious obstacle to the autonomy process which is so far taking place.

Before concluding my statement, on behalf of the Non-Aligned Countries, I should like to reiterate our unswerving and undiminished support for the just struggle of the Palestinian and Arab people for justice, particularly at this very critical point in the peace process.

Original Arabic: Mr. KHALIL *(Minister of Social Affairs and Labour, Syrian Arab Republic)* – For the second time, I should like to congratulate the President on the confidence that the Conference has placed in him by electing him to chair the 81st Session of the Conference, and we hope that the discussions will live up to our expectations.

Peace will never be achieved in our Arab region as long as the Arab people are deprived of the right to self-determination, and as long as there are violations of the human rights enshrined in international Conventions and the Constitution of the ILO and respected, regardless of a person's race, sex, religion, colour or political belief.

Israel is pursuing and intensifying its policy of discrimination, of expulsion, flying in the face of international law, of the charter of the United Nations, the Geneva agreements, United Nations resolutions and, in particular, the resolution of the International Labour Conference, No. IX, 1974, concerning the Policy of Discrimination, Racism and Violation of Trade Union Freedoms, and resolution II of 1980, concerning the Implications of Israeli Settlements in Palestine and Other Occupied Arab Territories.

All previous reports, including the one before us, confirm that the racist and inhumane practices perpetrated by Israel are being continued to the detriment of the rights of Arab workers, employers and other inhabitants in Palestine, the Golan and other occupied territories which shows very clearly that Israel is actively trying to change the demographic composition of Arab territories and wipe out the culture and national identity of the people living there and ensure that the majority are settlers.

We support what the Director-General has said in his Report, inter alia, in paragraphs 14, 103, 16, 21, 36, 61, 62, 72 and 78 on continuing repressive and unwarranted actions by Israel, and the expropriation of land proving the extension of its colonies by the Israeli regime since the Declaration of Principles on Interim Self-Government Arrangements was signed by its President and the Chairman of the PLO, not to mention the obscene crime of the slaughter at the Tomb of the Patriarchs in Hebron.

Israel is maintaining many kinds of restrictions on the movement of Arab inhabitants, depriving them of work and income and harming the economy of the region. Israel refuses to return social security contributions it has received from Arab workers. The Director-General's Report in paragraphs 94, 96, 97 and 98 on the Golan mentions the requisitioning of land, the establishment of settlers, the expropriation and monopolization of sources of water and pressure on inhabitants who can only contact families by using loudspeakers and measures which make it impossible for university students to find employment, thus forcing them to become part of the exodus (the indirect expulsion of Arab inhabitants being one element of Israeli policy).

The mission sent by the Director-General to the occupied territories should be applauded in view of its neutrality and objectivity. We have before us its grim account in the Director-General's Report, but we would like to suggest some amendments. Paragraphs 90 to 93 mention the indigenous Arab population or autochthonous Druze. I believe it should read Syrian Arab citizens, for this is in fact what they are.

In the same vein "territories" as used in particular in paragraphs 67 and 89, should be amended to read "occupied Arab territories".

Paragraph 60 mentions authorizing workers to return to their usual work in Israel to prevent "acts of terrorism". The actions of Arab workers are those of defence and should not be branded as terrorism.

Paragraph 107 says that the "settlement policy should be terminated". However, the Report, pursuant to resolution II of 1980 adopted by the International Labour Conference, should demand in no uncertain terms that this policy be ended.

As long as the territories remain under occupation, however many reports are made, however many missions are dispatched, and regardless of the quality of recommendations made, the situation will not improve and the recommendations will serve no practical purpose. However, it is important to come back to the idea of a special committee to discuss the Director-General's Report, along the lines of the Committee on Action Against Apartheid which was successful in helping to end apartheid in South Africa.

Not only are the Arabic countries in favour of this, support has also come from the non-aligned countries in its decision adopted at the Conference of Labour Ministers of Non-Aligned and Other Developing Countries held in Tunis in 1990. This committee would not be used for propaganda but aim to ensure that there was a purposeful discussion of the annual Report of the Director-General. In themselves, special sittings do not allow for in-depth dialogue or debate. We have to limit ourselves simply to making statements, which precludes the possibility of any objective work being carried out. Regardless of the make-up or number of sittings of the committee we are proposing, it would at least ensure a follow-up to its own recommendations and those made by the mission.

We also call for the implementation of technical cooperation programmes to help Syrian Arab workers who are living under the Israeli occupation in the occupied Arab Golan. Furthermore, an ILO unit should be set up in the occupied Palestinian territories to monitor the situation of Arab workers in Palestine and the other occupied Arab territories. In the same way, the application of technical cooperation programmes to help Palestinian workers and employers, financed out of the ILO's budget, should be stepped up.

We have expressed our sincere hope for just and universal peace based on the principle of land for peace, international legitimacy and the United Nations Security Council resolutions. President Hafez Al-Assad has, on numerous occasions, stated that we have no preconditions except that the process should be taken seriously and be sincere. The Syrian Arab Republic will never stand in the way of peace. Those who do not want peace are the people who refuse to apply the Security Council resolutions, who continue to violate all international charters and resolutions and try to block all sincere initiatives aimed at ensuring peace.

The truth of the situation as described in the Appendix to Part II of the Director-General's Report serves as a graphic condemnation of Israel and its activities which are based on repression, racism and serious violations of human rights and international instruments. The Conference owes it to itself to take a firm stance and ensure that these crimes do not go unpunished. It is high time that the Conference adopted the much-needed resolutions sanctioning a member State which is failing to comply with resolutions and respect the principles of the International Labour Organization.

Original Arabic: Mr. KARA *(Workers' delegate, Israel)* – Thank you very much. I would like to congratulate the President on his election to chair this 81st Session of the International labour Conference. I hope that the work will be very fruitful in light of the important points on the agenda of this session of the Conference.

I will be very frank. I have decided to speak to you from this rostrum at this time in order to extend to you my greetings as well as the greetings of the Middle East as a whole. In the past we sought peace, and this long period led to negotiations. We reached that objective.

It is often said that a first step has to be made for a second step to follow. You know what a giant step forward toward peace between Israel and the PLO took place in August 1993 with the signing in Oslo of the agreement between the two, followed by a historic Declaration of Principles. These steps were rapidly followed, with the good will of the two parties in the past months, by the signing of the first agreement on autonomy on the West Bank and in the Gaza Strip.

During the second half of May of this year, we started to implement the agreement in Gaza and Jericho. Israel conferred on the PLO responsibility for this territory. But this is a very long process. The success of the agreements concerning Gaza and Jericho will guarantee on their own the success of the peace process. We, the representatives of many peoples, should all contribute to fostering the cause of peace.

This is what I wanted to tell you last year when I spoke to you from this rostrum about the prospects for peace. I said that we did not need to have a special session to examine the condition of workers on the West Bank in Gaza. Today we have the proof of this. But there are still some who cannot accept this, or who do not want to accept this new situation. It is not by chance that the countries which often speak out in favour of this special session are the same ones in which workers' rights are not always respected. Today I suggest that we do not waste any more time holding such special session, because they are sterile.

Today, a real step forward towards the objective of peace has been taken, and we should seek to strengthen the cause of peace. We should support the ILO's programmes to implement projects relating to conditions of work, social security and occupational trade unions on the West Bank and in Gaza instead of wasting our time.

Our Organization needs to meet its responsibilities in favour of peace in these regions. The workers of Palestine have to become organized, and their organizations have to become democratic. That is the only way to uphold the cause of the workers.

The Histadrut, since it represents workers in Israel, is entirely ready to contribute to the cause of peace as it has done in the past, sharing its experience with the trade unions in Palestine. This year we helped defend the interests of the workers in the region. We also provided some social protection to these workers, making available to them Arab lawyers to help those workers unable to go to their place in work because of the curfew. We raised funds for workers who were in need of financial assistance.

We still support flexible policies designed to permit these workers to have access to their places of work despite the fact that very often the territories are shut off. As we have done in the past, we are still ready today to open our international institute to these workers so that they are able to take courses and become informed of their rights. Cooperatives are very important for workers as well. Through cooperatives, they can work with employers and official organizations which are ready to conclude collective agreements, guaranteeing the workers' salaries and increasing their living standards. This contributes in turn to fostering the cause of peace.

Last year, we organized the first official meeting between officials of the Histadrut and the General Federations of Trade Unions of the West Bank and the Gaza Strip. The Secretary-General of the Histadrut also participated, as well as the Secretary-Generals of the GFTUs. We covered questions concerning both organizations.

Today we can see that peace is coming to our region. For more than 40 years this region has been subjected to bloody wars, with very serious consequences, including much destruction and death. Today we need to rebuild the economic basis and infrastructure to support industry in this region, for only industry and work can ensure a worthy existence for all people and workers.

Once again, my I remind you that this situation requires the full participation of all those who are ready to promote the cause of peace at the international as well as the national level. On behalf of the Histadrut trade union in Israel, I would like to say that we are entirely ready to take up this task with you. God bless you.

Original Arabic: Mr. ELAMAWY *(Minister of Manpower and Employment, Egypt)* – In the name of God, the Compassionate and Merciful! Allow me at the outset to congratulate the President on his election to the presidency of the special sitting to discuss the situation of workers of the occupied Arab territories. I should also like to thank the Director-General of the ILO for this important Report which reflects the recommendations and observations of the mission that was sent to Israel and the occupied Arab territories to investigate the situation of the workers in these territories.

The Middle East has recently witnessed historic and encouraging events representing the positive developments of the peace process. They began by the opening of the International Peace Conference on the Middle East in Madrid on October 30 1991, in accordance with Security Council Resolutions 242 and 338. Then came the bilateral talks that followed this Conference: the signature of the Declaration of Principles on the Interim Self-Government Arrangements; and the important Cairo Agreement signed by Israel and the PLO regarding the implementation of the above-mentioned principles.

All these are positive developments that represent an important and fundamental step towards the achievement of a just and durable peace in the region for the welfare and security of its peoples.

It is unfortunate that despite these positive historic events that I have just mentioned, and in accordance with the Director-General's Report, the situation of workers in the occupied Arab territories is still bad and has not improved. The year 1993 was another bad one from the social and economic point of view as a result of the extended curfew and the closure of the Israeli borders to Arab workers. Paragraph 103 of the Director-General's report reads: "Since the signing of the Declaration of Principles the Israeli authorities have reportedly stepped up the confiscation of Palestinian lands and the expansion of existing settlements and their infrastructures."

As a result of the settlement policy pursued by Israel in the occupied Arab territories, the natural characteristics of this part of the world as well as the demographic composition of this region have both changed dramatically. This is considered a violation of international law and international humanitarian law. The international community has repeatedly denounced the establishment of such settlements and expansion, together with the resulting duality in social and legal regimes and the consequent tension, injustice and violence. This confirms the necessity of putting an immediate and complete end to the settlement policy in the occupied Arab territories, taking into account the harmful impact on the citizens' rights in these territories.

The various departments of the ILO have undertaken several activities in favour of the workers of the occupied Arab territories; these were described in the Report of the Director-General who confirmed and emphasized that the best way for the ILO to serve the interests of the workers and employers in the occupied Arab territories is to provide them with technical assistance. The Report mentions that the complex conditions that have prevailed in the occupied Arab territories over the past two decades have hampered the achievement of this objective. However, the Director-General referred to the fact that the developments that took place between the Israelis and the Palestinians during the last quarter of 1993 augur well for the future and for the ILO's role in improving the conditions of the workers of the occupied Arab territories.

We would like to confirm what has been included in the Report of the Director-General with regard to the importance of coordinating the activities of the ILO as well as the governmental and non-governmental organizations that participate in the process of developing the Palestinian lands, particularly their close cooperation with the Palestinian Economic Council for Development and Reconstruction.

The historic and positive developments witnessed by the Middle East region lay further responsibilities on the ILO as well as the other international organizations in order to protect and to ensure the exercise of the fundamental rights and freedoms of the Palestinian workers of the occupied Arab territories and in order to respond to the needs of the Palestinian people on the technical, economic and social levels, by granting them assistance with the objective of achieving the respect of their rights and freedoms.

We reaffirm the importance of implementing the recommendations made by the Director-General in this Report and in previous ones. We also reiterate our adherence to the principle of equal treatment for Palestinian workers both at the workplace and as regards social insurance.

We fully support the peace process in the Middle East which is based on Security Council Resolutions 242 and 338 as well as the principle of land for peace in order to establish just and comprehensive peace in the region, which is the main reason for the non-respect of workers' rights in the occupied Arab territories.

Mr. HILB *(Employers' adviser, Israel)* – First of all, I want to congratulate Mr. Gray on his election as President of this session of the International Labour Conference. My congratulations go also to the Vice-Presidents.

This is the fifth time in the past five years – and we expect the last one – that a special session is held within the annual session of the ILO Conference in order to discuss the report submitted by the ILO special mission to examine the situation of workers of the territories.

In the past years, particularly the last, events of major importance have taken place around the world especially in the Middle East bringing about historical developments in every aspect of Israel-Arab relations, most important of which is the agreement between Israel and the PLO which provides solutions to many problems which generated the conflict of many years between Israel and the Palestinians. It is highly regrettable that the ILO ignores these historical developments by continuing to hold a special session as if nothing has changed. We were of the opinion that this year in particular it was unnecessary to send a special mission by the ILO let alone hold this special session.

It is highly regrettable that the Organization has decided, despite the agreement signed with the PLO and the ongoing peace process, to nevertheless hold this session which has continually been used as a stage for attacks and talks against Israel in a matter which is essentially political and, in fact, has no bearing on and nothing to do with the goals and function of the ILO. I hope this year we have seen the last of these special sessions and that this issue would no longer be part of the ILO's Conference agenda which would enable the Organization to deal with subjects pertinent to its activities and focus on the reforms it has to carry out to maintain its relevance. It is well known that the number of workers from the territories employed in Israel has decreased in the last year. Undoubtedly, the agreement setting forth the Palestinian Autonomy signed between Israel and the Palestinian Liberation Organization (PLO) will lead to the development of industrial plants within the Autonomy, thus creating new opportunities for its residents.

The Paris Agreement, which is an economic agreement between Israel and the Autonomy, includes a chapter on workers and labour between the Autonomy and Israel. In this chapter, the labour relations are regulated in general terms. Upon the establishment of the Autonomy, the relationship is not that of an occupying power, but that which exists between a country and an autonomous authority, thereby leading to varied economic activities including workers in both frameworks. Therefore, sending out a mission and holding a special debate on workers' rights has now become irrelevant, and lacks interest.

We as employers and representatives of the business sector strive for normalization in business and commercial ties with Palestinian industrial companies and businessmen. We are preparing ourselves for the developments and the new situation, essential to the welfare of the region and its residents, knowing that entrepreneurship and business development constitute a major factor in the region's development and bring people and nations closer together than any political activity. We are hopeful that the politicians will let the entrepreneurs, the businessmen and managers in the business sector do their work, the results of which will contribute to general prosperity in the region.

Original Arabic: Mr. AL GHAZAWY *(Minister of Labour, Jordan)* – In the name of God, the Merciful, the Compassionate! The delegation of the Kingdom of Jordan is proud to be attending this special session of our Conference being held in these august surroundings during the celebration of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

We wish to discuss the position of the Arab workers and employers in Palestine and the other occupied territories, and we would like to express our appreciation to the Director-General of the ILO and his officials for the Report they have drafted.

Having followed daily the position in Palestine and the occupied territories, we share the preoccupation felt by the Director-General in the light of the findings by the special mission, namely the infringements of rights and liberties in this part of the world in 1993, a year which the mission characterizes as an unhappy one on the political and economic level. Perhaps we should point out that the economy of these regions is depressed and underdeveloped. Paragraph 18 of the mission's report that states "living and working conditions remain extremely bad and precarious. Furthermore, the human rights situation has not improved."

This report contains shocking testimony as to the precarious position of the inhabitants of these parts of the world, the trials and tribulations of workers and employers owing to actions by the occupying forces – the sealing off of areas, destruction of houses and restrictions on traffic – and the suffering inflicted by colonization and the acts of unending provocation by the settlers. All of this constitutes a permanent challenge to the peace process to which all Arabs aspire. Our wish is for a just and lasting peace in the region to regain the occupied Arab territories so that the people in this part of the world may enjoy, as do others, a true and wide-reaching peace based on social justice and international recognition, and lastly, so that we can dedicate our full efforts to construction and development.

I am sorry to say that these actions run contrary to the principles of the ILO, threatening to undermine the peace process. We must put a stop to this so that all the good offices may be successful in terms of respect for the rights of humans, whether they be employers or workers, in accordance with the principles of humanity to which we are all committed by reason of belonging to the ILO.

My country has always paid tribute to the activities of the ILO which has worked to eradicate apartheid in South Africa. We would like to appeal to the various bodies of this Organization to continue their efforts begun a number of years ago to improve the living conditions of workers and employers in Palestine and the occupied territories and to guarantee their rights and their freedoms as embodied in your Constitution.

We hope that these efforts will go hand in hand with the programme of technical assistance for the benefit of these workers, employers and other classes of people coping with colonization and oppression, who need social and economic organizations, in order to be able to resume their daily normal activities in tranquillity.

To conclude, I wish to appeal to our Organization to serve as the vanguard of international groups in order to defend these principles and affirm the truth stressed by the mission itself which said that the military occupation makes it impossible to enjoy civil and political liberties.

Original Chinese: Mr. HUANG *(Workers' adviser, China)* – Since we discussed the question of Palestine in this august forum last year, the Middle East situation has witnessed fundamental changes. The Middle East peace process has achieved historical breakthroughs and the decade-long Arab-Israeli conflict has come to an historical turning-point following the signing of the Palestinian and Israeli peace accord. On 4 May, the PLO Chairman, Yasser Arafat, and the Israeli Prime Minister Yitzhak Rabin signed in Cairo the agreement on implementing the Declaration of Principles on Interim Self-Government Arrangements. Now the first group of Palestinian police has been deployed in the Gaza Strip. A new phase of practical implementation has begun for the Palestinian and Israeli peace accord. The Chinese trade unions and workers as a whole heartily rejoice at this encouraging development, resulting from the protracted struggles of the Palestinian workers and people. We hope that the workers and peoples of Palestine and Israel will really join hands and live in harmony to turn the land torn by war over the past 50 years into an oasis of peace in the future.

The issue of Palestine is the crux of the Middle Eastern question. Failure to settle this issue in a just and reasonable manner will not only impair peace and development in the Middle East, but also worldwide. The International Labour Office has made positive efforts for many years towards solving the Palestinian question by sending fact-finding teams to survey the situation of workers of the occupied Arab territories and publishing their findings every year before the International Labour Conference. This has attracted worldwide attention. The ILO has also provided the occupied Arab territories with technical cooperation projects. We would like to voice our appreciation of the various efforts made by the ILO and also hope that the ILO will continue to provide assistance wherever possible in the forthcoming reconstruction of Palestine, so as to speed up its development process.

Of course, we should also notice that the mutual recognition of Palestine and Israel and the agreement concluded on implementing the Declaration of Principles on Interim Self-Government Arrangements is only the first step towards a comprehensive settlement of the Palestinian question. The Middle East peace process is still a tortuous one, and more reverses and setbacks will possibly be encountered. We hope that the Palestinian question will be settled in a just and reasonable way in accordance with relevant resolutions, Security Council resolutions 242 and 338 in particular. It is our sincere hope that the international community, the ILO and the parties concerned will contribute to achieving a just and a reasonable settlement of the Palestinian and the Middle Eastern question.

The Chinese workers and trade unions have always supported the just struggle of the Palestinian workers and people for the restoration of their legitimate rights. We will, as always, join hands with the workers and trade unions all over the world, especially in the Middle East, and make positive efforts for the early achievement of the comprehensive and just peace and stability in the Middle East.

Original Arabic: Mr. DAJANI *(Employers' adviser, Jordan)* – In the Name of God, the Merciful, the Compassionate. The subject under consideration is fairly broad, and the time is very limited, so I will try to be very brief. Accordingly, I would like to start by greeting the President and all members of this Conference. I should also like to extend my heartfelt thanks to the Director-General for his comprehensive Report, and to the fact-finding mission for all the efforts they have deployed.

This special sitting, which members of the Israeli delegation have suggested should be abolished, is a declaration and reaffirmation of the just rights of the Palestinian workers in the occupied Arab territories. If these two delegates do not want to have this special sitting convened, they need only ask their Government to pursue the peace process in a sincere and dedicated manner, so that the occupied Arab territories can go back to their owners.

This annual Report comes at a time when the Arab-Israeli conflict stands on the threshold of peace. The two sponsors of the Madrid conference, namely the United States and Russia, undertook the sponsorship of the peace process instead of the United Nations, which is the appropriate international organization to establish such a peace.

Since the Madrid conference, which was sponsored by the two major powers in 1991, the ILO has issued four annual reports which come on top of a series of earlier reports, and which are written in a promising language when talking of the violation committed by a Member of this Organization, of trade union and human rights, confiscation of properties and prohibition of people from working. Actually, this member State is with us today celebrating and commemorating the 75th anniversary of the establishment of trade union freedom and the 50th anniversary of the Declaration of Philadelphia.

We may conclude that the Report of the Director-General and these other reports covers the violation of trade union freedom and human rights and the destruction of sources of income and work and takes us from the time before the Oslo agreement through to the massacre of the Palestinians praying in the Tomb of the Patriarchs in Hebron, to the seige of Jerusalem and the creation of instability and chaos in the self-government area by the siege. This was a concerted operation to foil peace and to continue violating international instruments.

All this is to be found in the various reports: violations and aggressions. These reports are quite neutral; they merely hold a mirror to contemporary history and recount to the world the destruction perpetrated in this part of the world, and how the hand of Israel has brought about all this destruction and oppression. I believe that this denunciation by the world suffices.

The ILO and the different Members of this Organization have played a major role in eradicating apartheid and injustice in South Africa. We would express our congratulations on this victory scored over violation of human rights. The Conference Committee on Action against Apartheid has played a leading role in this field. We call upon the ILO Governing Body to establish a committee similar to that for South Africa, to follow up and monitor human rights until the Israeli role in the violation of trade union freedoms has come to an end.

The Arab countries have embarked on the peace process for the sake of peace, and not as a result of submission to oppression and aggression. The self-government area needs every support and assistance. Currently, the Palestine Liberation Organization (PLO) is building a humanitarian society out of the debris of destruction that has been brought about since 1967.

The courageous Jordanian declaration made by His Majesty King Hussein of the Hashemite Kingdom of Jordan, needs your support. The historic link between Palestine and Jordan needs every support. We have to establish the potential to deal with Israel on an equal footing so that there will be no superior and no inferior. To achieve peace, we have to cooperate. If next year, the report we receive is similar, I will conclude that no improvement has been made. But we hope we will return to Jerusalem after 46 years of exile and violation of human rights.

Original Arabic: Mr. SAHBANI *(Workers' delegate, Tunisia)* – In the name of God, the Merciful, the Compassionate! Today we are meeting as usual at this time of the year in order to consider the Palestinian cause,which has been a long-standing concern in the work of the ILO, an organization based on the principles of justice, equality and resistance against all forms of oppression and injustice, and whose Director-General we should thank, on behalf of all the workers of Tunisia and the Maghreb, for his excellent Report that he has put before us, which objectively reflects the economic and social situation in the occupied Arab territories.

The Palestinian cause and the occupied Arab territories are, for my country and for the Maghreb, a national cause. We have chosen the principle of unconditional support of the Palestinian people – a lofty slogan in daily practice, especially in the light of the conviction felt by the people of Palestine and the occupied territories and the ardour they display in their struggle, which takes various forms – from strikes, marches and demonstrations, to throwing stones and the intifada.

These are struggles inspired by the peoples' sincere conviction in the justice of their cause, as they stand up to the forces of occupation – a brutal occupation which came to a horrible climax with the Hebron massacre that shook the conscience of the world.

The Report of the Director-General maintained that these savage practices are being continued: freedoms are flouted, human rights are violated, u employment is rising, with spreading pauperization.

These trends are on the increase, because of the policy of occupation, machine-gunning of old persons, humiliation of Palestinian women and the stepping-up of settlement and confiscation of Arab land in Jerusalem and the Golan.

At a time when the ILO is reiterating the need to adopt humane labour standards respecting rights and prohibiting child labour, we see Palestinian children in the street because their houses are being destroyed, and they are being denied the right to education.

If the situation is not resolved in a radical manner with the Palestine Liberation Organization, the only legitimate representative of the Palestinian people, with a view to establishing a Palestinian State with its capital at El Qods, the entire region will remain an area of tension, far from the peace and stability we all long for.

We are convinced of the role of the ILO and its capacity for taking concrete action, especially at this time, when it is celebrating its 75th anniversary. Following the collapse of the apartheid system in South Africa, the Organization has remained a stronghold in every storm, steadfast in its defense of the principles of liberty and justice. All this prompts us today to insist together, firstly on maintaining a special sitting for the cause of Palestine as long as the occupation continues, and secondly on setting up a committee to follow up the situation of Arab workers and employers in Palestine and in the occupied Arab territories – an appeal made by the Conference of Labour Ministers of Non-aligned and other Developing Countries in Tunis in 1990. Thirdly, the technical assistance programmes financed by the ILO budget must be strengthened.

These are our proposals, which will continue to be made as long as no protection has been given to the workers and employers in Palestine and the occupied territories.

Mr. AUSMAN *(Government delegate, Canada)* – The Government of Canada has not participated in these special sittings before. I hope no one has interpreted this as a lack of interest in the subject, but rather as self-restraint, given the fact that much of what has been said, or what could be said on the situation of workers in the occupied Arab territories, is usually spelled out very well in the Director-General's Report, as it is again this year.

We have also considered it inappropriate to focus the full attention of the universal multilateral technical body so consistently on the problems of one particular country and its neighbours.

This year, however, is different because we are encouraged by the tremendous progress towards peace and reconciliation which has been achieved over the past ten months.

We have also argued that the rights of the Palestinian workers can and should be protected and defended, using the existing panoply of international labour legislation.

Procedures for handling discrimination or injustices exist. The Committee on Freedom of Association and the Committee on the Application of Standards, which is meeting during this Conference, are at our disposal, not to mention various special procedures which can be brought into play in very serious cases.

The full and proper use of this ILO machinery would not ensure that appropriate world attention is drawn to the cases of discrimination and poor employment practices in the occupied territories, but it would render exceptional measures such as the current special sitting unnecessary in the future.

Meanwhile, Canada is determined to do everything it can to support and assist all aspects of the Middle East peace process. We congratulate Israel and the Palestine Liberation Organization, which have both risked so much politically for peace and have engaged in an essential dialogue to that end. It is a slow and sometimes painful process, but it is now well launched and we believe it will succeed.

Original Arabic: Mr. DAHLAN *(Employers' delegate, Saudi Arabia)* – In the Name of God, the Merciful, the Compassionate! May peace be upon you! With all pride, I would like to put on record a word of appreciation for the ILO in the light of the efforts that have been deployed in preparing this elaborate Report, prepared by a mission to investigate the social and economic conditions of the Palestinian workers, which is being discussed in a special sitting as an expression of the importance of the subject under consideration, and as being linked to the objectives of the Organization.

This sitting is being held in a year of celebration. This year we are commemorating the 75th anniversary of the ILO, while taking pride in its efforts in the service of the international community and the guaranteeing of trade union freedoms.

South Africa is also celebrating the end of oppression, injustice and apartheid after long years of suffering, with the support of the international community and the United Nations system, as well as the ILO. We are celebrating a year of peace, with the signature of the Peace Agreement between the Israelis and the Palestinians in order to reaffirm our desire for peace, and hoping that the other party shares that desire.

Apartheid, discrimination and injustice in working opportunities are some of the characteristics of the Israeli regime in Palestine and the occupied territories. What is the significance of peace if we do not pave the way for it.

When we repeated our call for convening this special sitting, it was because we fully and firmly believe that the principles and objectives of the ILO are also ours, and we are keen to implement these principles and objectives through the discussions we are having during this special sitting. So, we will support the continuation of such special sittings as long as violations are still being perpetrated.

Through the programme of assistance in Palestine implemented by the Federation of Employers, we are positively contributing to the alleviation of suffering and to increasing the level of productivity which will help to eradicate poverty in the region.

In conclusion and in the name of peace, and in the language of logic, I call upon Palestinian and Israeli employers to work together to overcome the negative aspects of the situation and to pave the way for their leaders and decision-makers to pursue their efforts which will eventually lead to the establishment of a solid economy, where all economic and intellectual assets will be able to be used.

I greet you all and I wish all those attending this special sitting every success. We hope that we will look into this situation in a better atmosphere next year.

Original Chinese: Mr. ZHANG WEI *(Government adviser, China)* – It is of great importance to continue the debate on the situation of workers in the occupied Arab territories at the current session of the ILO Conference, against the background of the conclusion of the Gaza/Jericho agreement between Palestine and Israel. The signing of the accord marks a breakthrough in the Middle East peace process, and represents an important step towards a fair and comprehensive peace in the Middle East and the harmonious coexistence of the Arab and Jewish peoples.

It has also laid a solid foundation for a thorough improvement of the situation of workers in the occupied Arab territories. The Chinese Government welcomes this development and appreciates the wise and pragmatic position adopted by the Palestinian and Israeli leaders. This breakthrough is the outcome of the protracted heroic struggle waged by the people of Palestine and other Arab countries.

It can also be attributed to the support given by various countries, peoples and international organizations, including the ILO, to the just cause of the Arab people and to the efforts to promote the Middle East peace process. The debate on the workers' situation in the occupied territories is a positive contribution to this end.

However, one should also be aware that the attainment of a comprehensive and fair settlement of the Middle Eastern question in the occupied territories remains an arduous task which calls for continued efforts by the parties concerned, including the international community. First of all, there is still a long way to go before the relevant United Nations Security Council resolutions, 242 and 338 in particular, are genuinely implemented.

The Chinese Government maintains that the occupied Arab territories should be returned and the legitimate national rights of the Palestinian people restored. In the meantime, the sovereignty and security of all Middle Eastern countries, including Israel, should be respected and guaranteed.

We hope that both the Arab and Israeli sides will continue to adopt a flexible, pragmatic and constructive approach to removing the obstacles through dialogue, so as to bring about an all-round success in the Arab/Israeli peace talks at the earliest possible date.

The workers of the occupied Arab territories have been denied a fundamental improvement in their conditions. They are still faced with a threat to the safety of their person, lack of guarantees for their basic rights, discrimination, unemployment and unjust treatment.

The Chinese Government is profoundly concerned at the situation of the workers in the occupied Arab territories. We would ask the Israeli Government to do all in its power to improve the working and living conditions of the workers in the occupied territories and guarantee their legitimate rights and interests while striving for a political settlement of the Middle East question.

There are still many obstacles and risks inherent in implementation of the agreement between Israel and Palestine and the attainment of overall peace in the Middle East. The Hebron massacre is a case in point. The Chinese Government strongly condemns such violence and opposes all forms of terrorism. This incident has once again demonstrated the urgency of a fair and reasonable settlement of the Palestinian question, for, in the absence of such a settlement, there will be no tranquillity in the Middle East region and, consequently, no fundamental improvement in the workers' situation in the occupied territories. We call on the Israeli authorities and other parties concerned to take all the necessary measures to stop such violence so as to ensure the safety of the lives and property of the people there.

The Chinese Government and people have always supported the just struggle of the Palestinian people and have actively supported and promoted the settlement of the Arab-Israeli dispute through peaceful negotiations. True, the road of peace negotiations will be a tortuous one, but we believe that only negotiations can lead to a comprehensive and just peace in the Middle East and a fundamental improvement of the situation of workers in the occupied territories. The Chinese Government and people will continue to support the just cause of the Palestinian people and the Arab peoples and promote the Middle East peace process. We also offer our assistance to the Palestinian people in the rehabilitation of their homeland.

We ask the ILO to spare no effort and to continue its concern for the just cause of the Palestinian people and to make its contribution to the Middle East peace process. We suggest that the Governing Body authorize the Director-General to continue to dispatch fact-finding missions to learn about the workers' situation in the occupied territories and to publish their findings and formulate and implement specific technical assistance programmes to help ensure their rights and improve their situation in such fields as employment, and training.

Mrs. PEDERSEN *(Workers' delegate, Norway)* – Allow me to congratulate the President on his election. We are happy he is present here today.

Once again, we are debating the situation in the occupied territories based on this year's Report of the ILO Director-General.

In my statement to the special sitting in 1993, I strongly emphasized the necessity of dialogue between the Israelis and the Palestinians. I maintained that dialogue would be important as a step forward, as it would create a basis for cooperation for improving living and working conditions and that mutual recognition by dialogue would contribute to diminished tension and thus to better prospects for peace.

Since then, important results have been achieved. Progress in the peace process has come to an extent that hardly anyone believed was possible last June. We are all happy that there is agreement on mutual recognition between the Israeli Government and the PLO, and that the agreement and the Declaration of Principles have started to yield results.

Now, in 1994, and this time I speak on behalf of all the Nordic trade unions, we once again wish to emphasize the role and the importance of the ILO for the progress needed. The dialogue must not be allowed to slow down. It must be extended to all groups in Israeli and Palestinian society.

The process has suffered setbacks, of which the Hebron massacre was the most serious. But the peace process was not thrown off the track. And less than a month ago we witnessed the first concrete results of the Declaration of Principles. The Palestinians took over Gaza and Jericho and the Israeli army has been substituted by a Palestinian police force.

Now it is equally important to continue promoting dialogue, in order to continue to reduce tension and fear and in order to build more confidence and trust between the two populations. In this process the Israeli and Palestinian trade union movements have an important obligation and opportunity. Theirs is the fundamental task of creating peace.

Another equally important task is to rebuild Palestinian society, structurally and economically. But there is limited time. I note that the donor countries in Paris last week concluded that urgent steps are necessary to create visible results immediately. However, this must urgently lead to concrete action if public opinion in Gaza and the West Bank is to continue to believe in the process. The international community must act and must keep its promises to the Palestinian people as well as to the Israelis.

Investment is needed to create employment. Living conditions must be improved by creating jobs for the population. A recent report by the Norwegian Institute of Applied Social Research (FAFO), a foundation established by the Norwegian trade union movement, pursues its 1992 survey mentioned in the Report of the Director-General by stating that Gaza is an occupational time bomb. If investments, job-creation measures and income policies are not effected very shortly, social conditions might destroy the peace process. A first step could be to solve the problems of Palestinians who have lost their working permission in Israel.

Secondly, there is a need for immediate action to create new infrastructures, a health care system and social structures to meet the basic needs of the population.

However, the successful building of a democratic structure is equally important. It is not included in the Report before us, but as you probably know, Norway and also the Norwegian Confederation of Trade Unions have long-standing relations with the Palestinians and the Israelis and their organizations. Therefore my organization directly, and in cooperation with the ICFTU, has stepped up our support to the Palestinian Trade Union Federation's branches in Gaza and on the West Bank for the building of a strong, viable trade union movement, which is of fundamental importance to build a democratic society.

In the building of a democratic Palestinian structure, it is of importance to develop a legislative framework that protects three-way cooperation and trade union rights.

With reference to the Report of the ILO Director-General, I stress what we see as a longer-term aim, that is the eventual creation of a Palestinian State, based on democratic principles and social justice. Equally important, the basic security interests of Israel must be safeguarded. These are objectives which cannot be fulfilled without deeper understanding between the Israelis and the Palestinians. The Histadrut and the Palestine Trade Union Federation will have an important role to play in this process. Increased dialogue between these organizations will be of crucial importance. Cooperation between workers' organizations is vitally necessary in the new situation in order to secure the future new alignment between Israel and Palestine.

ILO, governments, trade unions and employers' organizations – we all have a duty to contribute. Let us do just that.

Mr. LAGUESMA *(Government delegate, Philippines)* – First of all, the delegation of the Philippines wishes to convey its full appreciation to the Director-General for the excellent Report that has been prepared on the situation of workers of the occupied Arab territories. The Report provides us with an update, particularly on the extent to which effect has been given to the recommendation made by the Director-General, specifically, that submitted to the 80th Session of the International Labour Conference.

We are also elated by the fact that the representatives of the Director-General were given the necessary facilities for their meetings with government authorities, workers' and employers' representatives, both in Israel and the occupied Arab territories. Such a magnificent and much-needed display of cooperation and assistance are indeed a welcome and positive development that contributed immensely to the success of the mission. We likewise appreciate the fact that all the meetings and discussions that took place were marked by a spirit of deep mutual confidence and respect.

A number of significant events have taken place in the occupied Arab territories and on the international scene, including the signing of the agreement on 4 May 1994, which will impact on the future of the territories themselves and the region as a whole. There is every reason, therefore, to be optimistic that the future of the region will be characterized by mutual respect and a spirit of dialogue, considering all the efforts being accepted by the affected and concerned sectors and authorities.

During the special sitting here last year our delegation had the opportunity to participate and to express our support and endorsement of the initiatives being undertaken by the ILO to improve the well-being of the workers in the occupied Arab territories. We wish to reiterate such support, for we believe that during this delicate and complex transitional period the ILO has to continue with its efforts, particularly in the area of technical cooperation where its role is expected to assume new and different dimensions and importance.

As more and more responsibilities covering such fields as education, culture, health and social welfare are transferred to the Palestinians, ILO activities in these areas should be enhanced and carried out in close collaboration with the relevant authorities.

In this connection, we find particularly commendable and relevant the ILO mission's report entitled *Capacity-building for social development: A programme of action for transition in the occupied Palestinian territories*. The Philippine delegation welcomes with appreciation this programme, which comprises some 30 projects and which has been evolved in close coordination and interaction with the concerned parties. The seven components of the proposed programme, namely labour administration, industrial relations, employment creation, vocational training, social security, equality of opportunity for women and social and labour statistics, would indeed go a long way towards promoting and ensuring the social and economic viability of the Palestinian territories, the future relations between these territories and Israel, and eventually, to the stability of the region as a whole. We look forward, therefore, to the programme's immediate implementation.

It cannot be disputed that a difficult and daunting task lies ahead for all the parties mentioned in Part II of the Director-General's Report, including the ILO. We believe, however, that the ILO, with its experience and special competence in the social and economic fields, will be able to contribute and assist the process to a large extent. The ILO's efforts should, however, be complimented by all who cherish and adhere to the principle of social justice in the world of labour and employment.

Finally, we express the profound hope that the obstacles and setbacks to the peace process can be overcome. The reign of peace would result in the much awaited political stability, thereby paving the way for the establishment of democratic institutions that can ensure the confidence and the stability that are vital ingredients for economic activities and investments. We are certain that this would ultimately rebound to the economic and social good of the workers in the occupied Arab territories.

Original French: Mr. DUNANT *(Government adviser, Switzerland)* – To start with I would like to express my congratulations to the Director-General of the ILO on his Report on the situation of the workers in the occupied Arab territories.

As usual the Report is a model of objectivity and precision which makes it indispensable to follow it from close quarters, a situation that is developing and changes from day to day. This I believe reflects considerable improvements in relations between Israel and the PLO since last year's Conference. However, the report also reveals the harsh living conditions of the inhabitants of the occupied territories, which continue to be all-pervasive as before.

We nevertheless believe that recent developments should be viewed as highly positive and encouraging, since they can only improve the daily life of these people who have lived in adversity for so many years.

From a bilateral point of view and through international organizations, Switzerland supports all measures favourable to normalizing the situation and improving the living conditions. In this regard, we give our total support as far as the recommendations by the Director-General are concerned and the project that the ILO is working out for the benefit of the Palestinian people.

Progress in a political situation which remained paralyzed for a number of years as we know is an arduous task. It would be utopian to think that the living conditions in the territories, which are currently autonomous, or those which will ultimately become so, will attain perfection from one day to the next. In the light of the signals we have noted these past months, and the will expressed by all parties in arriving at a solution, one could ask whether holding a special sitting of the Conference on this topic next year is warranted. The Swiss delegation would regard a negative reply to this question as recognition of the efforts undertaken so far, as well as encouragement to continue working in the future to bring about total normalization of the situation.

Original Farsi: Mr. GHEITASI *(Workers' delegate, Islamic Republic of Iran)* – First of all, I should like to join with the preceding speakers in congratulating the President and Vice-Presidents on their election to steer the deliberations of this Conference. I am sure they will continue to preside over the debate of this special sitting with great wisdom.

We should like to convey our gratitude to the International Labour Organization and our appreciation for efforts that have been deployed in drawing up the Report of the Director-General on the situation of workers in the occupied Arab territories. However, we reproach the Office for having failed to mention certain aspects of the suffering endured by the workers in Palestine, such as imprisonment, exorbitant taxes, the closing of trades and businesses, and arbitrary acts of terrorism to which trade unions are subjected in the occupied Arab territories.

We are witnessing a shameful tragedy, an oppression against an entire people by a power which does not acknowledge basic rights, which pays no heed to justice, which has made violence its law and which has colonized the territory of others and confiscated property from its rightful owners.

There is no doubt that we are witnessing a plot against an oppressed people: and that there is a type of humiliating cooperation between the parties in question. The Palestinian people are anxiously awaiting the triumph of a just cause and an end to international Zionism.

Paragraph 16 in the Report of the Director-General refers to the massacre of Palestinians praying at the Tomb of the Patriarchs in Hebron. This is yet another example of the savagery of abject criminals.

This violence is totally unacceptable: can there be any crimes worse than these? The Zionist entity continues to occupy the territory of others.

The faithful are kidnapped from their homes. The Israelis want to undermine totally the confidence of the resistants so that they negotiate with the Zionists to put an end to the fighting. Paragraph 15 in the Report of the Director-General states that settlers have recently attacked Arab villages, burning houses and cars or harassing or killing inhabitants.

On behalf of the trade unions of the Islamic Republic of Iran, we should like to inform you that we support the Palestinian people: we support their noble objectives – objectives which are opposed to Zionism and which have been proclaimed by the Imam Khomeini who has declared that resistance must continue until Zionism disappears. These objectives must illuminate the path of all those striving for peace.

We shall continue to do everything we can in order to support the Palestinian resistance and we pay tribute to the sacrifices of the Palestinians.

The only way to free the Palestinians from these criminals is to harness all our energies and draw upon all our resources to fight against Zionism; once again, we declare that international aggressors, in particular the Zionist entity, should realize that the oppressed Palestinian people will continue their intifada, supported by the other oppressed peoples of the world, until their final victory is assured and until they are able to live in dignity and in freedom.

We know full well that the United States was behind the Gaza-Jericho agreement. However, we also know that it is at the head of the plot against the oppressed and the first country supporting the Zionist entity which is occupying the territory so dear to us. The United States has adopted inhumane measures in many areas throughout the world, in particular in Palestine. But we will not take all this trickery and deceitfulness lying down; we will challenge the United States, the mother of all vice in this century.

This country is negotiating with the oppressive power. These negotiations will only serve to squander the resources of the Jihad, the resistance and lead to more sacrifice.

In concluding, we firmly condemn once again the criminal acts perpetuated by the Zionist entity against the Palestinians and the Palestinian workers. As a representative of the workers of the Islamic Republic of Iran, I should like to tell you that this illegitimate child – and we are referring to Israel – will give us back the land; we shall return to Palestine when we have but one heart and one voice; we shall return when the sun rises to dissolve the dark shadows of the night. Yes, we shall return. We shall lay waste the enemy and make the land which is so dear to us the graveyard of the Zionist entity.

Original Arabic: Mr. RASSOUL *(representative, Arab Labour Organization)* – I should like first of all to congratulate the President on his election as President of this special sitting.

The Arab Labour Organization, which I represent at this special sitting and which defends the rights of the Arab workers in general and in the occupied Arab territories, would like to express its deep appreciation to the Director-General and to the fact-finding mission which prepares the detailed report which could be added to the previous reports as further evidence of the continued policies pursued by Israel in these occupied territories.

We as an Arab group have a number of reservations as to the terminologies and definitions used in this report. However, we are not going to dwell on these points, but instead will give the Director-General a written report in this regard.

I will deal with the most prominent violations registered by the mission this year, which can be summarized as follows: the Israeli authorities' continued lack of respect of the right of the Palestinian people to live and to prosper. The Israeli authorities have continued to incarcerate without any trial thousands of Palestinian citizens, which includes a large number of workers. They also continue to confiscate land and sources of water while adding to settlements in the occupied Arab territories, which leads to deteriorating living standards as a result of the occupation and the military presence.

The year 1993 was described by the mission as a bad year from the economic and social standpoint. With regard to the current year, the mission described the suffering of the Palestinian workers as a result of the seige, and the collective sanctions that are being imposed on them and which are in violation of international law and human rights and in full contradiction with the provisions that justify such sanctions.

The abolition of work permits as mentioned by the mission is one of the practices that infringe on the rights of Palestinian workers. In addition, there is the continued psychological instability felt by these workers. Their sufferings also include families who depend on the income of those workers who are now unemployed. In short, as stated in paragraph 15 of the mission's report, "The aspirations for peace, stability and security have been offset by the uncertainty of the future".

Settlement policy and its contradiction with international instruments will require long hours of discussion. Above all it is aimed at changing the demographic composition of the region's inhabitants. Such policies must be halted before undertaking negotiations in this regard. Moreover, there are the provocations against the people, a number of them, with which all of us here are familiar. I would like to remind you of the crime perpetrated by the settlers in the Hebron Mosque during last Ramadan.

The self-government arrangement is an important transitional step toward the final goal, that of establishing the Palestinian State with Jerusalem as its capital. We therefore call upon the International Labour Organization to pursue its efforts until the legitimate rights of the Palestinian people are restored, as a result of their lengthy struggle, and we ask the ILO to help the social partners. We also invite it to implement this programme using its own or extrabudgetary resources.

We call upon the international community to support the Palestinian people at this critical stage.

We call upon the Governing Body to seriously consider Recommendations to be submitted to the next ILO conference to establish a special committee on assistance to Palestinian workers.

We are anxiously looking forward to the admission of the Palestinian delegation to the ILO conference.

Mr. BARAK *(Government delegate, Israel)* – As this is the first time my delegation has had to address the plenary, I would like to take this opportunity to congratulate the President most warmly on his well-deserved election. I would at the same time like to congratulate the Vice-Presidents on their election. I now wish to turn to the special sitting itself.

From the very first, Israel was opposed to the holding of a sitting dedicated exclusively to only one of the myriad of problems that confront the International Labour Conference. It was always clear that the decision to conduct this sitting was based on purely political grounds and constituted an unjustified singling out of Israel. Nevertheless, until now we have – although reluctantly – tolerated this discriminatory procedure. Now, however, it has become totally inappropriate. Everybody knows the great breakthrough that occurred less than a year ago in relations between Israel and the Palestinians. Last September, Israel and the PLO signed a declaration of principles in which we agreed on the basic conditions of interim self-government arrangements in the Gaza district, the Jericho area and also the rest of the West Bank. Since then, a further detailed agreement was signed on 4 May between Israel and the PLO on the initial application of this principle in Gaza and Jericho. Implementation of this second agreement has already commenced, and Israel has withdrawn from these two areas accordingly. Discussions will soon start on the further application of the principles contained in the declaration of principles to the rest of the West Bank. These momentous changes have opened a completely new era in the history of the Middle East. It has long been acknowledged in many other international conferences. Both the General Assembly of the United Nations and the Human Rights Commission welcomed the peace process virtually by consensus. In the recent World Health Assembly, too, an entirely positive and forward-looking attitude prevailed. In all these international bodies, awareness was shown that the divisive and confrontational politics of the past were no longer appropriate. And yet here, at the International Labour Conference, we are continuing with past procedures as though nothing had happened. It is regrettable that the International Labour Conference has chosen to perpetuate a practice which is in itself a symbol of the old politics, instead of turning a completely new page. I would like to express the wish that our Organization will address itself to the new reality and abolish the special sitting. I hope and believe that this will be its final session.

Another unnecessary anachronism is the Director-General's annual Report on the territories in its present form. If there is any value in a report at all, it would have to be one which surveyed the present needs of the Palestinian workers and made concrete recommendations to the Palestinian authorities and to the ILO about steps that could be taken to assist the Palestinians in the field of labour. Again, regrettably, the structure of the present Report is based on previous models, instead of reflecting the new situation. In fact, out of 67 pages only seven deal with this fundamental aspect. What then should the role of the ILO be in this changed international environment? The answer surely is that this Organization, along with other international bodies, should devote itself to furthering in any way it can the ongoing peace process between Israel and the Palestinians. We are very happy that an initial survey has already been carried out by the ILO experts to develop projects in the field of labour in the territories. This needs a follow up by all those concerned, so that specific programmes of technical assistance can be elaborated and implemented. Continued work along these lines would be of far greater value than the repetition of the sterile exercises of the past. We very much hope that next year discussions of the Middle East will be devoted solely to constructive comments on what should be done in this regard.

It is true that many of the problems have still not been resolved. Situations of such complexity cannot be resolved overnight. Meanwhile, what we expect from the international community is that it should assist in ending old animosities and not inflame them and keep them alive. Let us hope therefore that it will not be long before the Middle East conflict is forgotten and that we can all work together for our mutual benefit. We very much hope that, in this endeavour, the ILO will have an important role to play.

Original Russian: Mr. BORSHCHEVSKY *(Government delegate, Russian Federation)* – the Russian Federation in its capacity as a co-sponsor of the Middle East peace process has consistently favoured a just settlement corresponding to the interests of all the parties concerned. Our concrete actions toward this end are well known. I should like especially to mention the importance of the visit to Moscow in April of this year by the Chairman of the Executive Committee of the Palestine Liberation Organization, Mr. Arafat and the Prime Minister of Israel, Mr. Rabin.

The Declaration of Principles on Interim Self-Government Arrangements which was signed in Washington in September 1993 and the Cairo Agreement concerning Gaza and Jericho have significantly changed the situation. The main task at present is the successful implementation of the Israeli-Palestinian agreement and the step-by-step progression toward a general and just Middle East settlement which should follow.

At the same time, we do not believe we should be over-optimistic about the actual situation. The possibility still exists that extremist forces may attempt to complicate the process at any time. We should continuously and energetically support the peace process. This support should be given by participants from within and outside the region. This context is also important to bear in mind when considering the activities of the International Labour Organization in the region. The Report of the Director-General on the situation of workers of the occupied Arab territories makes it possible to view and assess the problem most objectively. The Report once again convincingly highlights the obvious need to solve the urgent social and economic problems in the occupied territories, where, as the authors of the Report point out, the administrative, police and military structures set up since 1967 remain essentially the same.

The Report provides useful information in the chapters on the economy and labour markets, on the working conditions of the Arab population in Israel and on the situation of trade unions and the situation on the Golan Heights. We support the corresponding conclusions of the Report. We would like especially to mention the chapter on the effects of Israeli settlements on the lives of Arab workers in the occupied territories. The Russian Federation has repeatedly reaffirmed its position on the illegality of building new settlements.

We should again like to repeat that the Russian Federation supports the basic directions of the action programme of the ILO in the occupied Arab territories. The priority and substance of the ILO's involvement in the Middle East should in a practical and effective way take into account the course of the political settlement of the conflict.

This, inter alia, relates to considering at the annual sessions of the International Labour Conference the Report of the Director-General on the situation of the workers of the occupied Arab territories. We share the point of view of those delegations which have already stated today from this rostrum that once the Arab-Israel conflict is truly on its way to being settled, this will create a positive atmosphere for a review of the special plenary meetings on this subject.

Concluding my address, I should like to point out that we highly appreciate the mission of the ILO in the region. We hope that the conclusions and recommendations contained in the Report which is now under consideration will be reflected in practice and will also positively influence the situation in the occupied territories.

(Mr. Ould Sidi takes the Chair.)

Mr. SKOGMO *(Government delegate, Norway)* – Since last year's special sitting on this issue, the peace process in the Middle East has taken important steps forward. We have seen the breakthrough achieved in Oslo, the Declaration of Principles on Interim Self-Government Arrangements signed by Israel and the PLO in Washington on 13 September 1993 and the agreement on Palestinian self-rule in the Gaza Strip and Jericho signed in Cairo on 4 May this year. Israel and the PLO have recognized each other and are now engaged in a process of establishing autonomy in the Gaza Strip and Jericho. A procedure has been established for direct talks on future steps.

I would like to join with previous speakers who have congratulated Israel and the PLO on these important steps forward. We look forward to seeing free and democratic elections for the Council later this summer.

But we have just seen the start of a long voyage towards full peace in the Middle East.

On the political scene, both parties have internal problems. The agreements between Israel and the PLO face opposition on both sides. There is a need for early and tangible progress to show that peace benefits all people, that the peace process offers a better future than continued violence and political stalemate.

There are also important economic and social challenges. The Report of the Director-General on the situation of workers of the occupied Arab territories demonstrates the great challenges faced by the parties and by those of us who want to support the peace process. If we do not manage to solve the problems caused by unemployment and deteriorating living conditions it would be difficult to consolidate the process towards lasting peace.

Before we can agree on steps to improve the situation and a plan of action, we need certain basic facts. Norway has therefore sponsored a survey on living conditions, which was carried out by the Norwegian research institute (FAFO) in 1992, a study which is referred to several times in the Director-General's Report. The FAFO study found that in the West Bank only 50 per cent of men between the ages of 20 and 59 worked full time, while the corresponding number in Gaza was only 28 per cent. The FAFO survey also reports, in spite of this fact, that the wages most of them earned in Israel were by far the most frequent source of household income.

In the Director-General's Report it is observed that most of the salaried employment within the territories are in public services provided by the Israeli Civil Administration and by UNRWA. However, the Israeli authorities suspended the payment of salaries to the civil administration as of 1 June and the Palestinian Interim Self-Government Authority is consequently facing an immediate need for funds. The concern that the Government of Israel for security and other reasons will apply a policy that would reduce to a minimum the number of Palestinian workers permitted to work in Israel is also reflected in the Report. In the short term, unemployment may therefore increase rather than diminish. Policies that will contribute to investment and job creation in the territories are thus of the utmost importance to secure a basic level of social protection for workers and for the Palestinian population in general.

A forward-looking approach is now needed to support the peace process. We must examine what the ILO and its constituents can do to support positive development in Gaza and on the West Bank. The ILO can play an important part in the building of democratic institutions and in the development of the labour and social sectors. Norway will give its full support to the ILO recommendations mentioned in the Report and will urge the Director-General, in cooperation with other international agencies, to continue the work on examining the needs of the territories.

Norway's role as facilitator in the negotiations between Israel and the PLO should be well known. We remain committed to supporting the peace process.

Given the progress achieved during the last year, Norway trusts that this will be the last special sitting of the International Labour Conference on this issue. We are, in principle, not in favour of such sittings on any subject. In our view, complaints against and breaches of ILO Conventions should be considered in the committees designed to deal with such matters – the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards.

The ILO should now adopt a forward-looking approach to the situation on the West Bank and in Gaza. We should concentrate our attention on how we can strengthen the capabilities for Palestinian self-rule in the areas covered by the peace agreements now concluded. The ILO should concentrate its discussion and resources on programmes and projects designed to help the workers of Gaza and the West Bank. This would be the ILO's most important contribution to bringing prosperity and peace to a region that has suffered so much during the past decades.

Original French: Mr. OECHSLIN *(Employers' delegate, France)* – These last few years, I have taken the floor from the rostrum at this special sitting essentially to express my hope for peace in this part of the world. Without peace, it is not possible to envisage economic development and consequently social development and employment.

This year, we have had the satisfaction of witnessing events of considerable scope that offer great hope for the future, and which lead us to believe that the peace, so long desired, may progressively take root in this part of the world.

We know that these efforts for peace are fragile and that a durable and lasting peace also presupposes scope for economic development and job creation.

If the men and women, and especially the young people, of these territories cannot find a productive job, there is reason to fear that they will take refuge in escalating violence.

Consequently, I think I can speak on behalf of the employers of this Conference, when I say that we think it essential that the ILO be present, at this point in time, and forcibly in this part of the world.

And you will, of course, allow me to think in particular of the organizations that are trying to bring together the new or recent undertakings which are being set up in these regions.

I would now like to express my satisfaction at the work begun, particularly by the various preparatory missions, including the employers' services, to assess the position in the Arab occupied territories from the employers' point of view. This applies in particular to specific activities such as seminars organized under the auspices of the ILO for the chambers of commerce now representing the local employers in Gaza, Naplus and Hebron, and to support the Federation of Palestine Chambers of Commerce which is trying to bring all these activities under its wing, and take a step in the direction of establishing an employers' organization. There are three lines of action I would suggest for the ILO in the promotion of undertakings. It is first necessary to set up an adequate infrastructure to encourage and facilitate the creation of new undertakings. Here, I am thinking not of just the material infrastructure but also of institutions and legislation to favour the development of undertakings.

We then have to develop and modernize the vocational training system, which exists already and is fairly well advanced, but must be brought into line with the new conditions prevalent in the region.

Finally, it is important to help strengthen the chambers of commerce and federations so that they become more representative and defend the employers' interests nationally and internationally; and also so that they can better maintain relations with the regional and international organizations and obtain services and assistance for their members.

I think that the time of speeches and statements is over. We now come to the time for specific action and I am sure that, in the fields of special interest to us, the International Labour Organization will play a very effective role in ensuring, in this part of the world, in the growth of productive employment which will, I think, make an immense contribution to the establishment of peace in the region.

Original French: Mr. ZANOU *(Government delegate, Benin)* – On behalf of my country, Benin, and as coordinator of the African group, and also on my own behalf, I should like to congratulate the President and thank the ILO Director-General for his Report.

I note with satisfaction the efforts made by the international community, and especially by the ILO, on behalf of workers in the occupied Arab territories.

However, given the difficult social situation unfortunately prevailing in this region, we do hope that a final and appropriate solution will be achieved for the peoples concerned.

As you know, violence and war are the cause of poverty, suffering and misery for human communities. The ILO is therefore right in ensuring that its ideals of peace and social justice meet the expectations of workers in the occupied Arab territories.

I appeal to all peace-loving peoples to strengthen their efforts to improve living and working conditions of workers in the occupied Arab territories.

Original German: Mr. MELAS *(Government delegate, Austria)* – For many years now, the situation of workers of the occupied Arab territories has been on our agenda. Since the last International Labour Conference last year, the political position has changed at a breathtaking pace. Without going into details concerning the signing of the Declaration of Principles between the PLO and Israel in September 1993, the Cairo Agreement in May of the same year or the first steps towards its implementation, I am convinced that the goodwill thereby generated and the actual improvements in the region offer a unique chance to meet the social and labour requirements of the Palestinian people. Since we have decided once more to hold yet another special sitting at this session, I would like to take this opportunity to express our sincere hope for and our confidence in the peace process.

The efforts made to improve the position of workers in the occupied territories call for the serious consideration of difficult problems.

One essential step towards the effective implementation of the social rights of the Palestinians is the setting up of a working labour administration and free and independent workers' and employers' organizations. For many years, Austria has affirmed that it would be valuable in this context to have reinforced cooperation between Palestinian trade unions and the Histadrut. The new situation in the occupied territories has laid the foundations for a strong engagement of the international community in order to stabilize, create or develop the necessary structures. We congratulate the ILO for its important contribution to this process. At the same time, we would like to stress the importance of continued cooperation and support for the Palestinian and Israeli authorities in such action.

Although we have yet to confront a large number of problems both political and practical, we sincerely hope that the strengthening of the peace process and the improvement of the social situation will make it possible for us next year to have no special sitting and no special procedure.

Original Arabic: Mr. BAHIJ *(Workers' adviser, Morocco)* – I should like to take the opportunity of this special sitting on Palestine to congratulate the President on his election to the chair of the 81st Session of the International Labour Conference and the Director-General, Mr Michel Hansenne, on his Report describing the tragic living conditions of the Palestinian workers and people in the occupied Arab territories, conditions of oppression and subjugation in which innocent children, women and old people are being killed every day.

The entire world followed with great hopes the signing of the peace agreement between Israel and the PLO last year in Washington. We thought that the peace process would bring an end to the sufferings of the Palestinian people which began with the invasion of their territory and the usurpation of their legitimate and natural rights by Israel.

We would have liked to see the peace process bringing an end to the Palestinian problem and extending also to other fronts so as to end the occupation of the Syrian Golan Heights, South Lebanon and Jordanian territory. Unfortunately, this hope has not been realized as quickly as we would have wished. On the contrary, Israeli oppression has been extended to places of worship such as the Ibrahimi Mosque, where the terrible massacre of worshippers took place before the eyes of the international community.

Surely these barbaric actions are incompatible with the peace process. The Palestinian people and their historical leaders in the Palestine Liberation Organization have shown great maturity and an extraordinary ability to control their feelings and continue the dialogue, handling political conflicts in an unprecedentedly civilized way. The Palestinian people and their leaders have not missed a chance to save the peace process and the PLO has valiantly honoured all its commitments.

The Israeli authorities, on the other hand, are temporizing and failing to meet their commitments to the Palestinian side.

The international community and the ILO in particular must therefore align themselves with what is right and just by taking the following action: Firstly, it must continue to hold a special session to monitor the situation in the occupied Arab territories. Secondly, it must set up a standing committee along the lines of the Committee on Apartheid in South Africa to protect the rights of the Palestinian workers and people, to strengthen trade unions and employers' organizations, to help the national Palestinian authorities to discharge their functions in this transitional period in the economic and social fields and to implement all its programmes on behalf of the Palestinian people. Thirdly, it must ask countries who have pledged to do so to provide the Palestinian authorities with material and technical assistance and vocational training so that people may return to a normal life. Fourthly, it must urge the Israeli side to engage in serious and speedy negotiations on all vital matters.

If all these points are included in an integrated peace plan the Arab-Israeli conflict will be ended in the near future and a new era based on coexistence and harmony will begin so that this region can finally live in the peace to which the Arab peoples have always aspired.

Mr. DATO' ANTHONY YEO *(Government delegate, Malaysia)* – This special sitting is indeed timely, coming in the wake of the historical Declaration of Principles on Interim Self-Government Arrangements signed by the Palestine Liberation Organization (PLO) and Israel on 13 September 1993.

The Declaration for the time being covers only the Gaza Strip and the Jericho area, which means that much of the Palestinian and other occupied Arab territories continue to remain under Israeli occupation. It is now well known that the timetable projected in the Declaration was not kept, and the pullout of Israeli occupation forces from the Gaza Strip and the Jericho area took place only in May 1994.

Malaysia has always maintained that the ongoing process aimed at a political settlement through peaceful means should and must lay the foundation for a comprehensive, just and durable solution to the Arab-Israeli conflict.

The September peace accord and other talks must build mutual confidence that would ultimately facilitate the solution to the Palestinian issue within the framework of the relevant United Nations Security Council resolutions, in particular Resolutions 242 and 338. These resolutions, in fact, provide for the inalienable rights of the Palestinian people, including their right to self-determination and to an independent homeland and the security of all States, including Israel.

It is pertinent to note that the agreements concluded today are provisional and interim in character, and the international community must do all it can to secure a comprehensive solution to the issue. The international community must continue to assume their responsibilities according to the relevant resolutions designed to vacate Israeli occupation of Palestine and other Arab territories.

My delegation would like to take this opportunity to thank the Director-General for his Report on the situation of workers of the occupied territories, and express our deep appreciation to the representatives of the Director-General, who had held numerous meetings both in Israel and in the occupied Arab territories with government authorities, employers' and workers' representatives to discuss the conditions of workers in the occupied territories.

The Director-General's Report highlights the continued enforcement of repressive policies by the Israeli occupation authorities. The fact that these practices continue, even after the signing of agreements in Washington and in Cairo, shows Israel's utter disregard for the international community and international law.

According to the Director-General's Report, the economy of the occupied territories remains underdeveloped, dependant and subjected to massive constraints, vulnerable to external shocks and hardly managed. Preliminary data for 1993 suggest a sharp drop in national income and a severe deterioration of the trade deficit. It is therefore of most immediate importance that the international community address the drastic economic situation in the occupied territories.

The time has come for the international community to put in place, in conjunction with the Palestinian Economic Council for Development and Reconstruction (PECDAR), an action plan to provide emergency relief and undertake reconstruction in the Arab territories. We note that US$2 billion for emergency relief and reconstruction have been pledged, and PECDAR has been established to ensure the coordination and efficient use of external assistance in keeping with Palestinian priorities. But more needs to be done. We would like to call upon the donor countries to speed up the provision of financial support to the Palestine Liberation Organization (PLO) for projects geared to review the structure of the Palestinian society which was destroyed during the long period of Israeli occupation.

International organizations, including the ILO, must continue to fulfil their responsibilities to the implementation of a coordinated plan of action for relief aid and technical assistance.

My delegation would like to take this opportunity to express our appreciation for the plan presented by the ILO as part of its technical assistance programme for the Palestinian people. The importance of developing the plan further and implementing it according to the priority needs of the Palestinian people in the Gaza Strip and Jericho could hardly be overemphasized.

Such programmes must be tailored to cater to a larger segment of the Palestinian population as other occupied Palestinian territories are liberated as part of the next phase of the peace process. My delegation is of the view that there is a need to ensure the implementation of the Director-General's proposals and other constructive suggestions that may be put forward here. We wish to emphasize the importance of the special sitting of the Conference to examine the situation of workers of the occupied Arab territories and the continued need to schedule such meetings in the future with a view to monitoring the situation there. This meeting might also consider the desirability of establishing a special committee to be seized with the practical aspects of implementing the Director-General's proposals.

Mr. ROSSI *(Workers' adviser, Italy)* – Permit me to express first of all my appreciation of the Director-General's Report on the situation of workers of the occupied Arab territories.

The Report provides us with a lot of valuable information and assessments which prove really useful as guidelines for the actions of those who are dealing with this terrible situation, and particularly for those who intend to make an effective contribution to building a just and lasting peace between the Palestinian and Israeli peoples and to ensuring stability and development in the entire Middle East region.

With the strong evidence of figures, the Report shows the effects of lack of employment, the absence of development opportunities and the systematic blockage of any economic and productive activity in the occupied Arab territories and in general among the Palestinian population. Furthermore, it concretely describes the very difficult conditions of the Palestinian workers, who have for a long time been deprived of their trade union protection and have been subjected to all sorts of violations of their rights by the police and by unscrupulous employers.

This assembly is being held in a new situation. The peace process is becoming more reliable and confident. Many dangerous delays have been overcome, and the courageous determination of the PLO and the Israeli leaders has prevailed over all the horrible crimes recently committed against innocent victims and peace by extremists of both the Palestinian and Israeli sides.

But each of us understands that peace, this difficult peace, cannot only be the result of the leaders' agreement or of political assessments and decisions. All of us know that peace can only be the product of a deep, wide-ranging and active consciousness of the women and men involved in a war that has lasted for too long.

This is particularly true, I believe, for the situation of these territories which, as the Report reminds us, have seen nothing but war, military occupation, violence, the violation of rights and injustice for the past 27 years.

Why does this situation have to be brought up again in this assembly today?

It has to be clearly affirmed, once more in this assembly, that without a visible, tangible change in the living conditions of women, men, young people and children in the occupied Arab territories, the building of peace will become an impossible challenge, subject to all sorts of attack from its many enemies. This will entail the risk of dangerous, heavy and lasting consequences in both the Palestinian and Israeli societies.

This is the reason why the main priority for everybody who wants peace today is economic and social development and the need to provide opportunities giving people faith in their future.

In this situation, the Palestinian trade unions have a great role to play.

Indeed, a preliminary condition and a true guarantee of success in reaching these objectives is the strong presence of autonomous, representative and democratic Palestinian trade unionism.

The Italian trade unions know the Palestinian trade unions and their important and representative leaders very well.

We believe we know their needs and the difficulties they face. We have tried, like many other unions in the world, to help them by supporting their efforts in organizing and strengthening themselves.

We also know their opinions about their current and future role in a democratic Palestinian society.

We fully agree with the assessments made by the ICFTU Coordinating Committee on the Middle East. We intend to continue playing an active role in the Committee.

Our aim as trade unionists is to support the important work of the Palestinian trade unions, helping them to organize the December 1994 elections and giving them assistance in the different fields of trade union activity, including trade union education, research and information activities.

Our aim is also to support the difficult but absolutely necessary dialogue between Palestinian and Israeli trade unions.

We consider that the Israeli trade union leaders understand the difficult situation very well, that they are able to provide appropriate responses to the demands of the Palestinian unions, and that they should do so.

But we think that our aim also is to help ensure a strong social dimension in the economic development of the whole region.

The current ILO activities, the ILO programme of action and its participation in the coordination of the activity of both international institutions and national governments are important to deal adequately with the challenges of peace and development.

In the same sense, the ICFTU, the ETUC and national trade unions must participate in discussions with the international institutions. As for us, we particularly must take part with our Government and the European Union, as well as with the Employers, in helping to implement development projects directed towards these objectives.

Mr. ZELLHOEFER *(Workers' adviser, United States)* – I would like to thank the President for giving me the opportunity to address this, now the fifth, and what I firmly hope, will be the last special sitting. The peace process has made very significant advances this past year that have been the result in an arena other than the ILO of a political dialogue and negotiation. Unfortunately, it is apparent that there are some who think the ILO is a political organization or an organization that can be used for political purposes.

The International Labour Organization is not a political organization. Its mandate is not political. It is a unique and specialized United Nations body with a globally accepted and respected competence. Its long established and well regarded technical expertise and supervisory machinery, as well as its overall authority, is dangerously undermined when attempts are made to politicize its work. Ignoring the time-tested normal supervisory machinery and accepted other procedures in order to hold special sittings like these, only serve to politicize the Organization and regrettably weaken its credibility. There are some who would prefer to see the ILO weakened or worse – and there are some who would prefer to see the peace process derailed or worse. I would hope the vast majority of the ILO's constituents fully understand and support that this Organization's competence and authority is anchored in its unique mandate, and that mandate is not political.

That having been said, and I have tried to be rather clear about the misuse of special sittings, there is obviously a proper and constructive role for the ILO to assist in the process of underpinning peace, security, democracy and social justice in this process, which is clearly within its mandate and competence. The Report of the Director-General (Part II: Appendix), which is being discussed today, notes a range of more recent ILO practical assistance, in particular the Governing Body's decision in March 1994 to propose to this Conference that $900,000 be allocated during the current biennium for a substantial programme of action in the territories which, importantly, is within the scope of the ILO's competence.

It is necessary to mention that there are a number of parts of the Director-General's Report that are either misleading or clearly slanted. There are numerous examples but, in the interest of time, I will mention just a few. There was no mention in this year's Report of the Histadrut having given 1 million shekel for a vocational training school in the Gaza Strip. More importantly, a number of references were made to the hardships on Palestinian workers who had been working in Israel that were caused by the closures of the West Bank and Gaza Strip during 1993 and this year. The reasons for these closures are well known. An impression was given in the Report that the Histadrut had not responded to the situation. Yet it had, through a communication to the Government suggesting the numbers of Palestinian workers being prevented from working in Israel was excessive and that 50 million shekel should be provided to create jobs for those workers excluded from working in Israel.

The International Confederation of Free Trade Unions' activities, in which we participate, to facilitate a multilateral international trade union programme of assistance to the Palestinian trade unions, was regrettably given too little attention in the Report. The ICFTU Coordinating Committee for the Middle East was established not only to assist the Palestinian trade unions, but, very importantly, at a broader regional level, an ICFTU project is providing a critically important programme of seminars to strengthen human and trade union rights which involves some ICFTU affiliates and some non-affiliated unions or workers' organizations from other countries in the region.

This leads me to the conclusion of these remarks and they concern the whole region. It should be rather painfully clear that underlying and in some very worrying ways, directly influencing the tensions and difficulties faced by Palestinian workers, their emerging trade unions and the daunting challenges to build a democratic and socially just society, is the deplorable state of human and trade union rights in the greater surrounding region.

Human dignity and thus human potential have been held in check by all too many regimes in the region through the suppression of fundamental human rights, including one of the most basic, freedom of association. The constructive, social justice, democracy-building role that genuine independent trade unions can play has been repeatedly blocked, all too often violently.

Workers in some 20 countries in the greater surrounding region continue to face serious violations of basic worker and trade union rights. Unions are simply banned outright in three countries. No collective bargaining is permitted in four countries. In one country, organizing a strike is punishable by death. Outright governmental control of labour organizations is the case in three countries. Only a few States permit trade unions to exist independent of government control, but these countries place very substantial restrictions on trade union activity. Slavery continues to exist in two countries.

The lack of democracy and the failure to develop supportive civil democratic institutions when linked to immense social inequities and appalling poverty clearly continue to be fertile ground for the seeds of fanatic, violent extremism. Meeting this challenge head on is the real issue before all of us.

Mr. AHMED *(Workers' delegate, Pakistan)* – It is my privilege and honour to convey appreciation for the decision of the Governing Body of ILO to place the Report of the Director-General on the situation of workers of the occupied Arab territories on the agenda of this special sitting.

We also appreciate and welcome the Director-General's Report and support the speakers before me who have urged that the Palestinian and other Israeli conflicts be settled peacefully to the greater interest of peace in the region and the world as a whole.

We also take note of the positive developments during this period and that an agreement has been signed between the parties, through the good office of the Government of the United States; however, we believe it is not an end in itself but rather a beginning to a permanent solution in respect of the right of self-determination for the Arab people of the occupied territories.

We also believe that the settlements in the occupied Arab territories require dismantling as has been pointed out in paragraph 100 of the Director-General's Report, which states: "the international community has repeatedly requested that a halt be brought to these settlements, which are devoid of any legal basis and seriously obstruct the establishment of a comprehensive, just and lasting peace".

We note that the Director-General sent a special high-level mission of 15 senior experts, which made very concrete recommendations on providing technical assistance in the area of employment, lodging, training facilities, promoting industrial relations between the parties and social security benefits to the workers in the occupied Arab territories.

We believe in this peace process. Therefore, the ILO and other international agencies have a highly important role to play in order to solve the economic and social problems confronting the workers in this region. We thus welcome the allocation of resources to technical assistance in this area by the ILO, as well as identifying 30 projects by this high-level mission as pointed out in paragraphs 114 to 121 of the Report. We trust that the Director-General and the Governing Body will allocate adequate resources to carry out these projects, and particularly to boost the capacity of the trade unions so that they may actively participate in promoting the social well-being of the workers in this area. We also look forward to a better future for the workers in the occupied Arab territories, so that they can live in freedom, with dignity and economic security and in accordance with the aspirations of the people of these territories and in the interests of peace for the region and the world.

Mr. OTERO *(Government delegate, United States)* – My delegation is pleased that the speakers this afternoon, with only a few exceptions, have been positive in their statements and have focused on the positive developments, on the ILO plans, and on the future of this region. This marks a dramatic improvement in the substance and tone for this sitting. My delegation applauds this development.

There are many reasons for us to be positive today. The most important of these are the dramatic strides which have been made in the peace process. The Israeli/PLO Declaration of Principles on Interim Self-Government Managements, signed in Washington on 13 September 1993, represented the first conceptual breakthrough in the Madrid peace process. It has now been followed by the 4 May Cairo Agreement on implementation of the first stage of the Declaration of Principles relating to Gaza and Jericho, which includes as an annex the Economic Protocol completed in late April. Negotiations will continue in the future on the extension of Palestinian interim self-government to other parts of the West Bank. The Declaration of Principles also stipulates that the next phase of implementation of the interim self-government includes elections for a Palestinian Council.

The United States believes that both Israel and the PLO are committed to the successful implementation of the Declaration of Principles. The United States will continue to actively assist this process by contributing bilateral aid to the Palestinians and participating in the coordination of international assistance. The initial progress achieved demonstrates the real benefits of peace negotiations. The United States calls on all Members of the International Labour Organization to give their full support to these agreements and to the ongoing peace process.

Following the signature of the Declaration of Principles, the ILO acted quickly in producing a comprehensive set of proposals to assist, in the ILO's areas of expertise and competence, the Palestinian Authority in such vital areas as establishing a system of labour administration, promoting the creation of jobs and developing human resources. The ILO is to be commended for its initiative and well-designed proposals – particularly those on public works in Gaza and vocational training for ex-detainees, both of which are ready for early implementation once the money becomes available.

The United States Government is actively involved in coordinating programmes which will contribute to economic development and political stability in Gaza and the West Bank. It is vital that these programmes be implemented as rapidly as possible in order to demonstrate to the Palestinians the concrete benefits of peace.

The United States stands willing to do its full part in this effort. On 1 October 1993, at the Conference to support the Middle East peace in Washington, DC, Vice-President Gore announced that the United States Government will provide US$500 million in assistance over a five-year period, commencing in 1994, with US$375 million of this to be provided by the United States Agency for International Development (USAID), and US$125 million through the Overseas Private Investment Corporation (OPIC).

To date, USAID has contracted, granted, or committed more than US$57 million for the implementation of projects in such areas as improving the availability of clean water, health care and adequate housing, as well as strengthening small businesses, municipalities, democracy and legal institutions, contributing funds towards the start-up costs of the Palestinian Authority. This also includes a US$5 million grant to the Palestinian police, US$10 million to the World Bank's Holst Fund for costs to start a project and another US$5 million to the Bank for technical assistance. By the end of September of this year, USAID will obligate the remaining US$18 million of our 1994 fiscal year commitment of US$75 million for 1994.

The Overseas Private Investment Corporation has the green light to start the process at their end. They have done some preliminary planning by contacting potential investors. However, OPIC cannot proceed until the agreement between the United States Department of State, the Palestinians and Israel has been negotiated. These negotiations are now moving forward.

Even though the agreement has yet to be signed, OPIC has begun planning for a reverse mission, scheduled for early October 1994. This mission will bring 15 to 20 Palestinian business persons to the United States to meet with interested United States investors. The purpose of the mission is, essentially, twofold: to promote United States/Palestinian joint ventures and investments in the Gaza/West Bank area; and to stimulate positive economic growth and development in the Gaza/West Bank areas. An additional benefit will be the enhancement of overall business ties between the Palestinian business community and United States business firms, as well as opportunities for United States business.

Despite the fact that this special sitting is an improvement of those of the past, the United States Government continues to oppose the practice of holding such sittings. This practice results in singling out one ILO member State, in this case Israel, for treatment which is different from that of other Members. In addition to this general point, the United States believes that the new situation in the occupied territories deserves to be reflected in the actions of the international community, including the ILO. It is time for this practice to end. My delegation believes that today's sitting should be the last special sitting held on the occupied territories and we will work towards this end in the coming months. We call on all supporters of the peace process, especially the PLO and Arab Members of the ILO, to join the United States in this effort.

Mr. GOLMOHAMMADI *(Government delegate, Islamic Republic of Iran)* – Let me begin by thanking the ILO for convening this meeting at the time of the continuing and worsening situation of millions of Palestinians in the occupied territories. Although, according to past experience, there is no hope that this sitting will generate effective relief for them.

My delegation has listened to the opening statement and also to the statements of previous speakers regarding the painful conditions of the workers of the occupied Arab territories. In fact, the International Labour Organization has dealt with this question since its inception. Yet, all the while, the plight of Palestinian and other workers in the occupied territories has become increasingly severe and complex. The occupying regime has chosen to ignore the national and inalienable rights of the workers to enjoy a dignified, secure and sovereign life and work in their homeland.

It is an established fact that the occupying regime has been oppressing and violating the elementary rights of the workers in the occupied territories during decades of occupation. The report now confirms that Israel's restrictive policy measures have continued and have brought about a growing crisis in workers' activities and their economic and living conditions in the occupied territories. In addition, the content of the present report is a clear indication that, despite all intensive efforts so far made by the United Nations and the United Nations agencies, including the ILO, the situation of the workers and others has not been improved, but the inhuman practices of occupying forces have intensified in number and in severity.

We believe, therefore, that any solutions to the Palestinian problem lie in decisive action aimed at removing the causes. In this context, it is clear that any approach to the Palestine and the Middle East situation should be based on justice and be comprehensive in nature. Without it, there will come no peace to the Middle East and the Palestine cause will remain.

On the broader spectrum, the only solution for Palestine and the occupied territories is to strive for the full realization of Palestinian human and national rights. The current peace agreement all but reduces these rights. Peace cannot be built in Palestine on the basis of submission. It can only come about on solid foundations of justice. Until then, the Palestinians shall continue to suffer – the entire nation, including its workers – and until then the entire Islamic *Ummah* will continue to bleed.

Original French: Mrs. MEUNIER *(Workers' adviser, Belgium)* – During this special session we wished to take the floor in order to express our solidarity with the workers in the occupied Arab territories and to give our support to the ILO action in this strife-torn region.

The struggle for self-determination of the Palestinian people was and remains a just struggle against the arbitrary illegal occupation of its country.

In particular, we wish to reaffirm our support to the Palestinian workers and the organizations which represent the foundations of the civilian Palestinian society.

While if we welcome the peace process and the agreements on Gaza and Jericho, we nevertheless consider that today this is but a timid and largely inadequate first step on this road to peace.

It is indeed essential that the Western countries respect their commitments to provide financial and logistical support, in order to create the greatest possible chances for the success of this process.

The recognition of the PLO by the State of Israel was a courageous and historic act. Unfortunately, so far the great historic rendezvous between the Jewish and Palestinian peoples is still in the future. Until such time as the resolutions of the United Nations have been recognized and implemented by all as a political basis for the future development of relations in that region, there is still a risk of deterioration of the situation.

Moreover, we regret the fact that, as regards the rights of Palestinian workers, no progress has been noted by the mission of the Director-General.

The problems of the Palestinian workers do not depend solely on political solutions to problems in the region, although they are conditioned to a certain extent by those political solutions. For our part, we feel that it is essential, during this period of the establishment of autonomous Palestinian structures, that the social actors – and primarily the workers' and employers' organizations – be allowed to organize themselves freely and establish a system of labour relations.

To this end, we very much hope that the ILO will continue its efforts to assist the Palestinian employers and workers to construct a solid basis for the Palestine of tomorrow.

Original Arabic: Mr. DJEMAM *(representative of the International Confederation of Arab Trade Unions)* – In the Name of God, the Merciful, the Compassionate! The Report of the Director-General gives a very vivid picture of the violation of human rights in Palestine and in the other occupied Arab territories and it shows clearly how this prevents the implementation of the ILO's standards. It also prevents Arab workers in a weak position from exercising their rights and facilitates discrimination and arbitrary treatment.

The Report confirms that no change whatsoever has occurred in the situation described by the mission in previous years, either in the administrative or in the security and military structures set up since 1967. The same is true of the situation of Palestinian workers earning their living in Israel.

The Report also notes the admission by Histadrut that the occupation has not allowed the development of a trade union movement in Palestine, nor has it allowed Palestinian trade unionists to attend to the social and economic interests of workers. The Director-General's Report also confirms that living standards are beneath the acceptable minimum and unstable. Work contracts are signed on a one-day basis, a practice incompatible with human dignity. Such behaviour has now become habitual. These are some of the facts contained in the Director-General's Report, on which he deserves our congratulations.

The practices described include discrimination, disrespect for human life, murder of the people of the Holy Land, violations of dignity and human rights – all of this has become the order of the day for the Palestinian workers and population of the occupied territories.

International support for human rights and for pressure and sanctions in the case of South Africa played an important role in producing the present happy results in that country. Tripartite dialogue also contributed positively towards that end, a source of satisfaction for the ILO. Moreover, our Organization is the first to recognize the rights of Palestinian workers. It is our intention to press ahead with this policy, building awareness internationally, exposing inhuman Israeli practices and probably changing misperceptions that have been prevalent, as well as providing support for the process that aims at restoring Palestinian rights. We depend on the influence that this Organization has demonstrated in the case of South Africa and we therefore reaffirm our demand for the continued convening of this sitting to build awareness and for the dispatch of missions to monitor the situation of workers in the occupied Palestinian and Arab territories for as long as the occupation and oppressive practices continue.

Although the technical cooperation programmes provided to the Palestinian people in the occupied territories are far from adequate, they are a good thing inasmuch as they reaffirm their right to return to their home, to self-determination and to establish their own State, with its capital in Jerusalem.

We feel that peace in the Middle East will not come about until all parties implement the resolutions of the Security Council. The peace process cannot succeed while the attacks on south Lebanon continue and without the complete withdrawal of Israel from south Lebanon, the Golan Heights and all Palestinian and other occupied Arab territories.

Many people welcomed the Gaza-Jericho agreement, but we believe it is not in conformity with the Security Council resolutions or with the aspirations of the Palestinian people to self-determination. We can only hope that it is a first small step towards achieving the legitimate rights of the Palestinian people and a just and lasting peace in the Middle East.

(*Mr Gray takes the Chair.*)

Mr. SUNMONU *(representative of the Organization of African Trade Union Unity)* – As this is the first time I have taken the floor, I would like to congratulate the President and all the Officers of the Conference on their well-deserved election.

Please permit me, on behalf of the Organization of African Trade Union Unity (OATUU) and the entire workforce of Africa, to congratulate the Director-General for his excellent and lucid Report on the situation of workers of the occupied Arab territories.

For the first time in the history of the Director-General's Report, there is cause for optimism and hope, as a result of the agreement signed in Washington on 13 September 1993 between the Israeli Government and the Palestine Liberation Organization (PLO) on a Declaration of Principles on Interim Self-Government Arrangements.

We heartily congratulate the Israeli Government and the PLO for the Cairo agreement which we, and the rest of the international community, consider as the first step in the journey to the total liberation of all other occupied Arab territories and the independence and statehood of Palestine with Jerusalem as its capital. We therefore appeal to all the parties to the Middle East conflict to continue to work tirelessly for a durable and just peace in the region.

The enemies of peace among Israelis and Palestinians should be isolated and disarmed so as not to constitute a cog in the wheel of peace and progress.

As stated in paragraph 18 of the Report, we are not happy with the delay in the timetable for the implementation of the Declaration of Principles by Israel since it was signed, as it will be used by the enemies of peace among Israelis and Palestinians to derail the whole peace process.

As the occupier, one expects the Government of Israel, not only to abide by the agreement it concluded with the PLO, but also to take confidence-building steps by improving human and trade union rights and the genuine economic development of the Palestinians in order to ensure what the Director-General rightly said in paragraph 19 of the Report, and I quote: "peaceful coexistence of the peoples of the region".

The sad picture painted by the Report on the economy and labour market of the occupied Palestinian territories is a matter of concern. The arbitrary and punitive use of prolonged curfews and border closures resulting in a sharp drop in national income and the deterioration of the living conditions of the Palestinians is, in our view, a violation of the fundamental rights of the Palestinian workers and peoples and very unhelpful to the peace process.

On this occasion of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, we call on the Israeli Government, as a member State of the ILO, to fully apply the principles of the ILO in its dealings with the Palestinian workers and peoples. Both Israelis and Palestinians will in the end be the main beneficiaries of the peace dividend in that region.

Employment is one of the most critical areas of need for the Palestinians in addition to housing, water, electricity, roads, health and education infrastructure, which has been neglected by the Israeli occupying force for decades.

The assistance promised by the donors to the new Palestinian administration should be promptly realized in order to facilitate the provision of the abovenamed infrastructures, which will in turn assist in the creation of jobs for the Palestinians and improve their living conditions.

In our opinion, the ILO should influence the United Nations agencies and the international community to use the "basic needs strategy" as the development strategy for the Palestinian administration in Gaza and Jericho. The ILO can also assist the Palestinians – as it has always done – in the areas of workers' education, labour legislation, vocational training and public works programmes, which the Palestinian workers are in great need of.

It is sad to note in the Report, that the problem of social insurance contributions by Palestinian workers has not been solved by the Israeli authorities in spite of the evident gross violation of the rights of Palestinian workers and ILO standards by Israel on the matter.

The refusal by Israel to include the social insurance contributions in its negotiations with the PLO is in our opinion also very unfair. In order to ensure a lasting peace, justice should be observed in all the negotiations between the two parties.

We are also happy to note the move towards unity by the Palestinian trade unions, and I would also appeal to them – to the leaders of the Palestinian trade unions and members – to bury their differences and unite. It is only through their unity that they can be strong enough to defend the interests of their members and their organizations. Our appreciation goes to the Norwegian, Japanese, United States and other European trade unions that have assisted the Palestinian trade unions. We also commend the initiative taken by the PLO and also by the ICFTU to bring Palestinian and Israeli trade unions together to discuss their problems.

The International Trade Union Committee for the support of Palestinian workers set up by the World Federation of Trade Unions (WFTU), the World Confederation of Labour (WCL), the Organization of African Trade Union Unity (OATUU) and the International Confederation of Arab Trade Unions (ICATU) is also commended for its support of the Palestinian workers and trade unions.

The leadership of Histadrut should correct the anomaly and injustice inherent in the one per cent of Palestinian workers' wages paid to Histadrut, and which in turn denies them membership of Histadrut and also prevents them from being represented by unions of their choice.

Leaders of the Israeli Association for the defence of Palestinian Workers, Hav La'oved, deserve our hearty congratulations and appreciation for their valiant defence of, and assistance to, Palestinian workers.

As reported in paragraphs 90-99 of the Report, it is sad to note that Israel continues to violate the rights of the Golan workers and peoples in violation of international law and the fundamental rights of the Golan people. Israel should change it recalcitrant attitude to facilitate the peace process. It should stop its illegal confiscation of the land of the Golan people and the building of Jewish settlements.

We would like to commend the ILO for the multifarious assistance it has been giving to the Palestinians. In particular, the recent multidisciplinary team sent by the Director-General at the request of the PLO Chairman, is warmly welcomed by us. We call on the ILO to mobilize donor assistance for the successful implementation of the thirty project ideas elaborated by the ILO mission report. The Director-General should please ensure that the employment generation, provision of basic needs and human resources development and utilization form the bedrock of ILO projects for the Palestinians.

Finally, in order to ensure and guarantee the rights of the Palestinian workers and people, especially from recent experience in the occupied Palestinian territories, the OATUU calls for the establishment of a committee on the situation of workers of the occupied Arab territories by the ILO Governing Body.

Original Spanish: Mr. CUSTER *(representative, World Confederation of Labour)* – The World Confederation of Labour has for many years now been constantly denouncing the serious violation of human and trade union rights of the workers of Palestine, victims of Israeli military occupation. We have been active defenders of the struggle for liberation of this extraordinary people, and we re-emphasize our solidarity, particularly with the Palestine Trade Union Federation with whom we have close ties of friendship and cooperation.

We would also like to reaffirm, what we have been stating for many years, that there will be no real peace in the Middle East whilst the Government of Israel continues to disregard the resolutions of the United Nations, and continues to maintain military occupation and whilst there is a continuing irresponsible and most serious Jewish colonization of Arab land, and whilst thousands of Palestinians continue to be imprisoned in Israeli prisons, and ultimately so long as there is no clear recognition in a firm and definite form of the absolute right to self-determination of the people of Palestine in recognition of their legitimate wish to create a sovereign national State.

We would like to call attention to the sentiment of many of our Arab friends – and which we share – that, whilst the United Nations harshly condemn certain countries, other States totally disregard the resolutions of the Security Council, and do so with impunity. This feeling of "two weights and two measures" particularly affects the Arab peoples, Palestinians in particular, and represents a threat to the credibility and objectivity of the United Nations system itself.

We have sometimes heard it said that the problem of the occupied Arab territories and the need to find an urgent solution to the problem are political problems and ultimately therefore alien to the ILO. Happily there is scarcely any support for this idea, since the Constitution of our Organization and the Declaration of Philadelphia clearly establish that respect of human rights is an essential element in trade union activities.

We welcome the signing of the Gaza-Jericho agreement, although we know that this does not correspond to the aspirations of the Palestinian workers. But the agreement will be positive if there is the beginning of an urgently needed process which will lead to full self-determination for Palestine and withdrawal from the occupied Arab territories including Lebanon and Golan.

In the tragic process in the Middle East, we saw an historical moment when the PLO recognized the State of Israel. An egoistic and suicidal vision prevented real peace in that region, and now there are no further excuses for not implementing the resolution of the United Nations, withdrawing from the occupied territories and making Palestinian self-determination truly a reality.

We appreciate the Report of the Director-General and would like to call attention to his reference to the continuing settlement of Jewish colonies and the text which states that despite their action and the negotiations under way, the arbitrary practices and security restrictions affecting workers have not been eased. Both these statements draw attention to very serious aspects of this situation.

We believe that the ILO must continue to play a primary role on behalf of the Arab workers in the occupied territories, intensifying its technical assistance cooperation, and creating a standing committee which will make it possible to coordinate and actively follow up this situation. This is one of the major problems affecting the international community, and its serious consequences require the ILO to consider it as a priority.

We would take this opportunity to express our hope that there will be a just peace in the Middle East, that there will be full reconciliation of the neighbouring peoples and that there will be full and absolute respect of the self-determination and sovereignty of all nations.

Original French: Mr. FRISO *(representative, International Confederation of Free Trade Unions)* – This year the special sitting on the situation of workers of the occupied Arab territories is being held in much happier circumstances than in the past.

It is being held following the partial agreements which have been made between the PLO and the State of Israel following the Declaration of Principles which was signed in Washington by Mr. Arafat and Mr. Rabin, and which finally opened up the way for the search for a solution to the Palestinian problem through peaceful means.

All men of goodwill, and in particular governments and inter-governmental institutions, have a moral duty to support these efforts. This is most probably going to be a long and difficult process, studded with difficulties, and we must hope that all the countries that are directly or indirectly concerned will act in such a way as to make it possible to eliminate the obstacles and to facilitate the task of the negotiators.

The International Confederation of Free Trade Unions, which I have the honour of representing, intends to work as closely as possible with the Palestinian trade union organizations to facilitate their tasks in the territories which will come under the responsibility of the Palestinian authorities.

I would like to congratulate Mr. Hansenne, the Director-General, for having organized in December 1993 the multidisciplinary mission which has given us a very important report with an analysis of the situation within the areas of competence of the ILO. Among other things, it has pointed to the need to promote strategies for the development of the social and labour sectors, the aim of which should be to create jobs, to reduce poverty and to reinforce social protection.

The economically developed countries, including the rich Gulf countries, should considerably increase their voluntary contributions to the ILO so as to make it possible for the ILO to carry out the programme suggested by the mission. My organization, through its affiliates, will exert pressure on the governments of various countries to consider the financing of the programme suggested by the mission as a priority.

It is also necessary to find a solution as rapidly as possible to the disputes between the Palestinian unions and the Israeli authorities regarding the Palestinian workers who were prevented from going to their jobs in Israel, and who were plunged into an absolutely intolerable situation, both they and their families, which has now been going on for several months. Here again, we intend to play a constructive role, of course together with the Palestinian unions and with the collaboration of our affiliates in Israel, the Histadrut. If one wishes to resolve in a manner satisfactory to the parties concerned all the problems in the Middle East, and the problem of the Palestinian people in particular, it is imperative to play the card of negotiation decisively. We, the ICFTU, with the means available to us, want to ensure that chance smiles on us and on those of both sides who had the political courage to choose the path of dialogue. This is why it is our duty to ask ourselves whether special sittings such as this one are of a nature to facilitate their already difficult task. We have serious doubts on this point.

Original French: Mr. VITTORI *(representative, Pax Christi International)* – On 13 September 1993, Israel finally recognized the existence of the Palestinian people, agreeing to negotiate directly with their representatives. This political turning point, while of capital importance, nevertheless will only open up the road to peace to the extent that it allows for real improvements in the living and working conditions of Palestinians.

Unfortunately, this is not the conclusion to be drawn on reading the Report of the Director-General. On the contrary, in many areas, we see the reverse is the case. The limited autonomy that has been granted seems to resemble a penitentiary, which the administration has decided to leave, simply opening the doors of the cells and leaving the prisoners to organize themselves in "freedom" within the prison compound, where the exits and entrances are policed and militarily controlled.

Earlier speakers have already referred to the United Nations resolutions which have proved impossible to enforce, and therefore I shall not dwell on this or on the Geneva Conventions so arrogantly ignored. Nor shall I mention ILO standards which are apparently impossible to apply. The Report of the Committee of Experts on the Application of Conventions and Recommendations this year, as in past years, does not indicate the slightest violation of ILO Conventions in the occupied territories. What we have to bear in mind constantly is the fact that Palestinians are, in fact, indirect victims of Western anti-semitism, without which the State of Israel would probably not exist today.

From the Spanish Inquisition to the Shoah, throughout a long series of pogroms, the Jewish people in Europe have been subject to terrible persecutions. Have not the Palestinians, who were not responsible for these persecutions, been perhaps unjustly sacrificed on the altar of the guilty conscience of the West?

It is time to recognize this now that circumstances make reparation possible without prejudice to the victims of anti-semitism. Investments of 2,500 million dollars have been promised but, of course, these are conditional on the establishment of a Palestinian administration. How can this be done without the material means indispensable to its organization? It is not Israel which is going to provide these sums by estitution of taxes levied in Gaza and Jericho. The ch countries of the Gulf are not showing any altru- m, and the Western countries are not exactly rush- g to help. And yet, it is peace that is at stake. Are e once again going to miss the opportunity now hen those responsible on both sides have taken tre- endous personal risks, vis-à-vis their people?

The agreement signed on 4 May this year in Cairo pens up a historic and providential opportunity to art remedying the injustices perpetrated on the Pal- stinian people, whilst at the same time bringing eace to Israel. The urgent matter is to give to the alestinian administration – without any other de- and being made than the guarantee of appropriate nd correct management as regards human rights – e financial and technical means of establishing a tate which can truly become operational. Madame anan Ashrawi, who is responsible in the independ- nt Palestinian organization for the monitoring of uman rights, recently compared the autonomous dministration of Gaza and Jericho with someone ound hand and foot, thrown into a swimming-pool nd expected to prove that he can swim.

It is with satisfaction that we welcome the recent ecision by a group of donor countries to release 42 illion dollars to help in the creation of the adminis- ative infrastructures necessary for receiving further vestment in the short and long term. But that is far om sufficient. Just by comparison, it corresponds to e month's budget for the city of Geneva. We have so learnt that the women of the territories will now e able to go freely to Eastern Jerusalem, and that e Israeli authorities have somewhat relaxed the les as regards workers seeking employment in Is- el. Despite these positive signs, peace still remains agile. It could become much stronger if there were absorption of settlers from the colonies, which rep- esent risk zones obliging the Israeli army to main- in a presence there whose sole justification is the rotection of those settlers.

After any war, and this one could flare up at any me again, it is necessary to have minesweepers to ear the ground in order to avoid risks of death hich remain and will continue for many years to me. This should not cause any problem as regards e land of Israel, but as regards peoples' minds it is nother matter. Decades of oppression, blind vio- nce, psychological manipulation, lies, all aimed at ilifying the adversary, have in fact led consciences stray. Pax Christi shares with the majority of be- evers the deep-felt conviction that true peace, a gift om the Almighty, is not possible unless it is re- eived in the depths of each heart.

Brothers through a will that transcends them, the eople of the Holy Land are co-heirs to the prom- e made to their common father in faith. May they ecognize each other and stand in solidarity before e sign of his tomb, which has been tragically pro- aned.

Original Russian: Mr. POTAPOV *(representative, orld Federation of Trade Unions)* – On behalf of e World Federation of Trade Unions I would like extend my greetings to the participants in this fo- um, which is taking place within the framework of e 81st Session of the General Conference of the LO, and I would like to express our full brotherly olidarity with the Palestinian people, who have been ghting for many years for the restoration of their legitimate rights and liberties in the Arab territory of Palestine.

The World Federation of Trade Unions would like to express its deep concern at the suffering of the Palestinian people, which over decades has been deprived of its native lands and whose civil rights are constantly being flouted by Israel in the occupied territories.

Consequently, there is every justification for the struggle of the Palestinian workers, and the entire Palestinian people, for their inalienable national rights and, above all, for the right of self-determination and the creation of an independent State.

It is our opinion that a solution of the Middle Eastern problem, including the Palestinian question, can only be found on the basis of a full withdrawal of Israeli forces from all the occupied Arab territories (the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights and southern Lebanon) and on the basis of the guaranteed right of the Palestinian people to return to their land and to take democratic decisions regarding their future.

Despite the signing of a number of agreements in recent times, the situation in the occupied Arab territories still remains extremely tense. The Report put before us by the Director-General of the ILO reflects – although far from fully – the poor – and sometimes even catastrophic conditions under which more than one-and-a-half million Palestinians in the occupied territories are forced to live.

It is with great regret that we note that as regards the local Palestinian population, the Israeli authorities continue to apply a policy of "creeping annexation", under which the most fertile lands are confiscated, artificial restrictions are imposed on the marketing of produce, Arab villages are destroyed, and in their stead settlements for Israeli settlers are built illegally. All these measures condemn the local population to deprivation and poverty and turn them into a supply of cheap labour, deprived of any legal protection, for the Israeli economy.

We are particularly concerned – and this is also referred to in the Report of the Director-General – at the practices of the authorities with regard to the trade union organizations of Palestinian workers: under all kinds of pretexts such as closing of borders, road blocks, curfews, etc., obstacles are placed in the way of the normal activity of the trade unions.

The information coming from the occupied territories provides convincing evidence of the unbearable situation in the region. While appreciating the efforts of the authors of the Report, we feel that their work should be continued as long as this proves to be necessary. The ILO can and must make its valuable contribution to the elimination of the situation which has developed in the occupied Arab territories, and to ensuring that the Palestinian people have the appropriate conditions for a life of freedom and dignity.

The World Federation of Trade Unions reiterates its continued solidarity with and support of the just struggle of the Palestinian people for their liberation and the defence of the inalienable right to self-determination and independent development.

Original Russian: Mr. KANAYEV *(representative, General Confederation of Trade Unions)* – Allow me to join the other speakers in congratulating the President on his unanimous election to this responsible and honourable post and to wish him full success in leading this anniversary session of our Conference.

This year we are discussing the difficult and painful question of the situation of workers in the Arab territories occupied by Israel against the backdrop of a real possibility that this complex problem might be resolved peacefully and in the interests of both parties.

The recognition by Israel of the PLO as the genuine representative of the Palestinian people, the signing of the Declaration of Principles on Interim Self-Government Arrangements for the Gaza Strip and the Jericho region and the beginning of talks on the Golan Heights between Israel and Syria give reason to hope that a comprehensive peaceful settlement will be reached in the Middle East.

However, this is just the beginning. One swallow does not a summer make. The Report of the Director-General convincingly points to the fact that the situation in this region has, practically speaking, remained unchanged. The administrative, police and military structures remain unchanged in the occupied territories. All sorts of pretexts are being used to delay the transfer to the Palestinian authorities of the territories concerned. The creation of Israeli settlements on Palestinian land is continuing. This leads to confrontation and even to armed clashes. Palestinian workers are subjected to harsh discrimination in recruitment and conditions of work. Their freedom of movement is limited.

There is reason for concern because the representatives of the Director-General received no assurances from the Israeli authorities that the conditions of recruitment and work would change in favour of social justice even after the implementation of the agreement on self-rule.

At the current session of the Conference, which is taking place with the strengthening of social justice as its theme, the International Labour Organization should vociferously, firmly and decisively advocate a rapid and peaceful solution and the establishment of good neighbourly relations between all peoples in this explosive region.

We welcome the attempts at a dialogue between the Histadrut and the trade unions of Palestine, and hope that these talks will lead to an improvement in the situation of the Palestinian workers. We also greatly appreciate the work of the ILO in assisting Palestinian trade unions and workers. However, we believe the time has come to redouble our efforts in order to create the best possible conditions for a normal life and for normal work for this long-suffering people. We have the fantastic example of the victory of reason and progress in South Africa. But it took many years of struggle and efforts by all mankind and by all freedom-loving forces to achieve that victory. I believe the same solidarity and unity of purpose will be necessary to settle the problem of Palestine. I think in this connection that it is reasonable to refer to the point made by many speakers to the effect that within the ILO we should establish a system similar to the one which was created originally for South Africa and which continues to exist today to encourage positive change.

The **PRESIDENT** – According to the arrangements established by the Conference for this sitting, it is not my task to draw any lesson or conclusion from the lengthy, substantial and at times difficult debate which has just taken place. May I be allowed, however, to express my deep satisfaction and appreciation at the fact that this sitting has taken place in conditions which are consonant with the dignity required by the topic and subject we have dealt with.

I wish to commend the real effort that was made to circumscribe the debate within the field of competence of our Organization, that is the situation of workers and employers of the occupied Arab territories, even if it is not always easy to dissociate it from the general context in which it takes place. If our Organization wants to be true to its mandate of promoting and defending respect for human and workers' and employers' rights, it cannot ignore the difficult situation of these workers and of their families. The usefulness of the Report of the Director-General is clearly recognizable by the fact that it forms the basis for this debate, which I sincerely hope will contribute to the promotion of a real dialogue and strengthen the determination to find an equitable and lasting solution to the difficult situation of these workers and employers.

I am sure the Director-General will draw important and useful conclusions from this sitting in giving his reply to the general discussion of his Report, at the end of this session of the Conference. I would like to thank him for this at the outset, and I also thank all of you for your spirit of cooperation, without which we would not have been able to carry out this special sitting.

(The Conference adjourned at 7.15 p.m.)

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Report of the Committee on Action against Apartheid

1. The Committee was established following a decision of the Governing Body, taken at its 258th Session (November 1993), to place an item on the agenda of the 81st Session of the International Labour Conference for the review of the Declaration concerning Action against Apartheid in South Africa, which was adopted by the Conference in 1964 and subsequently updated several times.

2. The Committee was composed of 51 members with the right to vote (20 Government members, 11 Employers' members, and 20 Workers' members). It also included 2 deputy Government members, 10 Employers' deputy members, and 17 Workers' deputy members. In accordance with the usual procedure, equal voting for the three groups was assured by the appropriate system of weighted voting. A number of organizations with consultative status were represented by observers.

3. At its opening sitting, the Committee elected its officers as follows:

Chairperson: Mr. P. K. Balopi (Minister of Labour and Home Affairs, Botswana).

Vice-Chairpersons: Mr. B. G. Hernandez (Employers' member, Philippines) and Mr. W. Brett (Workers' member, United Kingdom).

Reporter: Mr. B. Jonzon (Government member, Sweden).

4. The Committee held three sittings. Its agenda was to review the Declaration concerning Action against Apartheid in South Africa. In this task it used the following documentation: the Special Report of the Director-General on the Review of the Declaration concerning Action against Apartheid in South Africa (which contained an historic overview of ILO action against apartheid, provided information on other international action against apartheid, and listed replies by ILO constituents to the questionnaire sent to them in accordance with the Declaration); and a document supplementing the Special Report (which provided a brief summary of the principal events in the labour and social fields which have occurred in South Africa since the preparation of that Special Report). The Committee also had before it a number of documents of the Governing Body Committee on Legal Issues and Labour Standards, in particular its reports adopted at the 258th and 259th Sessions of the Governing Body (November 1993 and March 1994 respectively).

5. The representative of the Secretary-General (Mr. F. Abdel-Rahman, Assistant Director-General) welcomed both the readmission of South Africa to the

ILO and the participation of the country's full, tripartite and multiracial delegation in the Conference. The Committee was charged with reviewing the Declaration concerning Action against Apartheid in South Africa, first adopted in 1964 and updated in 1981, 1988 and 1991. In accordance with paragraph 21 of the conclusions contained in the Committee's report adopted at the 80th Session (June 1993) of the International Labour Conference, the Governing Body, at its 258th Session (November 1993), considered the progress made towards the elimination of apartheid and decided to suspend the application of the Declaration. It decided that the question of reviewing the Declaration should be placed on the agenda of the 81st Session (June 1994) of the International Labour Conference, for consideration by the Conference Committee on Action against Apartheid. On that occasion, the Governing Body also approved a plan of action for ILO assistance to South Africa in the transition to full democracy and in overcoming the effects of apartheid. At its 259th Session (March 1994), the Governing Body noted further progress and decided that the ILO should make an immediate contribution to finance voters' education prior to the first general non-racial election in April 1994. The immediate task of the Committee was to come to a decision concerning the Declaration, perhaps by recommending its rescission either in a final recommendation of the Committee's report or in a separate resolution annexed to that report. A decision might also be taken to dissolve the Committee. Relevant information was contained in the Special Report of the Director-General on the Review of the Declaration concerning Action against Apartheid and in the supplement to that Special Report. The Special Report described the history of the action of the Conference, which had examined 29 such reports. It also outlined the technical cooperation activities — financed from the ILO's regular budget and by generous multi-bilateral aid, especially from the Nordic countries — which had been oriented towards assisting the social partners, building capacity to govern in the future and promoting the principles of democracy and multiracialism. In addition, the Governing Body had convened special meetings, such as the International Meeting on Action against Apartheid (Livingston, May 1981), the Tripartite Conference on Apartheid (Lusaka, May 1984) and the two Harare Tripartite Conferences (May 1988 and May 1992). Sustained growth and genuine development in the country required a profound restructuring of the economic and social sectors. In this process, it was necessary to consult those organizations which had initiated grass-root action in favour of disadvantaged communities in the areas of education, training, health and housing. More generally, there was a need for a comprehensive programme, incorporating affirmative action measures, to tackle the glaring socio-economic imbalances created by apartheid. It was particularly necessary to promote the empowerment of the black population through human resources development which encouraged entrepreneurship and skills in management and administration. The ILO had to be ready to respond to these needs. If the Committee decided to rescind the Declaration, the door would be opened for the implementation of the plan of action for ILO technical cooperation, encompassing a wide range of labour and social issues, in particular in the areas of human rights, employment creation, enterprise promotion, labour law and administration, working and living conditions, human resources development and occupational safety and health.

6. The Chairperson (the Honourable P.K. Balopi, Minister of Labour and Home Affairs of Botswana) expressed gratitude for the confidence and trust bestowed on his country, which had played a significant role in the liberation of South Africa by promoting a spirit of reconciliation and mutual understanding. It was fitting that a review of the aims and objectives of the Committee, and a consideration of its future, be undertaken in the presence of an official tripartite delegation from South Africa. In its work, the Committee should take account of the fact that South Africa would require, for some time, the support of the ILO in the social and labour fields, in order to redress the effects and vestiges of apartheid. It was imperative for the ILO to play a major role in assisting the programme of reconstruction and development announced by the Government of South Africa. The ILO had already sent several missions to South Africa to determine the ways in which it might cooperate with the social partners in transforming the society, alleviating poverty, improving the quality of life and strengthening the new democracy. He recalled that in September 1994, the ILO was due to take part in an international donors' conference in Johannesburg on human resources development for a post-apartheid South Africa, organized by the United Nations Development Programme and the Commonwealth.

7. In opening the general discussion, the Chairperson recalled that the task before the Committee was to review the Declaration concerning Action against Apartheid in South Africa.

8. The Employers' members expressed their great satisfaction with the installation of a sovereign government of national unity, following free and democratic elections. Felicitations were due to Messrs. Mandela and de Klerk who had been deservedly awarded the Nobel Prize for Peace. President Mandela's Government needed all possible support to improve the national economy, to reduce joblessness and to provide homes and amenities for the citizens of the country. The Employers' members had taken note of the Government's reconstruction and development programme for reorganizing and democratizing the society, including an economic development programme that promised to provide employment and job training for 2.5 million people in public works projects, to construct a million new houses, to provide a million others with running water, to bring electricity to 2.5 million more homes and to provide free and compulsory education for children and adult education for millions of blacks. Eradication of the legacy of apartheid would take many years and would require enormous resources. The Employers' members proposed that the Committee, in its conclusions, note with satisfaction the Governing Body's decision, at its 259th Session (March 1994), to recommend that an extra 1 million dollars for technical assistance to South Africa be made available out of the financial surplus. It was also appropriate to refer to paragraph 47 (17) of the conclusions of the Committee's report adopted by the Conference at its 80th Session (1993). In this regard, the Committee should express the hope that the ILO would, in rendering this assistance, respond to the needs of the constituents, which would cover, inter alia, the following: the promotion of trade union and human rights; trade union and employers' association capacity-building; employment creation; the promotion of self-employment and small and medium-sized enterprises; the reform and restructuring of labour market institutions and labour administration; the effective use of all factors of production; the improvement of labour legislation and the upgrading of labour standards; the improvement of working and living conditions in the rural areas and for farmworkers; education and training; human resources development and management training; the promotion of equality of opportunity and treatment; and occupational safety and health. The Committee should also recommend to the Conference that the ILO continue to assist democratic trade unions and employers' organizations. Fraternal greetings were extended to Business South Africa, the multiracial employers' association formed by 16 major business groups on 12 April 1994. This year, the Committee was called upon to undertake a review of the Declaration. The Employers' members considered that the Declaration had been rendered academic by the salutary events and developments in the country. It would therefore be appropriate to rescind the Declaration. As a corollary, it was also appropriate to dismantle and abolish this Committee.

9. The Workers' members welcomed South Africa's readmission to membership of the ILO, which was an important event for both the Organization and the country. In order that a resolution might be formulated to rescind the Declaration and to adopt a plan of action, the Workers' members proposed that a tripartite working group be established, composed of representatives of each of the groups. The Workers' members considered that the resolution should recognize that while significant changes had occurred in South Africa, there was a need for the ILO to develop programmes of activities aimed at removing the inherent and deep-seated inequalities in the structures of the society. Specifically, the Committee should invite the Governing Body to instruct the Director-General to adapt the plan of action approved by the Governing Body to the social and economic needs of post-apartheid South Africa. In implementing the plan, it was important to take fully into account the areas identified in paragraph 47 (17) of the 1993 report of the Committee. The ILO should provide the necessary support and assistance for the effective development of tripartite structures, for independent, strong and non-racial employers' and workers' organizations and for the adoption of labour legislation compatible with ILO standards. The Committee should also seek the creation of a task force to consult with the South African Government and social partners in coordinating and following up the implementation of the ILO technical assistance programme in the transitional period. It was also necessary to ensure cooperation with the agencies of the United Nations system and with employers' and workers' organizations in the planning and execution of assistance programmes, particularly in the areas of human resources development, social protection, health, housing and employment. The Government of South Africa should be encouraged to incorporate the principles laid down in the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and to consider the early ratification and application of ILO Conventions and Recommendations, in particular, the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Committee should also resolve to rescind the Declaration.

10. The Honourable T. Mboweni, Minister of Labour of the Republic of South Africa, expressed his pleasure at being among the Government representatives and enjoying the opportunity of participating in the activities of the Committee for the first time. The future of South Africa would be determined by the effectiveness with which the new Government tackled the social and economic consequences of apartheid. It was expected to take more than five years just to develop a coherent educational programme. It would also take a long time before a dent could be made in overcoming the situation of the homeless. Many black people lived in despicable conditions, without roofs, sanitation, or clean water. Alexander township, on the north side of Johannesburg, was one such place where people lived in appalling conditions virtually alongside the sparkling houses of affluent whites. Many children had been traumatized by the apartheid system and unless adequate care was extended to them, there existed the potential for the emergence of a generation with a highly distorted perception of society. It was still necessary to face President Mandela's challenge of walking once more a few miles to strengthen democracy and to ensure normalization. That assistance would also enable South Africa to contribute to the region for the mutual benefit and development of all peoples. It was hoped that an appropriate policy framework for the implementation of a programme of technical cooperation could be devised as a building block to create a society in which social justice prevails.

11. The Government member of the Russian Federation expressed great pleasure that the democratic process had triumphed in South Africa with the eradication of the shameful system of apartheid. His country had contributed actively to the historic victory of democracy. As an observer for the United Nations during the South African elections, he himself had participated in 14 electoral centres in the Province of Kwazulu-Natal and was able to observe the extent to which the population considered the elections as an event that promised a better future. He was convinced that South Africa had all of the elements necessary for a peaceful future. The Russian Federation was developing a close relationship of bilateral cooperation with South Africa. The speaker agreed with the conclusions contained in the Director-General's Special Report and with the proposals presented by the Employers' and Workers' members, which, in his opinion, could be combined into a single resolution. The plan of action should be implemented with effective feedback on the extent to which technical cooperation had affected the problems which have to be resolved by the new Government.

12. The Employers' member of South Africa stated that it was the first time for a South African employer to speak in the Committee although in the last few years South African employers had attended as observers. He was grateful for the help received from employers' organizations of many countries and from the ILO in the formation of Business South Africa, and was happy that that organization had been accepted as a member of the International Organization of Employers and by the Pan-African Employers' Confederation. In this regard, he paid particular tribute to Mr. Tom Owuor of the Federation of Kenya Employers and the Secretary-General of the Pan-African Employers' Confederation. He also thanked the Committee for the part it had played in bringing an end to apartheid. He supported the call by the Minister of Labour of South Africa for help in eliminating the legacy of apartheid. Tripartism was alive and well in South

Africa, as evidenced by the restructured National Manpower Commission and the National Economic Forum. He recommended the rescission of the Declaration concerning Action against Apartheid and the dissolution of the Committee at the end of its current deliberations.

13. The Government member of the United States congratulated the people of South Africa on their hard fought and rightful transformation into a non-racial, non-sexist democracy. The election of Nelson Mandela as President and the creation of a government of national unity represented a victory of popular will over oppression. He welcomed the readmission of South Africa to the ILO. The Committee should pay attention to what the Labour Minister of South Africa had said about the daunting challenge facing his country — redressing the bitter legacy of apartheid — in the fields of housing, health care, education and basic services. South Africa needed the full support of and assistance from the ILO and the rest of the international community. The ILO was uniquely suited to play a key role, within its areas of competence and expertise, in assisting South Africa to redress the legacy of apartheid, for example, by promoting equality, workers' rights, human rights, development of human resources, labour market institutions, and democratic institutions, and by improving living and working conditions. The Committee should recommend to the Conference a programme of action to respond to South Africa's urgent needs to overcome the bitter legacy of apartheid. The Committee should also recommend the rescission of the Declaration on Action against Apartheid and the abolition of the Conference Committee on Action against Apartheid.

14. The Government member of South Africa reiterated the statement of the South African Minister of Labour concerning the need to strengthen the young democracy by urgently tackling the legacy of apartheid. It was important to undo the socio-economic effects of apartheid. In this regard there was an urgent need for ILO technical cooperation and for a programme of action. He reminded the Committee of President Mandela's call for a 100-day programme to show the Government's determination to improve the living conditions of ordinary South Africans, a call which in turn required all the parties to move quickly.

15. The Government member of the United Republic of Tanzania recalled that, at this time last year, the situation in South Africa was uncertain. The 80th Session of the Conference had mandated the Governing Body to suspend the application of the Declaration on Action against Apartheid in the event of the establishment of an interim government. The Governing Body subsequently did suspend the application of the Declaration in November 1993 pending its review at the present session of the Conference. The April 1994 elections marked the dawn of a new era. He congratulated the people of South Africa and welcomed the country back to the ILO. The legacy of apartheid would take a long time to redress and the ILO must continue its assistance to South Africa. The Government of the United Republic of Tanzania appreciated the role played by the ILO in supporting the South African struggle particularly in the period after the adoption of the Declaration. The success achieved in South Africa was a triumph of the principles of social justice which are central to the existence of the ILO.

16. The Government member of China stated that he was pleased to see a new government in South Africa under the leadership of President Mandela. This had come about as a result of the long struggle by the people of South Africa, a struggle which had been supported by his Government. He expressed the hope that all the people of South Africa would work for the well-being of their country. He expressed appreciation for the role that the ILO had played in the struggle against apartheid and hoped that the ILO would continue to strengthen its cooperation with South Africa by helping in the reconstruction of the country. The Chinese people valued their friendship with the people of South Africa and, on the basis of the principles of peaceful coexistence, looked forward to cooperating with them in labour matters.

17. The observer of the Organization of African Unity (OAU) stated that the Special Report of the Director-General on the Review of the Declaration concerning Action against Apartheid in South Africa reflected the reality of the situation and the OAU agreed with it. He congratulated the ILO, its member States, employers, workers and the whole international community on the work they had done in the struggle against apartheid. He expressed his appreciation of the dignified and peaceful way in which the people of South Africa and their leaders had overcome an oppressive system and had transformed it into a multiracial and democratic regime. The OAU had always identified itself with the heroic struggle of the South African people for their liberation, and it was happy with the emergence of a united, democratic and non-racial South Africa. In his opinion, the Committee on Action against Apartheid had loyally and efficiently accomplished its task and there was no longer any reason for its existence. However, he wished to see a new mechanism established in its place to monitor the evolution of the situation in South Africa. He expressed the OAU's support for the ILO plan of action to assist the reconstruction of South Africa.

18. The Government representative of Namibia (Mr. H. Witbooi, Minister of Labour and Human Resources Development) was happy that South Africa had rejoined the ILO and he congratulated the ILO for its sterling support in the struggle against apartheid. He welcomed the Special Report of the Director-General on the Review of the Declaration concerning Action against Apartheid. He noted that the legacy of apartheid would take a long time to eradicate and considered that the ILO should give vigorous financial and technical assistance to the people of South Africa. It was necessary to help build the institutional and technical capacity of employers' and workers' organizations in South Africa so that they could play a role in the rebuilding of the country. Recalling that his country had also fought against apartheid for many years, the speaker expressed his deep appreciation for the continuous hard work, the comradeship and cooperation of the Employers' and Workers' Vice-Chairpersons and for the assistance and service of the Office during the years that this Committee had been meeting.

19. The observer of the Palestinian Liberation Organization welcomed the election of President Mandela in the full, free, multiracial elections in South Africa, which had effectively ended the apartheid system. There had been an identical struggle for freedom in South Africa and in Palestine. In view of the shared interests and goals of the two countries, the speaker wished to keep the Committee abreast of the struggle being waged by the Palestinian people: though many challenges remained, a new phase had been reached in the revolutionary march towards democracy. It was because of the cohesion between the Palestinian people and others who were struggling for independence and democracy that these noble ideals would prevail.

20. The Committee set up a Working Party to prepare a draft resolution for the Committee. It was composed of five Government members: Greece, Malaysia, South Africa, the United Republic of Tanzania and the United States; five Employers' members: Mr. Botha (South Africa), Mr. Cheshire (United Kingdom), Miss Hak (Netherlands), Mr. Hernandez (Philippines) and Mr. Owuor (Kenya); and five Workers' members: Mr. Brett (United Kingdom), Mr. Ngcukana (South Africa), Mr. O'Farrell (United States), Mr. Sibanda (Zimbabwe) and Ms. Zettervall-Thapper (Sweden). The Reporter of the Committee acted as Chairperson of the Working Party and subsequently introduced the text of the draft resolution agreed upon by it.

21. The General Secretary of the Congress of South African Trade Unions (COSATU), speaking to the adoption of the report, considered that none of the laudatory work of the Committee could have been accomplished without the sterling contribution of the Workers' members, who had enjoyed excellent leadership. He commended the leadership of all of those who had chaired the Committee and the groups, and the participation of the Employers' and Government members. The South African Minister of Labour had indicated that the workers of the country had a real role to play in the long process of development. South African workers also had to learn how to support others in need. It was hoped that the technical assistance to be undertaken by the ILO would take account of the need to ensure trade union rights, a fundamental part of human rights. The speaker believed that, on the basis of the resolution before the Committee, all the groups present would be able to say with pride that apartheid would never again be a problem to be faced. Although there would never again be a situation where the workers of South Africa needed so much support, there would be occasions to collaborate and work together cooperatively in international fora.

22. The Employers' member of Kenya, expressing his support for the report and draft resolution, referred to the memorable role played by the various persons who had chaired the Employers' and Workers' groups over the years, including one of the first Employers' Vice-Chairpersons, Mr. S.R. Da Silva, and the long-time Workers' Vice-Chairperson, Ms. Shirley Carr. The speaker also paid tribute to the excellent contribution of the current Workers' Vice-Chairperson, Mr. Bill Brett, and of Mr. Benildo Hernandez, the Employers' Vice-Chairperson. The international community should acknowledge the role played by the South African private business community in promoting the democratic process in the country. Business South Africa should be accorded a particular tribute for having formed a multiracial employers' association in which all business groups were well represented.

23. The Committee concluded that it should adopt its report and the draft resolution elaborated by the Working Party and annexed to this report.

24. The Workers' members paid tribute to the excellent leadership provided to the Committee by those who had chaired it over the years and to the present Chairperson who had conducted the proceedings with elegance and diplomacy. They expressed gratitude to all of their colleagues for their support and, in particular, to those from South Africa. A tribute was due to the Employers' Vice-Chairperson, Mr. Benildo Hernandez, for his calm and steady leadership and to Ms. Cornélie Hak for her drive and strong commitment. It was important that the role played by private business in South Africa in pushing for reform not go unrecognized. The South African delegation to the Conference had provided an enviable example of tripartism, which augured well for the future development of the country. They also thanked Mr. Faisal Abdel-Rahman, Assistant Director-General, and the staff of the Office for their devotion and cooperation.

25. The Employers' members associated themselves with the Workers' members in conveying to each member of the Committee and to all members of the Office staff, deep appreciation for having worked over the years to reach what was, initially, a difficult task. The history of the ILO would record the fact that the Committee had contributed, in a humble way, to the removal of a system that had been considered a crime against humanity by the United Nations. It was a particular cause for rejoicing that the end of the Committee's work should coincide with the celebration of the 75th Anniversary of the ILO. All of humanity, irrespective of race, creed and colour, had one single conscience and the accomplishment of the Committee was part of the destiny that God has placed with all of us. It was hoped that the Committee's efforts would bear fruit and that the Government, workers and Business South Africa would continue to build up the country.

26. The Government member of South Africa recalled that this day, 16 June, was one of particular significance in the history of South Africa. It was the anniversary of the 1976 Soweto uprising of schoolchildren, the day when many children experienced their first taste — for some, a bloody taste — of struggle as they sacrificed themselves for the cause of freedom and democracy. During the years of apartheid, it had been normal for South African schoolchildren to assume responsibility for pressing for change in the society. In fact, many of those same schoolchildren were now adults, attending the present session of the Conference. All of the South African Employers', Workers' and Government representatives attending the Conference would be as true to the principles of the ILO, as they had been faithful to their ideals at home. The strength of the social partners and tripartite institutions in South Africa was the essential guarantee of democracy in the country. The Committee had seen South African tripartism at work in the Committee. The process was not always easy but it was a fundamental principle of the South African approach. The tripartite constituents of South Africa looked forward with confidence to a fruitful and rewarding relationship with the ILO, although this did not preclude the possibility that they would make waves in the Organization. The speaker expressed gratitude to the Employers' and Workers' members and to the Office. Particular thanks were due to Ms. Hak, who had been a staunch stalwart of this Committee, to Ms. Carr and to the secretariats assisting the two groups.

27. The Reporter thanked the Chairperson and the members of the Committee for the honour of having worked together in the Working Party. Noting that while the events that had brought about the end of this Committee were a cause for celebration, he proposed that the Committee stand for a minute's silence in memory of all of those who had suffered in the struggle against apartheid. This was done.

28. The representative of the Secretary-General paid tribute to the Chairperson's unfailing courtesy and wisdom in conducting the meeting. He also expressed gratitude to the Employers' Vice-Chairperson, Mr. Hernandez, to the Workers' Vice-Chairperson, Mr. Brett, and to the Reporter, Mr. Jonzon. He noted that this year was the tenth occasion on which he had been associated with the Committee; and, it was significant that, in this last session, the Committee had reached a unanimous conclusion whereas, in the past, reservations would have been entered in the plenary discussion, even when a consensus had been reached by the Committee. South Africa had been discussed at every session of the ILO Conference since 1964, but the ILO's pioneering work in the field of human rights dated back to the adoption of the Declaration of Philadelphia in 1944. That was the first time an international organization had adopted an instrument dealing with human rights and, in particular, with discrimination. It was only later, in 1948, that the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. Given the ILO's concern with discrimination, it was little wonder that the Organization had decided to tackle the problem of apartheid. It was heartening to note that tripartism — the raison d'etre of the ILO — was flourishing in South Africa. He paid tribute to past chairpersons, vice-chairpersons, reporters and other personalities for their contribution to this historic end of the Committee's work, including Shirley Carr, Cornélie Hak, Andrew Kailembo, Bill Brett and Benildo Hernandez. He also thanked his past and present Office colleagues.

29. The Chairperson expressed gratitude to the Committee for having bestowed on Botswana the honour of chairing the Committee at its last, historic meeting. He thanked all of the members of the Committee for their support and paid tribute to his predecessors. It was a pleasure to declare the Committee on Action against Apartheid dissolved and the apartheid system buried.

Geneva, 16 June 1994. *(Signed)* Mr. P.K. BALOPI,
Chairperson.

Mr. B. JONZSON,
Reporter.

Annex

Resolution concerning post-apartheid South Africa

The General Conference of the International Labour Organization,

Acclaiming the holding of the first free and democratic elections in the Republic of South Africa from 26 to 28 April 1994, resulting in the installation of a government of national unity, and the unanimous election on 9 May 1994 of Mr. Nelson Mandela as President of the Republic of South Africa,

Welcoming the readmission of South Africa as a Member of the International Labour Organization,

Noting with satisfaction the intention expressed by the Government of South Africa to recommend the immediate ratification of the ILO Conventions on freedom of association, collective bargaining, discrimination and forced labour,

Paying tribute to the important role played by the ILO and its constituents in the long and arduous struggle for the dismantling of apartheid,

Noting the decision taken by the ILO Governing Body at its 258th Session (November 1993) to suspend the application of the Declaration concerning Action against Apartheid, and to adopt a plan of action on assistance to South Africa in the transition to full democracy and in overcoming the effects of apartheid,

Noting further the resolution concerning South Africa adopted by the Eighth African Regional Conference of the ILO in Mauritius from 19 to 26 January 1994,

Conscious that the legacy of apartheid will take many years to eradicate and that vast resources will be required to provide for basic needs and to promote equality for all the people in South Africa,

Noting that technical assistance to South Africa for the purpose of overcoming the legacy of apartheid must be developed in consultation with the tripartite constituents in South Africa, and will be provided at their request, jointly or individually,

Underlining the need for the ILO to develop, in consultation with the tripartite constituents of South Africa, a programme of action aimed at assisting in the removal of the inherent and deep-seated inequalities in the structures of South African society,

Recognizing that the democratic exigencies of the transformation process from apartheid to a free, united and democratic society place a heavy responsibility on the shoulders of the tripartite South African social partners in the rebuilding and development of the country,

Convinced of the urgent need for the international community to commit itself to support fully the process of reconstruction and development in South Africa as that country enters the first stage of the post-apartheid era,

Considering that the recent political democratic developments have paved the way for the full respect of freedom and dignity of all human beings in South Africa, irrespective of race, creed or sex;

1. **Rescinds** forthwith the Declaration concerning Action against Apartheid in South Africa adopted by the International Labour Conference on 8 July 1964 and revised on 18 June 1981, 16 June 1988 and 20 June 1991, and consequently decides to dissolve forthwith the Conference Committee on Action against Apartheid;

2. **Invites** the Governing Body of the International Labour Office to instruct the Director-General:

(a) to adapt, in consultation with the tripartite constituents in South Africa, the plan of action approved by the Governing Body at its 258th Session (November 1993) to the social and economic development needs of post-apartheid South Africa, with special attention, inter alia, to the following:

- the promotion of trade union and human rights;
- capacity-building for employers' and workers' organizations;
- employment creation;
- promotion of small and medium-sized enterprises;
- reform and restructuring of labour market institutions and labour administration;
- labour relations and collective bargaining;
- the effective use of all factors of production;
- improvement of labour legislation and upgrading of labour standards;
- improvement of working and living conditions in the rural areas and for farmworkers;
- education and training, in particular vocational training;
- human resources development and management training;
- promotion of equality of opportunity and treatment; and
- occupational health and safety;

(b) to consult with the South African Government and employers' and workers' organizations to ensure that all appropriate action is taken to bring about the implementation of the ILO plan of action, and to report at regular intervals to the Governing Body on its follow-up;

(c) to coordinate with the agencies of the United Nations system in the planning and execution of programmes of socio-economic assistance to South Africa, particularly in the areas of human resources development, entrepreneurship development, social protection, health, housing, education, employment, promotion of equality and other basic needs;

(d) to encourage the Government of South Africa and the employers' and workers' organizations to implement the principles laid down in the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy to attract new investment;

(e) to provide the necessary support and assistance for the strengthening of tripartite structures, and of independent, strong and non-racial employers' and workers' organizations;

(f) to provide the necessary support and assistance to the tripartite constituents in South Africa to assist them in the adoption of labour legislation and other measures which are compatible with international labour standards, and to allow them to consider ratification of appropriate Conventions; in particular, to assist them to comply with those recommendations of the Fact-Finding and Conciliation Commission on Freedom of Association concerning South Africa which have not yet been implemented, in accordance with the conclusions and recommendations of the Governing Body Committee on Freedom of Association;

3. **Invites the Governing Body of the International Labour Office to call upon member States:**

(a) to continue to support South Africa in its efforts for the total elimination of the consequences of apartheid; and

(b) to cooperate with and provide the necessary resources to the ILO in the implementation of the plan of action for technical assistance aimed at the social reconstruction and the long-term economic development of post-apartheid South Africa, through the regular budget, and from the international financial institutions of the United Nations system, and appropriate regional organizations, and from multi-bilateral donors.

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No. 17 — Monday, 20 June 1994

International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

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Eighteenth sitting

Friday, 17 June 1994, 10 a.m.

Presidents: Mr. Gray, Mr. Mendoza

EIGHTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

The **PRESIDENT** – The first item on the agenda is the eighth report of the Selection Committee, contained in *Provisional Record* No. 3G.

I would like to submit this report to you for adoption. If there are no objections, may I take it that the report is adopted?

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The **PRESIDENT**: We shall now resume our discussion of the Reports of the Governing Body and of the Director-General.

Mr. **BASS** *(Employers' delegate, Antigua and Barbuda)* – I should like to congratulate the President and his Officers on your election to preside over this historic 81st Session of the International Labour Conference and to wish them every success in carrying out its programme of work.

Once again, the Director-General is to be congratulated for the excellence of his Report which, fittingly, is devoted this year to consideration of the future role of our Organization in the emerging new world economic order and beyond.

The urgency with which he states his case requires a response from this session of the Conference and I shall return to some aspects of his Report shortly in my brief address.

But first, permit me to convey the sincere congratulations of, and greetings from, the Antigua Employers' Federation on the occasion of the celebration by our Organization of its 75th anniversary as well as the 50th anniversary of the Declaration of Philadelphia. For us, in the Caribbean region, there is added cause to celebrate another birthday in the chronicles of ILO history, and that is that October this year will mark the 25th anniversary of the establishment in Port of Spain, Trinidad and Tobago, of a subregional office to serve ILO constituents in our Caribbean region.

During this past 25 years the contribution of the ILO to the development of public labour and employment policies in the Caribbean has been outstanding. This fact, regrettably, all too often fails to be reflected in the texts of International Labour Office studies, reports and publications. As a result, the positive impact of the ILO's technical interventions on the comparative development of public labour policies and labour-management relations in the region have been left largely unnoticed. For example, employers and their organizations in the subregion these past 25 years have worked diligently and cooperatively with governments and trade unions to contribute to the economic development of the subregion with relatively impressive results, not only in terms of measurable improvements in the living standards and quality of life of the Caribbean working peoples, but also as regards the respect which has been accorded basic human rights and freedoms, especially the absence of forced labour and the right of workers to organize and bargain collectively with their employers in the process of social and economic development, thus helping to strengthen the bulwarks of civil society in the region.

Alas, the fairly high standards of living of the Caribbean peoples, when measured by the size of the gross domestic product per capita, especially in the case of the very small island States, may now be threatened by the speed of economic globalization and its attendant conditionalities which ostensibly seek to promote economic competitiveness through the liberalization of international trade in goods and services, the deregulation of money markets to facilitate the freer movement of investment and financial flows, and the settlement of foreign debt obligations by member States in the developing world.

As the Director-General rightly points in his Report, many developing countries could suffer in the emerging global economy on account of this new pattern of economic development since they lack the necessary socio-economic infrastructure, especially as regards the education and training of the human resources which would facilitate a smoother integration of the economies of these countries into the global economy on an internationally competitive basis. It is paradoxical that many of our countries, with GDP per capita which places them in the ranks of the middle-income countries, should still be rudimentary producers of primary commodities or, as is the case of my own country, be dependent on tourism as their sole or principal source of employment and income generation. Efforts are being made to remedy the vulnerability of these economies through diversification and regional economic integration, but obstacles to the free movement of people is a serious constraint and is probably a factor which impedes investment flows within the region, leading to a new division of labour and job creation. Caribbean economic integration would appear, therefore, to require a review of the labour legislation and industrial relations systems in the several island communities as an added means of promoting compatibility between social protection and the imperative of attracting an adequate flow of investment capital to productive activities so as to improve the productivity of enterprises throughout the region.

We will hope to draw on the unique technical resources of the International Labour Office as we attempt to overcome the obstacles to achieving higher levels of enterprise productivity and sustainable development. The universality of the International Labour Organization seems assured when considered in the context of the share of world population which is represented by its growing organizational membership. But this indicator masks certain weaknesses concerning the attendance and participation by full tripartite delegations of member States in the work of the annual International Labour Conference due to the relatively high costs of attendance, which are exacerbated by the declining performance of the economies of many developing countries, especially small island States and other States which are caught up in the grips of structural adjustment policies, for example a number of member States of our Caribbean region.

We do hope that at some point in the near future we will find a workable solution to this problem.

It has been observed that an increasing number of delegations from Caribbean member States have not been able to attend the International Labour Conference for its full duration each session. This development has placed the employers' and workers' delegations attending sessions of the Conference at a disadvantage, since they are unable to participate fully in the work of each session and especially in the work of the technical committees of the Conference. Also, the circumstances just mentioned as affecting participation in the Conference by Employers' and Workers' delegations of Caribbean member States have had, in recent years, a further adverse effect on the situation of national employers' organizations in the smallest of the Caribbean member States. Due to financial considerations, they have been unable to be represented fully at the international level by employers' organizations which enjoy consultative status in this Organization.

For these reasons the Antigua Employers' Federation has a keen interest in the outcome of the discussion of that part of the Director-General's Report concerning possibilities for the better selection and discussion of subjects which may be appropriate for international regulation. In particular, the suggestion that preliminary soundings of opinion may be carried out in the field through the organization of technical meetings appears to be useful and is supported by my Federation.

We consider that such meetings could be arranged on a regional or subregional basis, with the full involvement of employers' and workers' organizations and the ILO's multidisciplinary teams in the area. Also, other sources of expertise in the region such as technical experts, the universities, the management training institutes and other relevant institutions should be invited to be associated with this innovation in an endeavour to obtain the best information on the likely response of the social partners in respect of subjects on which international labour standards are contemplated.

The Antigua Employers' Federation extends congratulations to the peoples of South Africa on the success of their first democratically held general election. We also wish President Nelson Mandela and his Government and the peoples of South Africa success in their future political and socio-economic development.

Also, the contributions made by the International Labour Organization to the efforts of democratization in South Africa are noteworthy and justify the highest commendation and approbation.

We in the Caribbean look forward to the formation of strong employers' organizations and would welcome an opportunity for the Caribbean employers' organizations to support the development of these bodies in any beneficial way which our limited resources would permit.

Finally, the Antigua Employers' Federation wishes to record its grateful thanks to Mr. Hans Hammar, the Director of the Bureau of Employers' Activities, and his staff, as well as to the Director of the Caribbean Office and the multidisciplinary team for the greater attention which our requests for technical cooperation have received since the appointment of a specialist for employers' activities in the Caribbean Office in 1992.

This augurs well for future cooperation between Caribbean employers' organizations and the International Labour Organization. We will therefore continue to support the ILO's activities in the region, and offer our sincere wishes for the continued success of the work of this great institution as it prepares itself to meet the challenges to labour and social development in the next millennium.

Mr. THYGESEN *(Employers' adviser, Denmark)* – Allow me first of all, on behalf of the Danish Employers' delegation, to congratulate the President very warmly on his election to this position: I wish him every success in his task.

Let me also congratulate the Director-General for having selected a highly important theme for his Report to this Conference. I am indeed happy that the employers' proposals for a reform of the ILO, presented in March last year, have now prompted the Director-General to recognize that there is a need for change, and, in that light, to take a close look on how to redirect the work of the ILO.

In his Report, the Director-General points to the new challenges facing the ILO, that is the changing world caused by the disappearance of, first of all, the communist bloc, the globalization of the economy and technological development.

The Report takes a rather pessimistic view on this development. It is suggested that social problems will grow in this rapidly changing world. I on the contrary see the world of today as a world of new and brighter opportunities than we have seen for many years. That of course does not mean that all serious problems have been eliminated. But progress towards a better world with more freedom and greater welfare for all will not happen without changes.

How may the ILO contribute to these changes? And what should be the role of the ILO in this changing world?

First of all, it has to be recognized that it is of great importance that social development is based upon productive enterprise activity. Without this there will be no economic growth and employment creation. Top priority must therefore be given to promoting

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needs, the teams should be there to listen to them – to quote Chapter 4 of the Director-General's Report, the ILO should be "an organization at the service of its constituents".

We are well aware of the unique and important role that the ILO has played in its 75 years of existence. Norwegian employers appreciate the way in which this Organization has brought representatives of workers and employers together, the assistance which has been given to countries and groups with difficult labour relations, and also the ILO's instrumental role in creating hope and peace in our world. The ILO very much deserved to receive the Nobel Peace Prize in Oslo in 1969.

Having said this about the global achievements of the ILO, I hope that you appreciate that we also wish for this Organization to be of practical use to its Members. Only then can the ILO have our support in the years to come.

Mr. MOLOPO *(Minister of Labour and Employment, Lesotho)* – May I, on behalf of my delegation, the people and Government of Lesotho, and on my own behalf, congratulate the President and the Officers of the Conference for their unanimous election to the presidency of this 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. Through their great experience in labour matters, I have no doubt that they will bring the deliberations of this Conference to a successful conclusion.

My congratulations also go to the Director-General of the ILO, and the Governing Body and all officials of the ILO for the well-prepared reports, excellent facilities and the exhibitions displayed at this historic 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

These celebrations coincide with the admission of new member States to the ILO, in particular, the readmission of the Republic of South Africa after a long time of isolation from this reputable Organization. The readmission of the Republic of South Africa is a great pleasure to my country, Lesotho, not only because of our close proximity, but also because we have close cultural and socio-economic ties. We congratulate the Republic of South Africa most sincerely for successfully conducting a free and fair election process recently, which has ushered in the present democratic Government. We are happy that now the legitimate Government of the Republic of South Africa can take its rightful place amongst nations, and contribute to world development without hindrance. Above all, we congratulate the ILO and all those who participated in the present change in South Africa. We wish the young democracy of the Republic of South Africa peace and prosperity.

I have read with great interest the documents prepared by the Director-General and his staff. The choice of the theme, *Defending values, promoting change*, could not have been made at a more appropriate time than now. Our celebration of these two anniversaries is a suitable time to pause and reflect on our past and present and to map out new strategies for the future of the ILO. The statement, I repeat, *Defending values, promoting change*, appears to be contradictory at first sight, but after a more careful analysis, it accurately reflects the type of action that needs to be embarked upon, based on the history and experience of the International Labour Organization.

The development of international Conventions and Recommendations is the greatest contribution that the ILO has made to the world of work. Standard setting is in fact the reason for the existence of the ILO. These instruments have provided useful guidelines in promoting harmony and standardization in conditions of employment throughout the world. Some of these Conventions address key human rights issues, the rights of workers and employers, and have served as important reference points which have stood the test of time in the effective and efficient conduct of labour relations.

Standard setting, together with the tripartite structure of the ILO, as well as its proven experience in technical cooperation activities for its member States, constitute a heritage to be jealously guarded and defended.

There are, however, a large number of Conventions which remain unratified, or which have received a minimum number of ratifications by member States. We therefore need to rethink and examine why this is the case, when these Conventions are freely discussed and adopted by the International Labour Conference each year.

The reasons for reluctance to ratify Conventions are many and varied. However, it may be important to examine the universality of these Conventions, and the gaps between developed and developing countries. Some of these instruments may be totally irrelevant to developing countries, and vice versa. The tendency, however, has been that those who need a Convention should not be prevented – and this is why these instruments contain the flexibility and exclusion clauses.

It is worth noting, however, that an international instrument once established becomes a point of reference. No matter how flexible it may be, it will have an impact and entail some obligations on the part of member States.

Similarly, the new phenomena of globalization of the economy, internationalization of financial markets, trade liberalization and structural adjustment programmes demand new approaches in standard setting, to take account of their impact on the economies of developing countries.

Just as the ILO has suggested linkages between standard setting and technical cooperation activities, some organizations now suggest linkages between international trade and compliance with labour standards. We believe that this linkage can only lead to a decline in trade between developed and developing countries, with overall adverse consequences to the economies of the latter.

In conclusion, we note with appreciation the ILO's efforts in defending the interests of its constituencies, in providing a forum for debate and possibilities of acceptable change. We believe therefore that there is room to review our strategies for the benefit of all.

Original French: Mr. URECHEANU *(Workers' delegate, Republic of Moldova)* – It is a special honour for me to address you from this rostrum at an historic moment when progressive mankind is celebrating the 75th anniversary of the International Labour Organization, and the 50th anniversary of the Declaration of Philadelphia.

conditions which favour the creation of productive enterprises.

In this context, I think it is extremely important that the ILO policies help structural adjustment – stressing the importance of enterprises in solving the problems we are facing.

Even in countries like Denmark with a high standard of living, where the necessary structural changes should be fairly painless, we see new rigidities developing on the labour market instead of the much needed flexibility that could help to create employment and growth.

Without a solution of the employment problem, I believe that little –and I really mean little – of what governments can do nationally and internationally in the ILO that would have any impact for the people of our countries. It is equally important for the ILO to defend the spirit of entrepreneurship in the world.

I do not think that this has been taken sufficiently into account in the Report. It is an irrefutable fact that employment promotion and the role of private enterprises are given very little attention.

The same can be said about the role of employers in the ILO's personnel policy. To increase the impact and credibility of the ILO it is necessary to correct the present imbalance and give employers a role equal to that enjoyed by workers for years.

Enterprises need flexibility in order to be able to adjust to rapidly changing circumstances. How does the standard-setting system of the ILO fit this goal? I would suggest that in many cases the international labour Conventions have exceeded their legitimate task of giving appropriate protection to workers and have become an obstacle to the creation of jobs. I think the Conventions have been far too detailed.

It is a well-known fact that the level of ratification has been persistently low and declining which means that the Conventions have lost influence and significance for the ILO's constituents. I am in no doubt that one of the reasons for the decline in ratification is the tendency to develop increasingly detailed Conventions.

This is why the International Organization of Employers (IOE) has suggested a review of the ILO standards policy. A key element in this review is the proposal to limit international labour standards to general principles on which there is a broad consensus without going into details. Such standards would be easier to ratify and apply effectively. And it would also be in compliance with the prevailing tendency to "deregulate" in many ILO member States.

In my view, the ILO's standard-setting activities should be closely reviewed from all angles. Should we carry on adopting Conventions at the same speed as now? If we do, we would in my view run the risk of further reducing the impact of existing Conventions. Instead, we should take a look at those Conventions which are old and outdated and either update or drop them.

Although the ILO's standard-setting activity is an important one, we should not forget that the ILO performs other important functions. For instance, technical assistance remains just as important as standards as a means of helping ILO member States.

There are other areas where I do not see a role for the ILO. The debate on social clauses is cropping up in different international fora, including the ILO. Of course, we all want to end child labour, forced labour, discrimination and violations of the freedom of association. But to link international labour standards and trade practices would, in my view, entail major risks for the multilateral trade system which is vital for economic development in both industrialized and developing countries.

I am convinced that an open trade system is the best way, in the countries accused of social dumping, of maximizing the growth needed to ensure the resources which are essential to raise living standards and improve working conditions. There must be other ways of tackling this problem.

In conclusion, I would like to repeat the need for the ILO to stand up to the challenges facing it. In order to have an importance for its member States and the social partners, the ILO must adapt to the changes. I would like to see the ILO give top priority to the market economy and private enterprise.

Mr. DAVIES *(Employers' adviser, United Kingdom)* – I would like to extend my congratulations to the President on his election to the presidency of the Conference, and congratulations to the ILO on reaching its 75th anniversary and for taking this opportunity to rethink its role in a world very different from the one which witnessed its creation in 1919. Despite its long history, the ILO's activities are still relatively little known and even less well understood in comparison with other – younger – United Nations bodies and with other multilateral organizations concerned with business and social issues. The British employers, as founder members, welcome the opportunity to join with our colleagues in a frank discussion of the issues surrounding the future development of the Organization.

The ILO is now at a crossroads. The direction we choose will determine whether it will succeed in retaining its interest and relevance to its constituents. The ILO needs to recognize the process of dynamic change in the world of work and to consider how it can help, not hinder, such change.

Standard setting has traditionally enjoyed pride of place at the heart of the ILO's activities. But it is sensible from time to time to take a look at the habits we have formed over the years and to consider whether they suit our current environment.

The ILO's standard-setting role is showing signs of age – so of course are many of us delegates, but we try not to let that slow us down. Too many of the standards adopted at annual Conferences, particularly in recent years, are intricately worked in exquisite detail, but serve no useful purpose because they are not ratified.

The Director-General rightly observes in his Report this year that: "It is not enough merely to produce standards. For standards must be ratified and applied." He also adds that: "it is incumbent on us to re-evaluate the relevance of our legislative function, its effectiveness and its suitability in today's world."

When the ratification rate of standards is down to 15 per cent, we should consider whether the approach we are adopting and the machinery we have at our disposal remain appropriate. In particular, when member organizations are seeing traditional relationships between employer and employee replaced by a spectrum of more flexible arrangements, what is the value of rigid standards, particularly if adopted in situations very different to those we work

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Looking back after all these years, we can review the course covered by our Organization and define the new objectives which we have to attain in reaching our final end, namely the introduction of social equality throughout the world of today and tomorrow. To remain viable and not one day experience a crisis, the ILO must confront all the acute problems which arise from the changes taking place in the world today. These serious and complex problems vary from one country to another.

In what follows, I wish to speak of the situation in my own young country, the Republic of Moldova. At a time when it has become a sovereign State and is reorganizing its economy with a view to introducing a free market, the social situation has deteriorated considerably. All spheres of activity are in crisis, and the national economy is in a critical state.

Industrial production by volume dropped by nearly 30 per cent in the first three months of this year; hence unemployment has shot up. Most undertakings of the military and industrial complex of the former Soviet Union in Moldova have been shut down. Many undertakings in other sectors are no longer in operation, either because of a lack of raw materials or the absence of a market for their goods. As a result, thousands of workers are sent off on unpaid leave which may last for months. Even those who are working are paid after a delay of several months. In the meantime the value of these wages has been reduced to almost nothing by inflation.

Estimates have revealed that the figures for hidden unemployment will reach 300,000 by the end of this year, and that for a country where the total population does not exceed 4,500,000.

So we can speak of the total pauperization of our people. At present, the minimum wage in Moldova is US$3, and the average wage is no more than US$17. On such a wage even survival is a struggle. So you can well imagine the straits to which Moldovan trade unions have been reduced.

The Federation of Independent Trade Unions of Moldova, which I have the honour of representing here for the first time, takes a responsible stand towards the problems confronting our country. We are constantly demanding that the authorities undertake specific action designed to ensure the full application of the law of Moldovan Republic on the indexation of earnings; government and employer observance of all the provisions of the general agreement; the creation of material and financial conditions conducive to normal operation of undertakings; in the reciprocal repayment of debts owed by undertakings in the Republic; and, lastly, an increase in the minimum wage and other earnings.

The Federation of Independent Trade Unions of Moldova is in favour of economic reform, but we always demanded that such reforms should be introduced at a minimum cost to society and that the most vulnerable sections of the population should not be made to suffer.

Tripartite machinery has a part to play in solutions to the problems relating to the protection of the interests of the wage earner, because social equality in the sphere of labour can only be ensured by cooperation between employers and workers in the process of looking for appropriate solutions.

The key to the solution of this problem lies in negotiation, and this is the principal instrument resorted to by the Moldovan trade unions.

But if employers and workers are to get legal support enabling them to establish social stability in the country, there must be strict respect for international law, and especially for the Conventions and Recommendations of the International Labour Organization. However, these can only become binding on the legislative and executive powers of our country if they have been ratified by Parliament.

Unfortunately, the Republic of Moldova has so far ratified only one Convention out of the 174 that exist, and has still to ratify Convention No. 105 on the abolition of forced labour.

I should like to mention that the trade unions of Moldova, jointly with the Government, have submitted 22 of the most important ILO Conventions for ratification.

Despite all these complicated problems, we realize that this transition period is not easy. It might have been easier, if the Government had listened more democratically to all sectors of the population before taking economic decisions which are important for everybody.

This is the course on which our trade unions have embarked, hence we would be very glad of any assistance and support granted by the International Labour Office in this connection.

Finally, may I wish success to the International Labour Conference in accomplishing its noble mission of bringing about social equality throughout the world.

Original French: Mr. DIOP *(Workers' delegate, Senegal)* – The workers' delegation of Senegal is honoured to participate in the commemoration of the 75th anniversary of the establishment of the ILO. On behalf of my delegation, I should like to warmly congratulate the President on his outstanding election as President of the 81st Session of the Conference.

The Director-General's Report, entitled *Defending values, promoting change*, appeals to our consciences. It is appropriate that at a time when values are disappearing and we are losing our bearings, the ILO, this august body of social dialogue, is standing up to defend the banner of social justice.

For a long time, for a very long time indeed, some of the fundamental values of humanity, namely solidarity and fraternity, have in fact ceased to exist in an ever-changing world.

We would be glad if the end of apartheid, which has become a reality today in South Africa, could mark an end to injustice, violation of human rights and peoples' rights and put an end to this wave of self-destruction and genocide which has been unleashed throughout the world.

We hope that the presence at this Conference of a strong multiracial delegation from South Africa will finally arouse the world's conscience against hypocrisy, egoism, exclusion and the ideologies of ethnic cleansing.

The events in Rwanda and in the former Yugoslavia are today a matter of utmost concern for the international community, and rightly so. Nevertheless, there are also risks of a major disruption of the social fabric in a number of countries in Africa under the humiliating yoke of the Bretton Woods institutions and a number of financial backers. Over more than ten years, the African States have repeatedly failed in their attempts to apply the structural adjustment policies imposed on African governments by inter-in today? Is our approach in need of adaptation and modification?

The Director-General acknowledges that it is time to consider whether the pace of our standard-setting needs to be maintained. In the view of British employers, it would be a mistake for the ILO to maintain its current approach of agreeing on a Convention on a new topic each year. Instead of looking for new topics we should be asking ourselves whether there is scope for updating and consolidating the Conventions adopted by past Conferences on topics still relevant to the concerns of the ILO's member organizations, but where the shelf life of the original has long since expired.

In the brief time I have this morning, I would like to mention one other important problem: the connection between labour standards and trade. It is, of course, not a new issue for the ILO, dating back to its founding in 1919; but this year the GATT agreement has given it new life.

The question of social clauses in international trade agreements is a highly complex one on which we should not rush to adopt entrenched positions. The Director-General notes that some argue that the ILO should resist the temptation to be drawn into this treacherous territory. But the United States Government, among others, has said that it believes that the ILO has a critical role to play in any effort to ensure that the benefits of expanded trade and economic growth are shared by workers, and that it supports joint ILO/WTO work on this issue.

Our point of view is somewhat more cautious. In this area, we think our former colony in North America is on the wrong track. We think there are considerable hazards involved in attempting to impose standards on emerging economies which could hold back their economic development. There is a dangerous borderline between the legitimate desire to see better conditions for workers in these countries and the territory of those who would argue for protection and would eagerly accept the cloak of respectability provided by the involvement of an organization such as the ILO to provide cover for their arguments. As the United States Government has recognized, the interaction between labour standards and trade agreements raises complex and sensitive questions which will take time to address.

So we should be considering carefully the principles behind any proposals put forward, and equally importantly their practical implications. We need to be sure about the answers to a number of key questions: precisely what would a social clause or clauses be aiming to achieve? Would they be likely to achieve the desired effect? Are there other measures which might do so more efficiently? Who would be responsible for monitoring the effectiveness of social clauses? What might be the knock-on effects on other aspects of trade policy? What would the long-term impact be on the nature of the ILO itself?

And we should not consider the introduction of social clauses unless we are confident that this would not unduly constrain countries' ability to secure a free-trading environment for their resident businesses, and thereby enhance the economic well-being of their citizens and their trading partners' citizens. We know that the route to higher standards of living is via sustainable economic activity which creates wealth and productive employment. We, like most of the ILO's member organizations, are acutely aware of the dangers of introducing measures which increase labour market rigidity and inhibit job creation.

We could not claim, by any means, that we know the answers to all these difficult questions about the effect of social clauses on trade. The GATT Director-General has said that the ultimate aims lying behind such proposals would be better served by concentrating on helping emerging nations to raise standards by means of resource transfers than through the introduction of social clauses. There is certainly scope for further investigation of that approach. In his Report, he rightly points out that at its foundation the ILO was deliberately not given the role of enforcement officer in questions of differential standards affecting trade between nations.

The risk of giving protectionist tendencies a respectable guise by association with the ILO is great. There is a strong case for considering social issues along with the environmental and other questions raised by the increasing interdependence of nations in economic terms.

Robert Reich, the United States Secretary of Labor, himself suggested in his speech to the Symposium of International Labour Standards and Global Integration on 25 April of this year that trade sanctions should only be invoked where labour standards persist despite economic growth, and where the weakness or absence of democratic institutions gives ground for belief that living conditions are suppressed by policy not poverty. He is, therefore, quite clearly arguing for a political test based on assessment of the quality of democratic institutions in another country. That would take the ILO into entirely new territory in which it is not currently equipped to travel.

As a founder member, the United Kingdom and the Confederation of British Industry (CBI), as its employer representative, is pleased to have preserved a constructive working relationship with colleagues in the ILO – a membership whose breath and commitment have contributed greatly to the quality of the Organization's output over the last 75 years. But we were rather disappointed to read the criticisms of multinational enterprises contained in the Director-General's Report. The ILO's own detailed studies suggest a more balanced view of the activities of these companies.

The ILO remains a valuable forum in which important issues can and should be discussed by genuine and committed representatives of the three key players in each member country's social structure. We hope that this Conference will make progress on the important issues under discussion, and that the ILO will succeed in carving out for itself a valuable role to play in the changing international environment, and one which will take it forward into its next 75 years.

Original French: Mr. LETTIERI *(Workers' delegate, Italy)* – I should like to congratulate the President on his election, an event of great significance for the world of work.

I should first like to say, on behalf of the three Italian trade union confederations, the CGIL, the CISL and the UIL, that the Italian Workers share the views expressed and the conclusions reached by Mr. Michel Hansenne, the Director-General, in his Report. We wish to congratulate him on his enlightened and committed work.

As far as one of the key topics of this Conference is concerned, namely the social clause, I am fully convinced that the arguments put forward in support of it are irrefutable. It is not a matter of imposing uniform nit-picking rules on any country. Suffice it to refer to the statement made by Mr. Reich, Minister of Labor of the United States, in which he clarified and confirmed that it is a matter of ensuring respect for the standards or principles which, at the end of the twentieth century, ought to be considered as a kind of natural right of our civilization.

How can anyone query the principle of free labour as opposed to forced labour, the prohibition of child labour or the right of workers to associate freely in their workplace and to negotiate salaries and working conditions?

If there are still reservations or even objections to these basic aspects of the dignity of working men and women, we are obviously not dealing with some kind of misunderstanding but rather with more deep-rooted and disquieting motives, to which I would briefly like to draw your attention.

This year we are celebrating the 75th anniversary of the foundation of the ILO and the 50th anniversary of the Declaration of Philadelphia. But the very first affirmation of that historic Declaration is that labour is not "a commodity". This is an important and seminal statement, which has served as the basis for the modern concept of the right to work and freedom of association as instruments designed to restore the balance of forces in the labour market.

But unfortunately it is this very affirmation, of such fundamental importance for our civilization or for what is called the "European social model", that is already being called in question and swept aside by neo-liberal ideologies.

We are witnessing a gradual depreciation of human labour. Deregulation and the scaling-down of social legislation, conventional safeguards and the welfare state are all aspects of an economic and social theory that constitutes the prevailing ideology of conservative policies and, unfortunately, of international financial institutions.

This is the era of the globalization of the market economy. There is, however, a fundamental contradiction in the globalization process. It has emerged as a movement for liberalization in response to the ending of the division of the world into colonial empires, such as the former European empires, or the more recent collapse of the Soviet Empire. But although the end of the empires generated so much hope, globalization is a process controlled by strong interests and a neo-liberal ideology bent on overturning the regulations and social achievements of the past 150 years, which are the legacy of Western democracy. And it is this very concept of democracy that is being jeopardized by the use of the process of globalization of markets for unsavoury purposes.

If globalization is abandoned to market forces, the market will be wild and unregulated, a place where the power of the strongest is enhanced and the powerlessness of the weak is exacerbated.

Unregulated globalization, without institutions to restore balance, is a source of growing world disorder. Since the last century, these institutions have been nation States, trade unions and, to a certain extent, international organizations. Without these institutions, persons looking for work under the unbalanced conditions of supply and demand that characterize the world labour market have no way of protecting themselves. We are witnessing a return to the situation that prevailed at the time of the first industrial revolution. The frontiers opened up by globalization resemble a new Wild West, but this time at the global level. Millions of men and women, uprooted from the land or from traditional industries, are reduced in the name of efficiency and competitiveness to a marginal existence and to poverty and despair in the southern hemisphere and more recently in Eastern Europe. Our aim is not, of course, to halt the trend towards internationalization of the economy and of markets, but rather to regulate the process.

What is taking place today is the reverse: international financial institutions impose deregulation both on the North and on the South, obviously with tremendous coercive force in the case of the weakest populations – precisely those who most urgently need assistance of a kind that should usually be provided in a regional context.

Structural adjustment plans based on deflation, privatization, the elimination of aid to sectors in the process of being modernized and the reduction of social expenditure, plans formulated and imposed by the IMF, are to blame for growing impoverishment in most countries of the South and East and social and political tensions which fuel nationalist, ethnocentric and fundamentalist movements.

Under these circumstances, I would urge first and foremost an increase and not a reduction in the role of an organization such as the ILO. Provision should be made for intervention to control the social impact, particularly on employment and working conditions, of the adjustment and assistance plans imposed on developing countries or countries in transition.

This should be an essential component, indeed a prerequisite, for the application of the principle of tripartism. We stress the importance of tripartite agreements in advanced industrial countries, such as the agreement on income and labour policies signed in Italy in July 1993. We should provide in a consistent way for the participation of the social partners, and trade unions in particular, the formulation of adjustment policies and in determining their impact in countries that have to engage in a major development effort.

Secondly, in accordance with the concept of tripartism, we have to step up efforts to promote free trade unions, a cornerstone of any action to restore balance between capital and labour or to ensure the smooth functioning of a pluralistic and democratic society.

Lastly, I think that, in advance of the Copenhagen Summit and in accordance with the proposal by Mr. Jacques Delors, we will have to work on the idea of creating an economic security council representing the most important countries of the South and East in order to make the social clauses effective and in order to eliminate the obstacles impeding economic development and social progress by regulating the process of globalization and regionalization of markets. These are the circumstances in which we see the ILO playing a very prominent role in defending and enhancing the dignity of human labour in response to the challenges of the twenty-first century.

Original Spanish: Mr. OBREGON SABOGAL (*Workers' delegate, Colombia*) – We would like to express our pleasure on behalf of the colombian workers to our fellow worker, Mr. Charles Gray, Director, International Affairs Department of the AFL-CIO, on his election to chair this anniversary session of the International Labour Conference.

"Universal and lasting peace can be established only if it is based upon social justice", according to the Constitution of the ILO. Now we are celebrating 75 years of this Organization in a complex framework of unforeseen change, a global employment crisis, globalization of markets, and an increase in absolute poverty. More than at any other time, we need to call for the social imagination referred to by Pope Paul VI.

The globalization of social action, in particular the incorporation of social clauses in international trade agreements and the social regulation of the global economy, are tasks which fall to the ILO more than every before. The Organization must insist on its fundamental values and not relent in its efforts. In 75 years social injustice has not been eradicated, which means we must continue our struggle without respite.

The Director-General of the ILO has submitted an important Report providing us with food for thought and an opportunity to put forward our considerations with respect to the future of this Organization.

First of all we must maintain the basic mandate of the ILO. The fundamental objectives behind the creation of the ILO, namely social justice, an improvement of living and working conditions, the fight against poverty, freedom of association and expression are still fully relevant. Today more than ever, the ILO, with its guiding principles, must try to alleviate the social impact of technological change and economic adjustment. The Colombian workers fully support the founding principles of the ILO and its Declaration of Philadelphia, particularly its reference to the fact that "lasting peace can be established only if it is based on social justice". Colombia is a country which is longing for this peace, not only so that weapons can be laid down, but also for the well-being of its people. Lasting peace is an aspiration of our country, a goal for which 1,500 trade union activists and leaders have been killed in the last seven years; the dream of 16,000,000 Colombians whose homes have no drainage, and 12,000,000 Colombians who have no drinking water; and the hope of 48 per cent of the population who live in extreme poverty.

The ILO cannot accept that the force of the economic model should make it change its values. Our Organization must remain faithful to the victory of social justice over the demands of economic efficiency.

With regard to tripartism, for Colombian workers, the main virtue of the ILO has been to demonstrate to the world the effectiveness of tripartism in its structures, but this, of course, is a distant goal for our country since we do not have tripartite dialogue in areas where economic and social policies are decided.

Economic adjustment policy and its social impact agreements with neighbouring countries, trade relations with financial bodies, and policies aiming at modernizing the State, could have been reached on the basis of a national consensus and stimulating the participation of the social actors if the concept of tripartism had been applied.

Tripartism, in the same way as social consultation, would be, in face, the instruments for lasting peace and a guarantee of democracy in our country.

The trade union movement which is the legitimate representative of the workers cannot be ignored or supplanted as the social element of tripartism.

I would like to refer to the informal sector, employment and critical poverty. Human dignity must be re-established on the basis of job security for men and women. This was the commitment made by member States of the United Nations, to help raise living standards. But the unemployment rate is not waning. On the contrary, the main crisis today is the dearth of jobs. In my country attempts are being made to conceal unemployment within the framework of the informal employment. About 60 per cent of the economically active population is in fact outside the formal economy. This has been the main consequence of structural adjustment programmes. In Colombia more than 300,000 people have lost their jobs in the last three years. And another effect of this policy we are labouring under is precarious employment. Our people, especially young people, are losing any hope of finding a job, and the social situation is very tense because people do not find the job they had hoped for or have to do a menial job. In my country, the construction sector and the armed forces are the main fields generating employment at the moment.

We insist on the fact that employment must be generated through greater economic development and labour flexibility measures. With this objective at the initiative of the Government, in 1990, Act no. 50 was passed, but the offshoot of this is that it did not generate jobs, simply jeopardized job security.

The model being applied means dismantling the manufacturing and productive sector, and encouraging and promoting the most invidious forms of financial speculation regardless of the social cost. There have also been so-called reforms of the social security system which eliminate the humanist principle of solidarity to pave the way for the individual greed of the law of the market.

The free play of market forces has meant less State intervention and the privatization of public service enterprises, including those which were profitable and operational. There has been no announcement by the Government that the jobs lost through modernizing the State would be offset in the private sector, which in fact has not happened. About 50 per cent of Colombians live in a state of absolute poverty, are marginalized and are unable to participate in any way, faced with the Government's inefficiency in solving the problems of unemployment and hidden employment.

The informal sector of the economy has therefore increased at a staggering speed as a result of the economic model which reigns in the world. This phenomenon is not the fault of the trade unions. The trade union movement has had to watch over the protection of the unemployed and organize the self-employed and those working in the informal sector. So, we have the social legitimacy to represent them in the world of work. The creators of unemployment and the informal economy are so misguided that, not only satisfied with social disaster, they are in fact trying to undermine the foundations of the labour movement and replace it with other forms of organization which have nothing to do with the people or social mobilization.

The very same people who are now calling for changes in labour to generate employment, are doing nothing other than destroying what they claim to protect.

Now, I would like to refer to the role of international standards. International labour standards reflect the highest values of the modern world and human rights, despite their technical and specialized nature.

It is often stated, as we hear every year in The Conference Committee on the Application of Standards, that there are many countries failing to respect Conventions and limiting the ILO's supervisory capacity. Before suggesting, as some have done, that Conventions and supervisory mechanisms should be limited, we should strengthen them to prevent the outrages observed in many countries.

International trade and competition cannot be based on poor working conditions. ILO standards are minimum common guarantees for all workers.

The calls for flexibility in international labour standards come from the countries that have adopted fewer Conventions than others, this being the most flexible aspect of standards, namely that they are not imposed but adopted on the basis of voluntary mechanisms. But we the workers believe that the claims made with regard to ILO standards amount to the same as our respective countries are doing in terms of the so-called labour flexibility, which is, as in Colombia, in fact reducing levels of protection and job stability under the guise of opening up the market to foreign investment in our country.

We need supervisory mechanisms so that the workers are not left to the mercy of the politicians, and prevent the same sanctions applied against terrorists being turned on trade unionists. There is a contradiction between endorsing the ILO's existence, then, on the one hand, trying to undermine international labour standards which are the very *raison d'être* of the ILO.

Workers of the world, in our hands and in our actions lies social justice – the humanization of life, namely ins the hope for a dignified future for workers. We have celebrated May day, a time when everywhere people were mobilized to call for better working conditions. Now, in order to protect the working conditions of all workers in the world, ensure respect for fundamental human rights and create productive jobs to combat poverty, we must mobilize the peoples of the world.

Mr. TABANI *(Employers' delegate, Pakistan)* – The employers of Pakistan join me in extending to the President their heartiest felicitations on his election at this session of the Conference. Allow me to extend my congratulations to the three Vice-Presidents on their election, which reflects the confidence their respective groups have shown in them. Under their able guidance, we look forward to the Conference making a very valuable contribution towards the challenging objectives set forth in the Report of the Director-General.

This Conference has a special significance because the ILO is observing its 75th anniversary. As Members of one of the oldest international organizations, we take pride in the fact that the ILO, over the past 75 years of its existence, has exercised significant influence on labour legislation and socio-economic policies throughout the world, and has had a positive impact on the quality of human lives around us.

I take this opportunity to compliment the Director-General on presenting a Report on the forthcoming challenges of a changing world in the perspective of globalization of the economy, a broader approach to international standards and a restructuring of the ILO to bring the Organization to the service of its constituents. It is comprehensive enough to cover a very wide spectrum of topics, which all need to be thoroughly brought under discussion as we ponder this year on making our role yet more productive and effective. For the sake of brevity I will confine my comments to two important topics which are relevant from the perspective of the socio-economic scenario of the developing world which I represent. These topics relate to the problems of the informal sector and small enterprises, as well as to the future of the ILO.

Recent statistics reveal that, during the last ten years, the number of people living below the poverty line in the developing countries of Asia and Africa has not decreased but has, on the contrary, increased. A recent United Nations report reveals that the richest fifth of the world's population generates and enjoys 85 per cent of world output. The poorest fifth produces, and struggles to survive on, just 1.4 per cent. While this extraordinary maldistribution is difficult to justify, it does show that a great deal can be done for the poorest at a relatively limited cost to the richest. As one of our basic socio-economic strategies to combat poverty, and especially rural poverty and unemployment, we need to look to the informal sector and the establishment of small enterprises as the only possible source of employment for the increasing numbers of the developing world's rapidly growing labour force.

The promotion of small enterprises and entrepreneurship at all levels is dependent on the existence of political stability and natural commitment to a market economy. The development of integrated strategies to implement policies and measures to support a business climate should be with the full cooperation of government, employers and trade organizations.

As we address ourselves to the problems, prospects and needs of the informal sector and small enterprises and their potential role in changing the fate of the economies of the developing countries, we are faced with the dilemma of whether to promote the informal sector as a provider of employment and income; to reduce its capacity to provide jobs by extending to it regulation and social protection; or to reconcile the two objectives and pursue them both simultaneously. Statistics from the developing world show there is a need to undertake a wide range of comprehensive and integrated measures to create a truly effective policy environment conducive to improving the protection of producers and workers in the informal sector and that of small-enterprise development.

Some of the important areas that can be suggested for ILO intervention are: support measures to provide incentives at regional and sectoral levels; technical support to increase the productivity and management skills of existing enterprises; support research, development and dissemination of appropriate technology for small enterprises; assistance in streamlining credit delivery mechanisms; assistance in the establishment of quality control for the products of the small-scale industry sector; support preparation of databanks of feasible project profiles for rural and urban, small and micro-enterprises with a high income elasticity; a review of the effectiveness of existing small industry cooperations to support their expansion in selected areas of market research, product development and diffusion of technology; Asian and African countries, having large rural areas, are characterized by unemployment and poverty. ILO support is needed to improve rural infrastructures and basic education in order to tap the human resources existing in the rural areas, especially in non-agricultural activities.

Let me now turn to the topic concerning the role and credibility of the ILO in the United Nations system and the international arena. While reviewing the impact of the ILO on the teeming millions over the past 75 years of its existence, we recount with pride that, through 174 Conventions and 181 Recommendations it has exercised an overwhelming influence in the social sector. The combined impact of labour standards is that the workers' right to work has been secured and the employers have been obliged to ensure that conditions are promoted to guarantee this right to the workers.

Standing on the threshold of a social revolution beyond their boundaries and economic deprivation within their borders, the developing world celebrates the 75th anniversary of the ILO with a mixed feeling of both hope and suspicion. Confronted with the issues of structural adjustment and the barriers set up by the industrial world, the developing countries are placed in a situation where, to them, economic development has become a paradox, and the very concept of social justice seems decidedly precarious.

The employers and their organizations fear that in an effort to improve the imbalance between the rights of the employers and the workers the ILO has somehow failed to strike a balance between economic growth and social justice, particularly in the wake of the slow pace of socio-economic progress in the developing countries of the world. The failure to create a complementary obligation on the part of the workers to link their performance with the growth of enterprise has led to an imbalance between the workers' right to work and the employers' right to manage, so much so that in recent years employers' organizations have been very vocal in demanding that the international labour standards be reviewed and brought into conformity with the economic needs of the developing world.

The employers' suspicions revolve around questions as to whether the ILO will succeed in adapting international labour standards to the real needs of the developing economies; whether the fundamental charter of human rights in the field of labour created by the ILO strikes a balance between the rights of the workers and of the employers alike, retaining its unique tripartite character, whether the International Labour Organization will provide policy guidelines to all the partners in socio-economic planning with equal weighting.

Our hopes can be realized if the ILO redefines its role and priorities to gear itself to meet the new challenges of a changing social, economic and political environment. While focusing on its founding principles as its mandate, ILO assistance on policy issues and development programmes should be based on the emerging needs and priorities of governments, employers' and workers' organizations in each country. The promotion of basic human rights, democracy and related standards in each country must be recognized in the context of improving access to social services, higher levels of income and increased employment opportunities. Furthermore, the ILO should facilitate the setting up of national commissions at country level to monitor and promote the observance of standards and tripartite relations, employment and human rights development strategies. These commissions should have high-level tripartite participation and policy-making authority and be responsible for advising government at the highest level.

The employers look to the ILO for socio-economic guidelines, which should be targeted on sustainable growth and productive employment creation conducive to reinforcing the policies of privatization, deregulation, industrialization, and helpful in overcoming the socio-economic dimensions of structural adjustment. Such an economic policy must also target or open access to the markets of the industrialized world for exports from developing countries as a positive instrument generating jobs in poor countries, rather than restrict trade by linkages with standards which the ILO needs to resist at all costs. I agree with the Director-General that the ILO should seek cooperation rather than coercion in its efforts to promote social progress, and not rely on a social clause to link international trade with standards. In fact, allowing the World Trade Organization to resort to such an extreme measure would undoubtedly undermine the ILO's standard-setting activity and the subsequent monitoring process by the Committee of Experts.

In conclusion, allow me to welcome the statement of the Director-General that, if the International Labour Organization wishes to continue being the social conscience of the world in the United Nations system, it would be well advised to seek the active collaboration of the many and very different circles that are currently engaged in promoting social justice. To uphold the image of the ILO it is necessary that the precious institution of tripartism is strengthened, because it is through this institution that the success story of the ILO has been written throughout the past 75 years of its existence. This success story will continue as its tripartite partners commit themselves to each other that they will make this Organization more productive and efficient for the service of its constituents. When all is said and done, we must admit that the ILO continues to remain the citadel of the employers' hope for the future.

Mr. HULTIN *(Employers' delegate, Finland)* – Allow me first of all to join with the previous speakers in congratulating the President on his election. At this stage of the Conference, however, I should rather congratulate him upon so successfully presiding over our deliberations and thus fulfilling the expectations that we have all placed in his hands.

This year the ILO celebrates its 75th anniversary. To mark this milestone, the Director-General has initiated a discussion on the future of the ILO. His Report introduces a number of thought-provoking questions as a basis for this discussion. I welcome this because discussion and the views of the ILO's constituents are the only basis on which to formulate the future of the ILO. The Finnish employers consider the outcome of this debate crucial. For some time now, we have been observing with great concern the erosion of the impact that the ILO has been able to have on social developments in the world.

During 75 years, the ILO has pursued the goal of social justice in the world, a cause which is the cornerstone of its existence. The employers have set out to pursue this very same goal on the basis of free market economy principles. Our view has always been that social development can only be based on economic development. In the past this message has not been well heard. As a consequence, the employers have found themselves isolated and, as the Secretary-General of the International Organization of Employers put it, "treated as an appendix to the institution".

The world has undergone dramatic changes. Market economy is no longer viewed as a threat to workers. The Report recognizes that it has become the universally accepted standard, and that this is the framework within which the ILO must now pursue its cause of social justice. This new approach requires new areas of competence which the employers possess.

To be constructive, the discussion of the ILO's future must be based on a proper understanding of the real nature of the problem. In this regard, I am afraid that the Report sends us off in the wrong direction. It suggests that new technology, in combination with globalization, contributes to widening inequalities among nations. Is this the real problem? Does this mean, as the Report suggests, that we should consider restricting globalization and free trade?

I think not. It is only natural that the change from the past world order to global markets will force structural changes in all of our countries. Although this process of adjustment is unfortunately not easy and requires difficult social challenges to be solved, it does not negate the benefits of globalization, and it is certainly better than the alternative.

Technical development is the means to create prosperity, and free trade is the means to distribute it globally.

Where globalization and liberalization of international trade implies free movement of capital and opening up of markets, the opposite number, protectionism, implies currency controls, restrictions on capital transfers and foreign investment, and protection of own markets. In this perspective, globalization is an integral part of modern day market economy and protectionism creates more inequality among nations. Globalization is therefore something that the ILO must work with and support, not oppose nor restrict.

As I mentioned earlier, there are difficult social challenges associated with globalization and I believe that this is an important area for the ILO's activities. The Director-General puts forward in his Report a number of ideas to attack these difficulties. Some of these ideas are of great concern to me, like social clauses in trade agreements, linking technical cooperation with ILO standards and sharpening the supervisory system for some Conventions.

Social clauses can be applied in cases of unfair trade advantages that are derived from poor working conditions, like alleged low labour costs, and disrespect for workers' and human rights. However, because differences between countries remain wide, a developed country can refer to the social clause at any time, thus excluding the developing country from participating in its markets. Therefore, although the Report discounts the possibility, the social clauses could be and – given the right circumstances – will be used also for protectionist purposes.

Let me now turn to the question of linking ILO standards and technical cooperation. I can see that in some cases there may be some merit to this. However, it needs to be recognized that the engine for social development is productive enterprise activity. Without this, in the long term, there will be no sustainable economic growth, there will be no growth in employment and there will be no wealth creation. The ILO's enterprise activity is in this regard in a unique situation to make a real contribution to social development. The problem is, however, how do you measure the growth of enterprise activity with ILO standards?

This leads me to the question of sharpening the supervisory system for some Conventions. I think that the problem is not how closely or how severely we follow up the application of standards. The question is, rather, how applicable are the standards in the member States? Looking at the ratification behaviour of member States, it is not very encouraging. It is overall very low, and has since 1979 shown signs of even further decline. This is particularly the case among developing countries. I do not, however, believe that this trend can be explained by unwillingness or complacency by these member States. The problem is that many Conventions are tailored for developing countries, who find it increasingly difficult to live up to them themselves. It is only natural that the developing countries find the level of the Conventions too high and the standards too detailed for them to be able to comply.

Over the past years the employers have levied much criticism against the ILO's standard-setting activities. The hope of the employers has been that this part of the ILO's activities would be revised to reflect the reality. An increasing number of Governments are also supporting this view. May I only refer to the vote that was conducted in the Governing Body in March this year on the second standard-setting item for the 83rd Session of the International Labour Conference (1996). Only two Governments opted to have a new standard on the agenda, while others were against.

It is therefore very disappointing for the future of the ILO to see that, instead of truly revising and rationalizing the ILO's standard-setting activities, the Director-General puts the main emphasis on trying to strengthen the existing system through social clauses, technical cooperation and supervisory systems.

(Mr. Mendoza takes the Chair.)

Mr. CHIWESHE *(Employers' delegate, Zimbabwe)* – Taking the floor for the first time at this Conference, I wish to congratulate the President and his Vice-Presidents on having been elected to officiate over this august assembly. I echo the sentiments that have already been eloquently expressed by the distinguished participants who have spoken before me. I have observed that he has so far discharged the duties which have been entrusted to him by the Conference with the diligence and efficiency for which he is renowned.

The Employers' Confederation of Zimbabwe wishes to join its social partners, that is the Government of Zimbabwe and the Zimbabwe Congress of Trade Unions, in congratulating the International Labour Organization on its 75th anniversary. We celebrate this historic occasion at a time when the task of the Conference Committee on Action against Apartheid has been completed and with the coming into being of a non-racial, democratic South Africa.

The Employers' Confederation humbly requests that it be noted in the ILO's records that the Minister of Labour of the Government of Zimbabwe, who is also the current Chairman of the Governing Body, played a very important and result-oriented role in the Committee on Apartheid.

My confederation, in its own right, co-hosted in Harare in January 1992, a Seminar on the Prospects for the Creation of a Representative Organization of Employers of South Africa. The other co-hosts were the Confederation of Norwegian Business and Industry, the Pan-African Employers' Organization and the International Organization of Employers. My federation salutes the birth of Business South Africa. As in the past, the ILO still has a fundamental role to play. Efforts which were directed to demolishing the foundation and pillars of apartheid should now be redirected to rebuilding the foundation and pillars on which Business South Africa is being build.

We compliment the Director-General for his thought-provoking Report and welcome the tone he has set for its debate. The Report focuses on the future prospects and issues which are certain to preoccupy the minds of policy-makers and policy-implementors in international fora in the years ahead. We remain reminded of the past so that the future can be tackled with the wisdom of hindsight. In all the regions of the world – especially the developing ones – we encounter people' burning desire to engage in activities that promote accelerated economic growth, reduce unemployment and improve the standard of living. The ILO has not been found wanting in giving financial, material and technical assistance where it can.

Global players are multiplying by the day and the parameters within which each one of them must play are becoming less and less definable. We take the case of trade liberalization. It is basically and broadly a welcome step in the right direction for those countries which have embarked on that course. But the failure of the international community to strike an equitable balance between trade liberalization and social justice should obviously have the ILO worried. From its inception in 1919, the ILO has been prominent in playing a facilitative role in promoting social justice all over the world, notably in South Africa and the occupied Arab territories.

What is now frightening is that new mechanisms, which strangle economic growth in developing countries are being contrived. We feel relieved that a lot of our countries have declined to sign or postponed signing Marrakech in its present form. This leads me to say a few words about the social clause.

We appreciate and value the role of the ILO as a standard-setting agency in the United Nations system. Be that as it may, it is our submission that the ILO should take cognizance of the changing demands of the times. When the ILO came into being, unemployment was less of an issue that exploitation of labour. Today, unemployment and exploitation are more or less on an equal level globally. We accept and appreciate that those who introduced the concept of a social clause in GATT had, among other considerations, the interests of the workers at heart. But introducing the social clause into trade by linking it with access to markets and free trade is retrogressive. Rigid labour standards have been known to unduly create difficulties in some developed countries.

We have to conclude that these same countries are now trying to demand unreasonably rigid observance of labour standards in order to stifle developing countries' ability to compete on the international markets, their right to enjoy the benefits of trade and to adequately perform their function of raising the standings of living of their people.

We do not oppose the social clause *per se*. What we oppose is the rigid manner in which it is intended to be implemented. In capital and technology terms, developing countries are not on a par with the developed countries. Greater play in human resource allocation should be allowed us so that we can utilize that resource to obtain optimum results. The Employers' Federation believes that it would be an act of irresponsibility and dereliction of duty on its part to endorse a proposal which we are convinced will in the long term impact negatively on our economies. Furthermore, we hesitate to subscribe to the concept of a "soft social clause" because in our view it defies definition and will be open to a multiplicity of interpretations.

We entreat the ILO to step up its assistance in the member States, especially in the developing countries to raise the social and economic status of their workers. This can be achieved through education, training and skills upgrading. The end of the Cold War has brought in new hopes and optimism to the world and has freed world leaders from preoccupying themselves with regional political power-balancing gymnastics. The urge to democratize political institutions is running riot in many regions of the world. Changes in Malawi and South Africa, to mention only two countries, readily come to mind. The energy that had in the past been spent on fruitless political infighting is being channelled to rectifying the social and economic ills of the past.

The globalization of the world economy and the introduction of a more liberal trade regime have created favourable conditions for closer economic cooperation between States. Protectionism in any form or guise should be uncompromisingly shunned. In equity and morality countries have the duty to work together in harmony in order to lessen tension in political, social and economic relations. The tripartite nature of the ILO affords it the status which no other international organization enjoys. In that capacity the ILO can play a very important role to help member States promote economic growth and create more employment.

My confederation values very dearly the role of the ILO in providing labour market information and analysis on questions related to employment and work. The continual supply of ILO publications has enabled us to keep abreast of current global development in the world of work. By providing a forum for debate on issues of current concern, such as structural adjustment programmes (SAPs), human resources development, democratization, accountability and transparency, and by providing a point of reference on policy issues and technical problems, for example, in the formulation of labour legislation and national social security schemes, up-to-date labour market information has been made available to social partners.

The ILO has acted as a partner in technical cooperation, for instance, "sponsoring the environment" and "improve your business" programmes. Through the Bureau for Employers' Activities technical assistance was made available to my confederation to organize seminars on international labour standards and our new Labour Act.

We are happy that as we celebrate the 75th anniversary of the ILO, it has moved to establishing regional multidisciplinary teams which are composed of ILO staff with knowledge and expertise in the major technical fields covered by the ILO. These include integral members who are specialists in employers' and workers' activities which reflect the ILO's tripartite character.

We in Zimbabwe are particularly fortunate to have the ILO Southern Africa Multidisciplinary Advisory Team (SAMAT) offices in our country because we can easily trap the abundant resources there which include expertise in health and safety, medium and small-scale business development and international labour standards that form the benchmarks that each State is expected to adopt when formulating its own national standards.

To conclude, let me once again re-emphasize the need for industrial peace, productivity and prosperity which can only be achieved through tripartite cooperation and consultation. On behalf of the employers of Zimbabwe, the Employers' Confederation wishes the ILO continued success in its endeavour to promote social justice and greater international solidarity.

Original Portuguese: Mr. TORRES COUTO *(Workers' delegate, Portugal)* – In conveying this message from the Portuguese workers, I give my warm greetings on this, the 75th anniversary of the ILO. This Organization has played an exceedingly important part in promoting better conditions of work and greater rights for the workers. In addition, I would also like to emphasize the very important part this Organization has played in defending freedom, human rights and peace.

We are living at a time in which, paradoxically, enormous technical progress and advances in democracy are to be found side by side with an increase in unemployment, ever more widespread poverty and marginalization, with all the dramatic consequences and social ills they entail.

Mention is made of this in the excellent Report presented by Mr. Michel Hansenne, the respected Director-General of the ILO, and we congratulate him warmly on the quality of this document.

This Report brings home to us the major problems and challenges confronting us at the end of this century.

The realities are complex; the problems are numerous and diverse; the solutions are not simple, and they cannot be the same for all.

We have regions where unemployment is growing despite economic growth, but there are also parts of the world where the economy is faced with structural difficulties and where millions of men and women are workless and wageless. Stringently monetarist, ultra-liberal macroeconomic policies and self-centred approaches of various kinds are helping to dehumanize work, and intensify harsh competition which respects neither human dignity nor the environment.

Then we have deregulation by which the intention is to give free rein to all market forces, including in the labour market. People are considered no more than commodities – mere objects. The time has come to cast our veto on this backward step. In this context, we welcome as a positive factor the efforts made by the ILO to regulate non-standard labour contracts. In particular, we are pleased to see the effort made in this Conference to ensure balanced regulation of part-time work.

Nothing justifies workers with part-time contracts being treated as second-class workers. They must be assured of the same equality of treatment, access to training, health protection, occupational health and safety and social protection as those enjoyed by full-time workers. I hope this Conference will bring about significant progress in this sensitive area.

I would like to proclaim from this rostrum that the Universal Declaration of Human Rights and the key ILO Conventions which have enshrined trade union freedoms, the right to collective bargaining and the right to strike are as valid today as ever.

Throughout the world, the civic rights of workers are being violated blatantly or covertly.

In Portugal too, these rights are being violated. The exercise of trade union activities at the workplace is covered by the law but various obstacles are frequently put in the way: trade union delegates and leaders are dismissed or sanctioned, subjected to wage, bonus or career discrimination, and meetings are prevented. Free and unimpeded collective bargaining is being challenged, in particular in the public administration and in public undertakings. Here, for the second year in succession, no agreement was reached because of abusive Government intervention in the imposition of unilateral solutions, with the very grave consequence of reducing workers' purchasing power. The right to strike is subject to gross violations by the abusive imposition of minimum services which do not respect the principles of "necessity", "adequacyäor "proportionality". In practice, maximum services are imposed, and this entirely undermines striking as an effective weapon of pressure. The Portuguese trade unions will be placing before the ILO complaints about these governmental violations of the right to strike, which undermines freedom of association.

Unfortunately, serious though they may be, these are not the only burdens from which Portuguese workers are suffering.

Unemployment is increasing at an ever faster rate. Employment is being made precarious in different ways, and labour and social security regulations are ignored. Wages are falling. New forms of poverty, marginalization and social exclusion are spreading.

Everybody can perceive these problems, but some are trying to play down their extent. But what is more serious is the social insensitivity of those who dogmatically proclaim that it is essential to pare down wages and social costs to guarantee competitiveness. These same voices are demanding a review, or better, a reduction or even a dismantling of social policies. They coldly state that social policies must be economically viable, but systematically avoid reference to guaranteeing the "social acceptability" of economic policies. Today it is crucial to ask whether "law-of-the-jungle" economic policies and commercial practices are socially acceptable.

As a representative of the Portuguese workers, I hereby denounce international trade rules which take account only of goods and ignore people; which forcibly defend property and commercial rights but which overlook the rights of men and women; which deal harshly with economic or fiscal dumping but coldly ignore social dumping.

The ILO has a historic responsibility to help institutionalize the inclusion of social clauses in agreements governing international trade. Future generations will judge us severely if we fail to do so.

Finally, may I offer my greetings to all delegates at this session and, through them, express my solidarity with the poor of the world today. My very special greetings go out to the workers of Timor, the exploited and oppressed victims of the Indonesian regime. I hope that the international community will not continue to overlook the way this people's rights are being violated by the invader.

I hope that the results of the work of this Conference will help to bring us social progress, the settlement of conflicts and peace.

Original Russian: Mr. CHILOV *(Workers' adviser, Ukraine)* – First of all permit me to congratulate the President on his election to this responsible office and to wish him success in leading the work of the Conference.

This anniversary session which is dedicated to reviewing the role of the International Labour Organization in the modern world and to assessing its ability to respond to the challenges which it will face in the future, is one of those rare moments when the entire community of States is the focus of close attention from the whole world.

For this reason, when considering the ILO's history and the ideals and values it defends, we cannot help but wonder what the true essence of the Organization is? In other words, to what extent is it committed to social justice? Is it ready to continue to promote its development? For if society wishes not only to survive but also to be civilized, it cannot refrain from discussing problems relating to its aims and values.

There is no doubt that while social justice is an objective shared by the entire international community and at the same time, a yardstick which applies to all, it has its particularities in each member country of this community. In this context, we must pay tribute to member States which, at the regional level, have recalled to others that to lose sight of the ideals of social justice entails the threat of losing the fruits of civilization.

In this difficult period, there is no time for overly-cautious compromise or half-baked solutions. There is no time for the satisfaction which comes with reassuring declarations or, worse still, for involvement in lengthy battles of words. We must now develop a strategy which more closely meets the conditions of a world in change. I fully share the opinion of the Director-General that the International Labour Organization has to be able to "adapt rapidly to a changing environment and to respond quickly to new problems".

I think that nobody has any doubt about the opportunities for the ILO to make new efforts aimed at ensuring that the work in the field of labour of employers, workers and governments keeps step with progress in the world.

Firstly, I believe it is necessary not only to maintain but doubtless also to strengthen all of the standard-setting activities of the ILO. On the one hand, we have to constantly review outdated international standards and, on the other hand, we have to introduce new ones which better respond to the needs of tomorrow's world.

At a time when state intervention in the economy is being limited throughout the world, we must not hold back the drafting and adoption of new standards defining market parameters so that the economy is of service to broad egalitarian aims. The Report's explanation of the refusal to ratify a number of standards because of their so-called "maximalist" strategy or "high-value added" provisions is, in my view, nothing more than a consequence of short-sighted economic policy based on austerity. A reduction of the social cost of some standards will inevitably bring pressure to bear for a similar reduction for other standards, and may lead us into a vicious circle where they are all reduced to ever lower levels. There might be other negative consequences as well, leading to "social dismantling".

Responding to the Director-General's request to give some thought to ways we can strengthen the ILO's authority in the protection of the fundamental rights of the working man, I would like to draw your attention to the fact that this can only be possible by strengthening the influence of social interests in the economy or by developing an industrial democracy. The latter is valuable in itself. The people must be able to control the environment in which the larger part of their life takes place. Industrial democracy is also important as a place for the preparation and extension of democracy. Thus, through the international labour Convention advocated in the Report of the Director-General, the ILO could give legitimacy to the practice of joint decision-making by staff and owners of companies and to the involvement of workers in formulating economic policy.

The report by the Council of the Club of Rome, *First global revolution*, states that in today's world decision-making cannot continue to be the monopoly of governments and their ministries which, moreover, often work as if they were in a vacuum. What this monopoly leads to can be clearly seen in the example of Ukraine. By being extraordinarily self-confident, our home-grown neo-liberals and monetarists have plunged the country into a socio-economic and political crisis. What they call privatization is taking place without the participation of the workers. These supporters of privatization have taken as their slogan: the advice given by Guizot long ago: "Citizens, enrich yourselves". As a result, 73 per cent of the population is living below the poverty line and only 2 per cent are living comfortably.

The policy of "social dualism" is masked by a vast palette of slogans having nothing to do with reality, such as "The liberation of private initiative is the sole source of dynamism" and "Beat back the state dinosaur". As a result we continue to have an unmanageable economy, unique not only for its high level of concentration and monopolism and the specific nature of its structure, but also for its integration in the economies of neighbouring countries.

Neither the planned nor the market economy in its pure form is in a position independently to meet the demands which are being made on our economy. The rational treatment of natural resources, full employment, multiplicity of choice and social stability – these aims can only be achieved by means of a combination of social management and market economics. Decision-makers have to be as close as possible to the people who will either benefit from their decisions or will suffer from them.

I consider that it would be extremely useful if the ILO were to organize and conduct discussions on topical economic problems facing members of the Organization. It should also prepare regular surveys of world economic systems and strategies and of the effects they have on the world of labour. For example, what influence do social security payments have on the functioning of labour markets? What should be the system for financing social insurance programmes with the participation of the State, employers and workers? What is the social cost of the free movement of capital, when hundreds of trade and industrial companies are dismembered and sold off, leading to mass dismissals?

In the context of this last question, we can only agree with the author of the report that there is a sufficient basis for renaming the International Labour Organization the International Employment and Labour Organization. This would make it possible for us to deal with the problem of employment fully and in all its complexity. This has now become one of the most important issues in negotiations between workers and employers. For this reason, obviously, we support the proposal of the Director-General to discuss the problem of employment and the standard of living in the world as a permanent item on the agenda.

The scale and complexity of the new tasks facing the International Labour Organization might make it necessary for us to adopt a number of amendments to the Constitution in order to redefine the respective competences of the International Labour Conference and the Governing Body in a more balanced way. I remind you that as early as in 1987, the Report of the Director-General, *Reflections on the future of multilateral cooperation: the ILO perspective*, stated, "the abolition within the Governing Body of the right to a permanent seat reserved for the ten countries reputed to be the most industrialized in the world was both sensible and just". I think that this statement of the Director-General remains true to the present day.

I hope that the Conference will make recommendations and proposals which will be consistently implemented to enhance the ILO's role as a humanitarian tool to evaluate economic decisions, to develop standard-setting approaches to help find solutions to social problems, and to identify and work to lessen the adverse effects of certain economic mechanisms. In short, that it will help to create a model of an international organization which will be able to look boldly to the future.

Original Portuguese: Mr. DE BARROS *(Workers' delegate, Brazil)* – It is an honour to participate in this Conference on behalf of the Brazilian Workers' delegation on the occasion of the 75th anniversary of the ILO. It is a doubly gratifying experience since in addition to celebrating the Organization's anniversary, we are present for the reintegration of South Africa into the ILO in consequence of the victory of its people in the struggle against apartheid. We pay tribute to their steadfastness.

This assembly is being held at a time in which social problems have reached a state of unparalleled gravity worldwide. We are living in a society that has achieved unprecedented technical development, in a world in which the economy is being globalized and frontiers are disappearing. But these developments are accompanied by job losses and increasing unemployment, with grave consequences for the Third World. In the Third World, enterprises are being replaced by the informal sector, in which conditions are unstable and bereft of prospects. At the same time, we are witnessing a growth in absolute poverty so grave as to destroy entire nations, threatening political stability and leading to the exploitation of child labour. One day, the impact of these trends will be felt in the developed world as well.

We hope that, as affirmed by the Director-General, the ILO will not lose sight of its mandate.

The Director-General's Report makes no specific proposals; it only suggests possible lines of action. However, we note that the closing lines of the Introduction contain an appeal to member countries to take action to promote social justice and tripartism. We attach great importance to this appeal since the Government of Brazil, through its Minister of Labour, has already stated its position on the subject at this Conference. In his speech, he said that the "ILO must play an important role during the World Summit for Social Development. It should thereby strengthen its role as promoter of workers' rights and the fundamental freedoms of the world of labour. The ILO must develop conditions to promote strong international cooperation between member States to assist those in greater difficulties to implement better working conditions".

Although the Director-General makes a number of constructive points in his Report, we note with concern his inclination to propose that Conventions should be replaced by so-called "soft" legislation. We wish to point out that the ILO already has machinery under article 19 of its Constitution for adopting non-binding instruments. As we see it, the "soft" legislation being proposed would operate to the detriment of standards designed to benefit workers. In this regard, the Workers' group has already let it be known that it is willing to discuss the content of standards and could even agree to the original proposal which would allow studies to be undertaken under article 19, through the Committee of Experts on the Application of Conventions and Recommendations, as a sufficient instrument for the evaluation of standards.

Another concern of the workers is unemployment. Although the Director-General refers in strong language to the world crisis in employment, the problem of the quality of employment and the quantity of jobs is of great concern to us despite his specific proposal that the ILO should take action internationally to promote employment through the publication of reports, the promotion of periodical high-level meetings of the Governing Body and inclusion of a permanent item dealing with the subject on the agenda of the Conference.

The Report refers to a certain incompatibility between job creation and labour legislation. It is inconceivable that we should think in terms of an "incidental conflict" between labour legislation and employment opportunities. There is also a reference to structural adjustment programmes and the failure to take account of their social impact. It is acknowledged that the ILO has no influence on the decisions of the International Monetary Fund or the World Bank in the sense of proposing policies designed to deal with the unfortunate circumstances that make such adjustment necessary.

We believe that an excellent opportunity has presented itself with the establishment of the World Trade Organization, in the context of which we propose that the ILO should move to have a social clause included among the standards governing world trade because we believe that world trade cannot be divorced from workers' interests. We feel that the way to avoid the proliferation of unacceptable labour practices that affect the competitiveness of international trade and to reduce the protectionist pressures that these practices entail is for the ILO to organize an international discussion on the social clause. The Director-General is to be commended for mentioning the need for ministers of labour, employment and social affairs to put greater pressure on governments and for the ILO to respond more rapidly and effectively with counselling on the subject of labour legislation.

In conclusion, we are certain that the salutary practice of tripartism will enable the ILO, by the end of this century, to devise ways and means of ensuring that poverty shall not be a legacy of the twentieth century to the twenty-first.

I take this opportunity to say how satisfied we are that a Workers' delegate has been elected to direct the proceedings of this historic Conference.

Mr. DOBRIN *(Employers' delegate, Romania)* – It is a pleasure for me as a representative of the employers of Romania to address sincere congratulations to the President on his election at the 81st Session of the International Labour Conference.

This year, the Conference is taking place within the context of two major anniversaries, so that we have the pleasure of celebrating the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia.

The Report of the Director-General significantly emphasizes the triumph of the market economy concept and practices in Eastern Europe. Romania, as a European country and an ILO member since the very beginning, has reaffirmed its commitment to the values of democracy, consequently promoting the necessary laws in accordance with international standards.

It is a great responsibility for me to report to the Conference that the word "employer", the concept and the employer spirit, are now rooted in Romanian social life.

The employers' organizations have already been consulted with regard to different laws that affect social life. The employers have also formulated constructive amendments with a view to enhancing the promotion of the free market economy concept and provisions of the ILO standards.

Trade union law and the law concerning collective agreements are now in the process of being updated. The role and activities of the employers' associations will be defined and set forth within the framework of a new law. I would also like to add that, by the end of the year 1994, some 3,000 small and medium-sized state-owned companies will be privatized, and the employers will have to develop adequate and concrete approaches in accordance with the reality of the economy, so that they will be able to cope with the social and economic difficulties.

From an analysis of the Director-General's Report, we have identified ourselves with the concerns of the ILO in the fields of industrial relations, labour law and labour relations. The Romanian employers have been in a position to get the benefit of the ILO's solutions and comparative information with regard to tripartism and collective bargaining issues. Advice has been provided to Romania in the field of remuneration with a view to designing the reform in the context of structural adjustment and the transition to the market economy.

Consultation with the most representative organizations of employers and workers on specific social issues has now become general practice in Romania. Chapter 2 of the Report of the Director-General with regard to the ILO's activities is a very sensitive one. Structural adjustment policies, especially those which form part of the conditions for the use of International Monetary Fund resources and World Bank credits, are of the utmost importance for the activities which are to be developed by Romanian employers.

We understand our role as employers and we act in order to embark on socially oriented approaches. Since the social employment measures are not always in harmony with the aims of the adjustment programmes – as the Report emphasizes – we have to strengthen relations between the social partners and promote tripartism, not only as a concept, but also in practice.

Our final aim is to represent and defend the common interests of the employers, and we truly believe that by taking part actively in the process of cooperation on the basis of ILO standards and developing the tripartite social dialogue, we will better contribute to the development of the employer image not only in Romania, but in Europe.

I would like to highlight the willingness of the Romanian employers to take part in regional activities embarked on by the ILO or by ILO multidisciplinary teams, in order to be familiar with the ILO spirit and to contribute to the building of an active European partnership policy.

I would also like to convey the idea that these employer activities could be very well undertaken by a new European ILO multidisciplinary team based within the Carpathian, Black Sea and Balkan region.

We strongly appreciate the activities undertaken by the ILO in the field of the working environment and ergonomics, the provision of practical guidance to reduce the incidence of occupational injuries and accidents, the activities to strengthen national capacity to identify and control the most widespread sources of exposure to occupational diseases, and the dissemination of occupational safety and health data through publications and seminars.

I would like to thank the ILO and the ILO Training Centre in Turin for allowing our employer representatives to acquire new theoretical knowledge and skills with regard to the development of small and medium-sized enterprises and to occupational safety and health issues.

The Romanian employers strongly support the ILO activities and the Report of the Director-General.

I wish the best to the 81st Session of the International Labour Conference.

Mr. AASER *(Employers' adviser, Norway)* – My congratulations to the ILO on its 75th anniversary!

It is an honour and a pleasure for me to have this opportunity to comment, on behalf of Norwegian employers, on the Director-General's Report.

I would like to extend my congratulations to the President on his election to the presidency of this session of the Conference, a session which will certainly be well remembered. The reason is that the theme of the Director-General's Report this year is an in-depth discussion of the future of the ILO. I shall comment upon a few points which I believe are crucial.

As an introduction, I would like to comment on a general opinion regarding the ILO which has come to my knowledge lately: the ILO will have to refocus its activities because there is a danger that it will develop into an international organization of marginal interest and relevance to a substantial number of member States. It would in future have to compete with the activities of the World Bank and others in developing countries, countries which might prefer to turn to the World Bank for assistance. It would thus be the obvious thing for the ILO now to try to analyse where it has its strong points and how to cultivate and strengthen its core mandate.

Accordingly, my organization, the Confederation of Norwegian Business and Industry (NHO) feels that the ILO is now at a crossroads. From time to time, organizations, institutions and persons have to choose one from the variety of possible directions in their work. But to be able to do so, it is crucial to have clearly defined objectives and results, because it is only through those that one is able to assign priorities to the means one has at hand.

In our opinion, the ILO has considerable means at hand.

First and foremost, the unique structure of the Organization. The ILO is the only body within the United Nations system which works and makes decisions after consulting with and listening to employers' and workers' groups. The tripartism in the ILO is now challenged. Delegations must be composed of genuine delegates from the most representative organizations of workers and employers and ministries of labour in the ILO member countries. I am saying this because the Report suggests that tripartism should acquire a new dimension and be strengthened by the inclusion of other interest groups – other actors of economic life. It is our conviction that if that happens, the prestige and power of the two non-governmental groups – employers and workers – will be diluted, reducing the significance of the ILO. Furthermore, ILO Conventions – standards – are another means, but only one among others available to the Organization to achieve the objectives it set for itself in the Declaration of Philadelphia.

Allow me to share with you the view of NHO and Norwegian business on the ILO's standard-setting activity.

It is a fact that can easily be supported by statistical figures that during the last decade or more, fewer and fewer ratifications of Conventions have been registered. From 1975 to 1990, 31 Conventions were adopted by the various sessions of the International Labour Conference. Only five, I repeat, only five of them are ratified by 30 countries. In this period, the ILO had approximately 150 member States. It is obvious that this is not a satisfactory result, particularly when one takes into account the heavy, costly and long-lasting work behind each of the Conventions, not to forget the numerous delegates involved.

The reason for non-ratification of the Conventions is very often that the text is too detailed, not relevant for practical use and full of technical items which are not in harmony with national law and practice, and which would be too costly for the member countries to adjust to. Since the "customers are not buying the goods any more", it is obvious that something is wrong.

I myself am a business leader of a pharmaceutical company in Norway in addition to being the elected President of the Confederation of Norwegian Business and Industry. To be frank, I can hardly point out any good reason for my company to take part in the creation of Conventions, because I cannot find any advantage to my company in them. On the contrary, some of the Conventions are even stumbling blocks to the smooth running of my day-to-day business. Unfortunately for the ILO, my company is not an exception. Against this background, we carefully read the part of the Report on "Adapting standards to real needs". It shows that the Director-General looks upon standards and standard-setting activity with a critical eye, sharing the concerns of the Employers' group on this matter. We are therefore optimistic and look forward to practical change in the process of producing new Conventions.

It is the employers' opinion that the time has come when the ILO must reconsider its procedure for choosing areas for possible new standards. The Organization should devote resources to the examination of the existing Conventions and update them so that they meet the practical needs in business life towards the turn of the century. If and when new standards are produced, they must be flexible and aim at the creation of productive employment.

Another means for the ILO to reach its objectives and to become an organization of importance as regards sustainable employment policies in a changing world is to make full use of the competence and regional experience of the Organization.

ILO technical cooperation is well known to my country, because Norway is the second largest donor to the ILO technical cooperation budget. To assist developing countries in strengthening democratic and non-governmental institutions, such as employers' and workers' organizations, should be at the forefront of the ILO's activities throughout the world. The ILO, with its tripartite structure, has a unique standing and position in this context, which should be used in the efforts of bringing developing countries and countries with outdated, centralized-economy systems up to a higher socio-economic level. Only sustainable economic activity can produce jobs, income and improved living and working conditions. The newly established regional tripartite teams are qualified to play a significant role. The member States of the ILO, in all regions, must express their national financial institutions without any social dimension.

Austerity programmes and policies have led to poverty, to a rise in illiteracy and increasing precariousness of health and employment.

As our countries have been channelling their resources to their heavy debts and to servicing these debts, the poverty of African peoples has been increasing at a staggering pace.

The failure of these disastrous policies has led the heads of African governments of the CFA zone to accept a 50 per cent devaluation of the CFA franc.

In a resolution adopted at Dakar, the Heads of State of the countries of the CFA zone noted the poor results of more than a decade of structural adjustment, despite the sacrifices borne by their peoples.

This measure, described as historic, marks the continuation of the workers' struggle to repair the serious damage to their purchasing power.

In Senegal, following this devaluation, negotiations were launched between unions, the Government and the employers to increase wages, first of all in the public service, and then in the private sector. Family allowances and retirement pensions were increased and a national sickness insurance fund set up.

A tripartite committee was also set up to manage the post-devaluation period.

In some African States that are members of the CFA zone, workers have gone on prolonged strikes in order to obtain a substantial wage increase to offset this new parity of the CFA franc.

This is an appropriate occasion to denounce the flagrant violation by a number of governments of the fundamental Conventions which guarantee freedom of association and the right to collective bargaining. Workers have been penalized, dismissed for strike action, or simply stripped of their union office.

The dawn of the third millenium provides an appropriate opportunity to finally break with the past and its legacy and to pave the way for sustained economic development which will really contribute to the well-being of the peoples of our continent. African economic integration has become self-evident today. This is one of lessons of devaluation, as is the inevitable effect of currency on the economy of nations. African workers in the CFA zone therefore see monetary independence as a prerequisite for political independence.

However, it is undeniable that only fair competition can offer equal opportunities for all countries and thus guarantee social justice.

Unfortunately, as the Director-General has said in his Report, failure by any nation to adopt truly humane working conditions hampers the efforts of other nations wishing to improve the lot of the workers in their own countries.

Indeed, countries with backward labour legislation are blatantly violating international Conventions to achieve an economic growth which is beyond the reach of those countries trying to achieve lasting social progress.

Therefore, we would like to take this opportunity to urge greater vigilance in standard-setting and, with this in mind, we support the social clause, whose only objective is to guarantee adequate working conditions by the application of the labour standards universally recognized within the ILO.

We would of course warn those who would use this as an opportunity to give the standards a retrograde protectionist content. We, with the ILO, will remain particularly watchful.

Mr. SMITH *(Workers' adviser, Antigua and Barbuda)* – I wish to congratulate Mr. Charles Gray for having been unanimously elected President to preside over this historic session of the International Labour Conference. I am greatly impressed with the way the President and his Officers have handled the proceedings of this Conference so far.

It is also a great pleasure for me to be able to participate in this important Conference. Indeed, this assembly is not only historic because it is the 75th anniversary of the International Labour Organization, neither is it so because of the re-entry of South Africa under a freely elected Government.

This occasion will be indelibly engraved on my mind because it is the first time that I have had the pleasure of attending the meetings of this august body, and further to be given the opportunity to address this historic Conference.

I can only hope that the inclusion of the Antigua Workers' Union in this Conference in 1994 genuinely brings to an end the years of discrimination and victimization against our Organization by the V.C. Bird Government. The main reason for our exclusion from this Conference over the years has been our non-support of the policies of the Government. I sincerely hope that from now on all sides in Antigua and Barbuda will be recognized for their worth and not for the support of those who occupy the seat of power.

The ILO took a very important decision to establish a Caribbean office 15 years ago. Before then few people in Antigua and Barbuda, and perhaps the general Caribbean population, knew what the ILO was all about. It has made a significant contribution to our people in the field of workers' education and other activities. We hope that this Office will remain with us for a long, long time to come.

We are meeting at a time when the workers of the world are facing the worst economic crisis since the 1930s. Approximately one-third of the world's working population is either unemployed or underemployed.

This Conference was informed on 8 June by a representative of the World Bank, Mrs. Amoako, that over a billion people continue to live in absolute poverty, struggling to survive on a dollar a day. This is indeed a frightening situation. But what makes it more disturbing and agonizing to me – and I venture to say all working people – is that the representative of the World Bank also reported that the Bank's estimates suggest that if economic growth is low and recent trends in the growth of poverty continue, then there could be 200 million more poor people in the developing world by the end of the century.

The distinguished World Bank's representative then told this Conference that poverty remains our fundamental challenge. It is common knowledge that the policies of the World Bank and IMF have marginalized workers and working class organizations, and are one of the main reasons for the present appalling state of affairs in the world today.

The International Labour Organization, in my view, must take due note of the findings of the World Bank and call upon it to make positive efforts to assist in reducing the global poverty that threatens the well-being of mankind. If it does so the world's financial institutions would be underpinning the endeared principle of the ILO that universal and lasting peace can only be achieved if it is based upon social justice, respect for human rights, humane working conditions, employment opportunities and economic security for all.

The Director-General of the ILO in his Report to this Conference stated that the ILO "has 169 member States and covers some 98 per cent of the population of the world". An Organization as universal as the ILO should be able to face these challenges and provide some measure of hope for the future.

It is no secret that the trade union movement led the struggle for the world's wealth to be shared equitably among our peoples. We in the Caribbean are very much aware of the necessity of having vibrant unions. The labour movement has been under a most vicious and sustained attack. In some quarters the powers that have succeeded in weakening the movement, forcing workers to give up hard-won gains.

At this Conference there has been a long and meticulous discussion on part-time work. Some employers and governments would like this Conference to provide them with a license on how to use "part-time workers" to undermine working standards that have been established through years of struggle. A worker is a worker and should be entitled to all the benefits in the plant on a pro rata basis. We in the Antigua Workers' Union do not accept that there is such a thing as part-time workers. We think there are of course part-time jobs that do not require the maximum hours of work which a normal full-time job requires.

A careful observation of the workings of the Committees gives me the impression that there is a growing collaboration between the employers and some anti-working class governments to defeat just and fair recommendations that will favour working class people. I hope that the tripartite system which forms the backbone of the International Labour Organization will not be used to slow down the progress of working people or reduce already established standards.

We would like to join with the many people who have congratulated South Africa, but we wish to warn that the system of apartheid that was so deeply entrenched for so many years cannot be uprooted merely by having an all-race election. The people of South Africa still need the vigilant support of this body to ensure that the total system of apartheid is cleared from the soil of South Africa. Only then will it be a lasting "Free at last!" as proclaimed by its President Nelson Mandela and others.

We in Antigua and Barbuda are concerned with the conflict in Haiti, a Caribbean country as well, and with those in other parts of the world. We would like to urge the various international organizations to intensify their efforts to bring about peace among the warring factions.

Finally, I hope that this century will not close before the member States ratify and effectively implement the ILO Conventions and/or Recommendations that are presently hidden on paper of the files of these countries. This will undoubtedly make the International Labour Organization grow stronger as it grows older in the new century.

The PRESIDENT (Mr. MENDOZA) – I now give the floor to Mr. Tirumurti, Government adviser, India, who wishes to exercise his right of reply to the statement made on 16 June by Mr. Hameed, Government delegate, Pakistan.

Mr. TIRUMURTI *(Government adviser, India)* – My delegation takes the floor to set the records straight with regard to the baseless charges made against my country by the delegate of Pakistan. Jammu and Kashmir form an integral part of India and the reference made by him to it is a blatant and unwarranted interference in the internal affairs of my country. The present disturbed conditions in Kashmir are entirely the creation of Pakistan through its instigation and support of religious-based terrorism in pursuit of its sole objective of territorial expansion. It is well documented that terrorists, armed, trained and sustained by Pakistan, have been unleashed against innocent civilians in Jammu and Kashmir. This gives the lie to Pakistan's feigned concern for the conditions of workers in Jammu and Kashmir. Indeed by selectively targeting politicians, human rights activists, academics, media persons, etc., Pakistan has sought to destroy the very foundation of the democratic system in the Indian states of Jammu and Kashmir.

We reject any call for a fact-finding mission or international supervision, as the fact of Pakistan's involvement in terrorism is well documented and as Jammu and Kashmir are open, in keeping with India's policy of transparency. Several thousand persons visit Jammu and Kashmir annually, including foreigners, journalists, NGOs, etc. Pakistan's concerns about the economic conditions of workers in Jammu and Kashmir ring hollow in the face of enormous resources spent by India on development efforts in Jammu and Kashmir and Pakistan's stepmotherly treatment of the area of Jammu and Kashmir under its illegal occupation. This is borne out by the fact that while in the Indian states of Jammu and Kashmir, the economy has been industrialized and diversified with the share of the primary sector declining from 68 per cent in 1960 to 39 per cent in 1987, and that of the secondary sector increasing from 9 per cent to 23 per cent, the economy of Pakistan-occupied Kashmir remains stagnant and oriented towards primary production. We therefore reject any suggestion to include the subject in the future agenda of the Conference.

The PRESIDENT (Mr. MENDOZA) – I now give the floor to Ms. Mukadi, Workers' delegate, Indonesia, who wishes to exercise her right of reply to the statement made on 8 June by Mr. Kearney, International Textile, Garment and Leather Workers' Federation.

Ms. MUKADI *(Workers' delegate, Indonesia)* – I have asked for the floor to exercise the right of reply to the statement by Mr. Kearney, representative of the International Textile, Garment and Leather Workers' Federation, made in the plenary sitting on Wednesday, 8 June 1994.

Speaking on behalf of the All Indonesia Workers' Union (SBSI), I should like to strongly reject the allegations contained in his statement as groundless. Much to our dismay Mr. Kearney has deliberately abused the integrity of this august forum by resorting to pressure-type criticisms which are unsubstantiated and based on distorted and biased news on the so-called "Titi Sugiarti case" from a self-interest objective.

Titi Sugiarti was 23 years old and unmarried. The mortal remains of Titi Sugiarti were found one morning last April in the waste disposal place not far from the site of petecahatex, a textile factory in Sumadao, West Java, where she worked. Thus it is very wrong for Mr. Kearney to say that Titi Sugiarti worked at the shoe company. The fact that he was careless of such a small detail only invites us to question the objectivity of his statement.

Let me thus provide you with some hard facts on the case concerned contrary to all that Mr. Kearney claimed. Titi Sugiarti was, indeed, a member of the SBSI, at no time did a strike case take place at the factory where she worked, nor a single worker dismissal or even introduced by the management of the company. But some irresponsible quarters must take advantage of the existing unclear situation of Titi Sugiarti's death. The case is now under proper and intensive investigation by the competent authorities. It is misleading for anyone to pass judgement or to draw conclusions from that inconclusive investigation. Nevertheless, on account of reliable sources there are three possible causes of Titi Sugiarti's death: fatal accident, murder or suicide. SBSI has a moral obligation to help with the funeral in her home town in central Java and giving Titi's family some assistance. SBSI asked the competent authorities to make a proper and intensive investigation into Titi Sugiarti's death.

(The Conference adjourned at 1 p.m.)

Nineteenth sitting

Friday, 17 June 1994, 3 p.m.

President: Mr. Matinchev

REPORT OF THE STANDING ORDERS COMMITTEE: SUBMISSION, DISCUSSION AND ADOPTION

Original French: The PRESIDENT (Mr. MATINCHEV) – The first item on our agenda this afternoon is the report of the Standing Orders Committee. I give the floor to Mr. Rhenan Segura, Government delegate, Costa Rica, Chairman and Reporter of the Standing Orders Committee, to present the Committee's report, which you will find in *Provisional Record* No. 11.

Original Spanish: Mr. RHENAN SEGURA *(Government delegate, Costa Rica; Chairman and Reporter of the Standing Orders Committee)* – I have the honour to present the report of the Standing Orders Committee which met on 9 June 1994, to discuss and approve two proposed amendments of Articles 38 and 39 of the Standing Orders of the Conference.

These proposals are, consequently, part of the reforms carried out by the Governing Body to streamline its work with a view to facilitating the various preparatory stages of the procedure for drafting standards.

One of these reforms dealt with the point at which the Governing Body decided to set the agenda of the Conference. Previously this decision was taken in November, that is 18 months before the session of the Conference at which the item was to be discussed, which left relatively little time for the various preparatory stages leading up to the drafting of standards.

Under the new schedule, the Governing Body will now determine the items to be placed on the Conference agenda at its March meetings, that is to say 26 months before the session of the Conference at which the items are to be considered. This means that for a question governed by the double-discussion procedure an additional eight months will be available between the time the Governing Body fixes the agenda of the Conference and the date on which the Conference begins consideration of the item.

This additional period will mean that the Office will have more time to prepare the questionnaire and Governments will have three additional months to reply to them. Finally, it will also give the Office more time to analyse the replies for use in drawing up a report, which will serve as a basis for the first discussion of a double-discussion item at the Conference.

In the case of an item governed by the single-discussion procedure, there will be an additional six months to be divided equally between the Governments and the Office in the various stages of the standard-setting preparatory work.

The proposed amendments to the Standing Orders of the Conference reflect this new schedule which has been agreed upon by the Governing Body within the framework of the preparation of standards. These changes represent an important step forward in attempts to improve the quality of the reports prepared by the Office prior to the initial discussion of an item at the Conference.

In conclusion, it is my duty and pleasure to submit on behalf of myself and of the two Vice-Chairmen of the Standing Orders Committee our report which was adopted unanimously and which we recommend for your adoption together with the proposed amendments to the Standing Orders of the International Labour Conference.

Original French: The PRESIDENT (Mr. MATINCHEV) – The report is now open for discussion.

Mr. AHMED *(Workers' delegate, Pakistan; Vice-Chairman of the Standing Orders Committee)* – You have just listened to the report submitted by Mr. Rhenan Segura of Costa Rica pertaining to the report on the amendments to articles 38 and 39 of the Standing Orders of the Conference. These recommendations were outlined by the Governing Body at its 256th and 258th Sessions. They were unanimously recommended to the Conference to amend of the Standing Orders, thus enabling the Governing Body to select the items on the agenda 26 months instead of 18 months before the session in question is held. This also will allow governments more time to send their replies to the questionnaire sent by the Office along with those of the representative workers' and employers' organizations.

I must thank Mr. Rhenan Segura who chaired our meetings, and also Ms. Hak, the spokesperson of the Employers' group, and Mr. Martin, the representative of the Director-General, who assisted us ably. I am also thankful to the members of the Committee who unanimously decided to endorse the recommendations put forward by the Governing Body, and particularly the Workers' group, which requested that I be their spokesperson.

I must say that these reforms are meant to expedite the work of the Conference efficiently and expeditiously. The number of days of this session of the Conference has been reduced in relation to past years. We have been working even on Saturdays in violation of ILO standards so that all of us can go back home early and so we can finalize the items on our agenda as quickly as possible.

With this observation, I ask you to adopt these recommendations which are meant to reform the functioning of the Conference.

Ms. **HAK** *(Employers' delegate, Netherlands; Vice-Chairman of the Standing Orders Committee)* – The Employers' group of the Standing Orders Committee recommends to you the adoption of paragraph 8 of the report that you have before you. As it was already explained by the Chairman of the Committee, the changes were prepared in order to have longer preparatory stages for the reports submitted to the Conference. The proposals give more time both to the Office and to governments, and we hope that the result will be that the Conference gets better reports. It took very little time to adopt the proposals because there was consensus.

I recommend that you adopt the changes and I would like to thank the Office for all the work, because it looks very simple but there is always a lot of work behind it.

Original French: The **PRESIDENT** (Mr. MATINCHEV) – There being no further requests for the floor, we shall move on to the adoption of the report which entails the adoption of paragraphs 1 to 7 as well as the amendments to the Standing Orders proposed in paragraph 8 of the report. May I take it that paragraphs 1 to 7 are adopted?

(Paragraphs 1 to 7 are adopted.)

Original French: The **PRESIDENT** (Mr. MATINCHEV) – May I also take it that the amendments to articles 38 and 39 of the Standing Orders proposed in paragraph 8 of the report are adopted?

(The report and amendments are adopted.)

Original French: The **PRESIDENT** (Mr. MATINCHEV) – I would like to thank the Chairman, the Vice-Chairmen and the members of the Committee for the excellent work they have done.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: The **PRESIDENT** (Mr. MATINCHEV) – We now continue with the discussion of the Reports of the Governing Body and of the Director-General.

Original Arabic: Mr. **ABDUL HUSSAIN ABDULLA** *(Workers' delegate, Bahrain)* – In the name of God, most merciful and compassionate! It is a great honour for me to address this important assembly on behalf of the workers of Bahrain. I have pleasure in extending warm congratulations to the President on his election to the chair of this Conference. We wish him every success in his work.

We are very happy to welcome the new Members who have joined the ILO. We are also proud that our Conference is being chaired by an outstanding and capable Workers' delegate, whose wide experience and wisdom will ensure, God willing, that the proceedings of this historic Conference are crowned with success.

I should also like to take this opportunity to commend Mr Michel Hansenne, Director-General of the ILO, on his fine work and on his felicitous choice of subject for his Report to the Conference entitled *Defending values, promoting change*, an important topic and a timely one since it coincides with the 75th anniversary of the founding of our venerable Organization and the 50th anniversary of the famous Declaration of Philadelphia. The Report reflects the spirit and principles that led to the establishment of the Organization based on a unique tripartite structure and the sound counsel it has consistently followed with a view to achieving social justice, security and world peace.

Basing ourselves on the principles and goals of the ILO, which are the promotion of social justice and peace through the protection of workers, defence of their rights and improvement of their working conditions, we should like to stress the importance of the following points.

Firstly, social partnership must be strengthened and tripartite consultations supported in order to achieve a joint vision of social justice.

Secondly, as an integral component of the international community, we pin great hopes on the World Summit for Social Development to be held next year. We wish the ILO success in exerting its influence within the United Nations system to reassert the principle of tripartite consultation through full tripartite participation in the proceedings of the Summit.

Thirdly, the standards established by the ILO are the pillars of this Organization and an important standard of reference for the enforcement of rights. Any attempt to undermine them will prevent the social partners from fulfilling their role and their duties to humanity. The idea of soft legislation proposed by the Director-General in his Report is therefore of no avail. Instead we must create new working methods and more effective machinery to implement international standards.

Fourthly, we support the Director-General's proposals relating to ways of enabling the Organization to intensify its action to deal with the world unemployment crisis, provided that basic protection for workers is strengthened and efforts to reduce poverty and unemployment in different parts of the world are redoubled.

Fifthly, in the light of the continuous economic and social changes occurring at all levels, it has become essential for the ILO to establish labour standards and monitor their implementation in order to protect basic workers' rights. This can only be done in coordination with the World Trade Organization.

The efforts of our young Organization will be short-lived without your support and your backing through the Governing Body of the ILO for the labour and educational activities that we wish to promote within the limits of our modest resources.

Your support has certainly become more necessary than ever if we wish to keep abreast of social and economic developments while maintaining international labour standards and their content and purport.

May the peace, mercy and grace of God be with you.

Mr. **BASNET** *(Workers' delegate, Nepal)* – At the outset, allow me, on behalf of the workers of Nepal, to express our heartfelt congratulations to the President on his unanimous election to the presidency of the 81st Session of the International Labour Conference. Furthermore, he is chairing the Conference on a very important occasion, as we are observing the 75th anniversary of the International Labour Organization, which provides an opportunity to look back at the past and forward to the future, for the better protection of workers' rights on the eve of the twenty-first century.

The world is undergoing new changes and taking new approaches to social protection. The emphasis on technological progress has led to new forms of social vulnerability which are a further cause for concern. The ILO should adapt to rapidly changing conditions in order to better achieve its noble goals. Tripartism is the ILO's unique strength. There is a need to find new ways of applying standards more effectively. The setting of new standards must continue. Employment policy and strategies must take basic rights of workers into account and pay full attention to the safety, security and the standard of living of workers.

The President rightly mentioned in his address that the labour of human beings should not be treated as merchandise or an article of commerce. Every worker has the right to a wage adequate to maintain a reasonable standard of living. Minimum wages of workers should correspond to the needs of their life.

Tripartism and collective bargaining are under way in Nepal now that the democratic political system has been restored. This process will enhance workers' bargaining capacity for the protection and promotion of their rights, for better working and justifiable living conditions. Timely reforms and the amendment of laws and regulations are also necessary to better serve the workers' interests. Effective implementation of legislation is the most important part of the system for the protection of workers. We have to develop institutions to protect workers, including the establishment of a labour court. Workers' welfare should be promoted. Employment generation should also ensure workers' protection if social justice is to be achieved.

We welcome the ILO office in Katmandu and thank the ILO for opening it.

We believe that this 75th anniversary session of the Conference will effectively promote social justice and peace by protecting the rights of workers and by promoting their working conditions.

Mr. DATO' MOKHZANI *(Employers' delegate, Malaysia)* – Let me begin by offering the President the highest congratulations of the Employers' delegation from Malaysia. We would also like to congratulate the two Vice-Presidents on their election. We also extend our greetings to all delegates.

We meet this year on the occasion of the 75th anniversary of the founding of the International Labour Organization. The ILO has accumulated enough experience so that a reassessment of its work should be made in preparation for the challenges of the twenty-first century. In this regard my delegation welcomes the Director-General's Report, *Defending values, promoting change*. It is a document which provides a framework for us to debate and decide on the path which the ILO must take as it marches towards its hundredth anniversary.

Several parts of the Report are of interest to my country and we believe it is also of interest to other developing countries. My delegation would like to register our disagreement with certain quarters in this august body which are advocating an international minimum wage standard. We urge the ILO and its members to refrain from holding up this banner. In our view the implementation of a global minimum wage will erode and even eliminate the competitive edge of developing countries. Such a move will increase the cost of labour in these countries, which even in the medium term cannot be compensated by improved technology. As such, wages should be related to the cost of living, and there is no denying that the cost of living in developing countries is generally lower than that in the industrialized countries. Malaysian employers are opposed to any move to introduce a minimum wage on a world scale.

Nowadays there is much talk of globalization of the economy. Few, however, make the concept clear enough by indicating what globalization implies. Indeed, the world has become more interdependent than ever before. However, let it be said once again that international trade is still based on the age-old notion of comparative advantage. Relatively lower wage costs, accompanied by relatively lower costs of living in developing countries, are very much the cost advantage these countries possess vis-à-vis industrialized countries. This should not be "globalized" on the pretext of providing a better deal for workers in the developing countries.

There are also parties promoting the "social clause", arguing that access to markets in the industrialized countries should be conditional upon meeting labour standards as defined by these countries. Thus, trade barriers will be imposed unless certain acceptable labour and social protection standards, as externally defined, are adhered to. This could be yet another form of non-tariff barrier.

It is a source of some relief that the Director-General's Report stated that "the ILO should recognize that its mandate requires both that it be a party to this debate, and yet that it should not advocate either restrictions to trade or compulsory equalization of social costs". However, the following pages of the Report speak of the necessity of adopting certain measures, such as the imposition of certain minimum standards, before a country's product is to be accepted in the international market.

Our delegation would like to state categorically that it is opposed to the imposition of social clauses because, like the international minimum wage, it smacks of protectionism. Such measures are but another feature of discriminatory practice, the end-effect of which will be detrimental to developing countries struggling for a higher share of the world market in order to create a surplus to be used for raising their standard of living.

Another point of contention is whether the existence of a high level of wages or excellent conditions of work is the result of the so-called "social clause". From practical observation and experience in newly emerging economies, it is obvious that it is only in the well managed countries and in thriving enterprises that workers continue to prosper, and the prosperity itself induces them to bargain for – and get – the benefits of development including higher wages, better conditions of work and greater personal and political freedom.

I would like now to refer to ILO Conventions. The total number of Conventions now stands at 174. However, the record of ratification of Conventions by member States, including industrialized countries which so readily criticize the developing countries, has been dismal and there is no sign that this situation will change in the near future. The first part of the Director-General's Report states that the rate of ratification of Conventions has been stagnating for a good number of years. In our view, it is not enough for the ILO merely to produce Conventions. A quick glance at the Conventions which have been adopted by the Conference over the years shows that the circumstances and conditions which influenced the adoption of these Conventions at the time have now substantially changed. In the face of the changes which have occurred, it is incumbent on the ILO to re-evaluate the relevance of existing Conventions, their effectiveness and their suitability in today's world. We support the proposal in the Director-General's Report that the ILO should review Conventions which, in spite of their relevance, have not been ratified because their provisions are considered too rigid. We agree with the Director-General's statement that a Convention should aim at defining a general framework, leaving the more detailed provisions to a Recommendation.

Based on the poor state of ratification of existing Conventions, we would urge the Conference to refrain from considering adopting more Conventions. The resources available to the ILO should be better utilized to promote wider ratification of existing Conventions and to strengthen technical assistance to member States.

On the subject of technical assistance, we are concerned to learn from the Director-General's Report that "Official development assistance channelled through the United Nations system and other resources for technical cooperation are stagnating or even declining ... While the ILO has so far managed with great effort to maintain and even increase its relative share of the funds available from traditional sources, the absolute volume of such funds has sharply declined and will probably continue to do so". Therefore, it is important for the ILO to seek funds from new sources in order to finance and sustain existing and new fields of technical assistance. Since the ILO has to compete with other organizations for financial resources it is important for it to ensure that the products and services offered under technical assistance are of high quality and relevant to the needs of the recipient countries. We would like to emphasize that the ILO should not make technical assistance conditional upon ratification of any Convention. Nor should technical cooperation be viewed in terms of reward or punishment. To do so will only result in ILO technical assistance being directed to member States least in need of such assistance. This will only help to widen the gap further.

The employer community in Malaysia has always appreciated and accepted the fact that employees are the ultimate resource and sees the need to place great emphasis on developing human resources. In 1993 the Government introduced the Human Resources Development Act, which requires employers in the manufacturing sector to contribute 1 per cent of their payroll to the fund to be used to promote skills. Appreciating the urgent need to equip employees with the skills required to meet ever-changing developments in technology, employers willingly contribute to the fund and are actively involved in training programmes to upgrade the skills of their employees. The good relations between the social partners in Malaysia has enabled the country to achieve a creditable economic growth of 8.6 per cent in 1993, compared with 7.8 per cent in 1992. Malaysia has also been fortunate in that growth has taken place within quite low inflation, which has declined to 3.6 per cent in 1993. Indications for the current year are that GDP growth will still exceed 8 per cent. Thanks to a thriving private sector, unemployment has gone down to under 3 per cent, which means that everyone in the country able to work can find employment. In fact, the country is facing a labour shortage and is host to over 1 million foreign workers.

Our delegation shares the views of the Director-General that the future of the ILO must be seen from the perspective of the international community's determination to be master of its own destiny. Let us not try to reach for an ideal which we know is impossible to achieve.

Mr. THOMAS *(Government delegate, Grenada)* – On behalf of the Government and people of Grenada and on behalf of my delegation I wish to congratulate the President on his election to the highest position in the 81st Session of the Conference of the International Labour Conference.

I also wish to express thanks to the Director-General for his Report on *Defending values, promoting change – Social justice in a global economy: An ILO agenda.*

The Director-General has rightfully remarked that "we are now witnessing a drastic acceleration in the globalization of the economy ... which is a source of hope for some and of distress for others".

Poor, small, Third World countries like my own, Grenada, recognize that this process of globalization has called into question a number of concepts and fixed ideas which we had grown to accept. It is our conviction that while we need change, such change must result in the achievement of overall social justice within the global economy.

Defending values must mean the maintenance and even the enhancement of the standards which the ILO has developed over the years. These standards attempt to ensure for all peoples the elimination of poverty, the development of human rights, equality of opportunity and treatment, and conditions of work that are not degrading. There should not be one standard for members of the EU, NAFTA, the Pacific Rim and countries of the North while there are other standards for the countries of the ACP, the Third World or countries of the South.

The fact is that poverty is increasing among the poorest countries, that over a 30-year period the richest countries increased their share of global GNP from 70.25 per cent to 82.7 per cent and that income inequalities between the top 20 per cent and the bottom 20 per cent of all countries doubled in favour of the richer nations between 1960 and 1989. This tells us that something serious has gone wrong. The ILO's promotion of change must be a step in the right direction.

But the change must not compromise section IV of the Declaration of Philadelphia, part of which I quote: "Confident that the fuller and broader utilization of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products ..."

Let us, as we promote change, help to achieve at least the last part of that quotation. The prices received for primary products of the developing countries are very unstable and able to buy less and less of the manufactured goods of the developed world, which are constantly increasing in price. This means that if there is no stability in the prices paid for primary products, the downward trend of the poor countries will continue.

Despite the gloomy predictions for the Third World, there are signs of improvements in certain areas.

The disintegration of the communist bloc must have been accelerated by the pressures brought to bear by the ILO and its insistence, among other things, on freedom of expression and association. We are, however, distressed by what can be called virtual civil war in Europe, Asia and Africa, and the ILO must therefore, along with the civilized world, redouble efforts towards achieving universal peace.

Recent events in South Africa have given us hope that there can be a solution to the worst problems, but we must not now rest on our laurels. Free elections and the selection of a government representative of all the people of South Africa cannot guarantee proper labour standards, provide more jobs or eliminate discrimination. The ILO's job has therefore now begun. The ILO must provide programmes for job creation, vocational education, the upgrading of labour standards, the promotion of equality, help in accessing long-term economic and development assistance, narrowing the income gap and the development of effective trade unions and employers' organizations with the proper attention and attitude concerning industrial relations.

We note with interest that the ILO's structure has changed from being based on regional centres and technical advisers to the use of multidisciplinary technical teams. We also note the new policy aims. It is yet early to assess the change, but it is Grenada's hope that the Caribbean multidisciplinary team now assembled in Port-of-Spain, Trinidad, will provide the advice and guidance which reflect our particular needs.

I cannot conclude without expressing Grenada's best wishes on the celebration of the ILO's 75th anniversary, the 50th anniversary of the Declaration of Philadelphia and, of course, the 25th anniversary of our own Caribbean office.

Time will not allow me to detail the many activities undertaken in Grenada. So far we have had newspaper supplements in four local newspapers, a postal cancellation stamp in use at the General Post Office and a week of activities in the period from 22 to 28 May.

My Government has also agreed to the ratification of Convention No. 87 concerning freedom of association and the protection of the right to organize, Convention No. 100 providing for equal remuneration and Convention No. 144 dealing with tripartite consultation.

Our celebrations include an essay competition open to the 4th and 5th formers of the secondary schools in our country on the topic of "The role and function of the ILO".

Finally, I wish to reiterate Grenada's commitment to the principles of the ILO and I also wish again to extend best wishes on the occasion of the various anniversaries.

Mr. SUNMONU *(representative, Organization of African Trade Union Unity)* – Permit me on behalf of the Organization of African Trade Union Unity and of the entire working population of Africa to congratulate the President and the other Officers of the Conference on their well-merited election. Permit me also to thank the Director-General for his brilliant Report.

On the occasion of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, I would like to add our congratulations to our unique Organization, the ILO, for a life devoted to the improvement of the people's working conditions, social justice and the alleviation of poverty throughout the world.

Regarding the past and future work of the ILO, which the Director-General has ably treated in his Report, permit me to make the following observations regarding the ILO mandate, tripartism, employment, structural adjustment, globalization and the ILO and Africa.

Firstly, with regard to the ILO mandate, it is our considered opinion that the ILO should not abandon its *raison d'être*. It should stick to its core mandate, which was not only relevant yesterday and today, but will continue to be relevant for a long time to come.

When one thoroughly analyses most of the causes of the civil wars and instability in many parts of the world today, one comes to the inescapable conclusion that the lack of social and economic justice for the majority of the peoples of those countries is accountable for them. The selfishness, greed and lack of social conscience of a tiny minority of the peoples of those countries are responsible for this lack of social and economic justice. The push on the international arena for this selfishness, greed and lack of social conscience in the form of neo-liberal economic ideology may be the spark to a social bomb that could destroy our civilization if we do not take care.

This area of social and economic justice is the area in which the ILO has a comparative advantage over all other United Nations agencies, and it is the area in which the ILO has to assert its moral and global authority, now and in the future. This is the way forward for the ILO and its unique global tripartite constituency in order to avoid the looming explosion of social bombs everywhere. Any "new order", whether economic, trading, social or political, which lacks social and economic justice as a basis, will not guarantee lasting peace and prosperity.

On the subject of tripartism, the unique 75 years' experience of the ILO in this area is second to none in the world. We reaffirm our faith in tripartism and the rigorous attachment to and promotion of it by the ILO and its constituents. Tripartism should also be promoted and strengthened at the national level in each ILO member country.

The Director-General's proposal for the inclusion of other social actors in the tripartism of the ILO is not acceptable, as it will complicate rather than enhance the work of the ILO.

Employment has become one of the greatest headaches of all governments, both developed and developing. In our view, the present approach to employment is inadequate and lackadaisical. The ILO should go back to the drawing-board and promote the "basic needs" approach to development, which it championed in the early 1970s. Employment is not only a basic need, but also a fundamental right. Promotion of basic needs, such as employment, food, housing, water, electricity, transport and communications will not only improve the lives of the people, but also contribute to peace and stability.

We reject the spurious arguments of "neo-liberal marketeers" that governments have no business in business. There is no economic law or theory saying governments cannot engage in business or make profits. Governments have both a social and moral responsibility to satisfy the basic needs of their peoples. Business, whether big or small, has neither the social conscience nor the moral obligation to provide for the basic needs of the people. Therefore, African workers and the Organization of African Trade Union Unity join the overwhelming majority of the African peoples in unequivocally demanding and insisting upon the rights of African governments, and of governments throughout the world, for that matter, in engaging in any business of their choice. It is not the business of any undemocratic institution to dictate the path of their economic development to elected democratic governments.

Turning to structural adjustment, while there is consensus for the need of structural adjustment of the economies of the world, there is divergence as to the way and manner this should be carried out. As the time-limit will not allow for detailed elaboration, permit me to say that all the socio-economic interest groups, including the workers and their trade unions should, as a right, be actively involved in deciding the objectives of the structural adjustment, what should be adjusted, what sacrifices should be made, and how the fruits of the adjustment should be equitably shared.

In addition, the socio-economic interest groups should also be actively involved and should participate, along with the governments, in the design, negotiations, implementation, management and monitoring of the structural adjustment programme, whether at the enterprise or the national level. As well enunciated by an African proverb which says "you cannot shave a man's head in his absence", so also should economic decisions that affect people's welfare not be made in their absence or without their consent.

The ILO should therefore assist its tripartite constituents, especially the workers, to strengthen their capacities to effectively play their role in the economic policies of their countries or workplaces.

The ILO should be a major actor or player in the United Nations system and not a fire-fighter or damage controller of the destructive social and economic policies of other United Nations agencies or international institutions.

Globalization means different things to different people. In a discussion with a colleague of mine from an industrialized country a few months ago, I told him what globalization means to people in developing countries. May I have your indulgence and repeat what I told him, "Globalization to the people of developing countries is the cornering of the world trade, economic resources and technology by the transnational corporations for the transnational corporations in the name of the powerful government of industrialized countries, against the present and future interest of humanity". That is what globalization means to the people of the Third World. That is why the transnational corporations have become so powerful and thus uncontrollable, even by their home governments. The preliminary assessment of the recent GATT Agreement of the Uruguay Round by the 30th Assembly of the Heads of State and Government of the Organization of African Unity, which ended in Tunis two days ago, lends justification to my definition of globalization.

Lastly, turning to the ILO and Africa, we would like to see the ILO increase its technical cooperation activities in Africa. The application of ILO standards and supervision in all parts of the world, including Africa, should continue.

The assistance of the ILO to its constituents in Africa, especially workers, in the areas of workers' education, standards, social security, health, safety, environment, women, youth, employment, etc. should be increased to improve the human resource development of their members and the capacity building of their organizations.

We would also like to see a qualitative and quantitative increase in the number of African personnel within the ILO. It is sad to note that Africa is the least represented continent among the top-level personnel of the ILO, and the situation should be urgently readjusted in order to justify the universality of our unique tripartite organization.

In conclusion, I wish the ILO a happy 75th birthday and many years of service to humanity.

Original French: Mr. CECCHETTI *(Government delegate, San Marino)* – I should like, first of all, on behalf of my delegation, to congratulate the President and the Vice-Presidents on their election and wish them every success in their work.

Our congratulations and thanks also go to the Director-General for his Report, *Defending values, promoting change*, which he has submitted to this 81st Session of the International Labour Conference. Whereas we might have expected that this Session would be given over to festivities of all kinds, it has, in fact, been called upon to examine a document which invites us to reflect upon the role, structure and future function of the ILO.

After describing the Organization's terms of reference within the United Nations system, the Report then goes on to note political, economic and social changes which have occurred on the world scene and concludes that the ILO must take a fresh look at its own objectives if it is to be able to play fully its role of promoting and guaranteeing social justice.

The Republic of San Marino is in full agreement with the proposals of the Director-General, and agrees that it is vital that we join together to rethink, improve and reorient our activities to meet the needs of today's world – and the world of tomorrow; and that our final objective is to ensure that each and every person has access to employment in conditions of human dignity, where he or she can fulfil their potential and develop their natural talent and creative skills.

In this context, I should like to point out that in the Constitution of the Republic of San Marino, work is defined as the right and duty of every citizen. This universal principle is also translated into reality, thanks to the joint commitment of the Government and the social partners. Consequently, we believe firmly that tripartism is a principle which we must continue to uphold because it is still just as important today as it was in the past.

Reiterating and upholding the standards and principles which were a source of inspiration to the founders of the ILO, i.e. safeguarding fundamental human rights and the principles stated in the Declaration of Philadelphia, is no less important today than it was at the time. It is fair to say that there can be no economic development unless it is accompanied by very specific guarantees to promote the liberty, safety and the dignity of workers.

In addition to striving for fair and balanced economic development, and this applies particularly to the countries which are still trying to establish their own appropriate economic structures, care must also be taken to safeguard the rights of all those who, by their labours, contribute to such development.

The level and type of social protection we try to introduce must not hamper development and economic growth, indeed, the economy must be able to develop in a context of freedom and in conditions where respect is due to everyone.

Economic structures are constantly changing and adapting as new goods and services emerge, in particular as a result of the introduction of increasingly sophisticated technologies; by the same token, social protection standards must also be subject to a constant process of study and review.

In the opinion of the Republic of San Marino, some of the ILO's Conventions need to be reviewed and updated in the light of the economic and social upheavals which have occurred since these standards were adopted. With particular reference to the Conventions guaranteeing the fundamental rights of individuals, the ILO should strive to ensure that all its member States comply with them in law and in practice, as a sign of its firm determination to pursue the ultimate objective of universal social justice.

As the Director-General states, the ILO must continue to provide assistance and appropriate technical and legal cooperation to the developing countries.

Statistics relating to poverty, unemployment, underemployment and the "new forms of poverty" – to which the Director-General refers in his Report – could generate a sense of pessimism and distrust; and I would like to say that this sense of distrust is probably the worst scourge of our age.

For my part, I have every confidence in human beings. I have every confidence in peoples' resourcefulness, in their ability to discuss and find together the best ways of reconciling well-being and social justice.

In conclusion, I would say that the Republic of San Marino lends its full support to the Report of the Director-General and believes that his proposals are capable of giving renewed impetus to the Organization, so that it might reach its objectives and uphold the principles set out in its Constitution.

The World Summit for Social Development, which is due to take place in Copenhagen in 1995, is an event which keenly interests the Republic of San Marino and in which it places great hopes. The Republic sincerely hopes that the ILO, the leaders within the United Nations and the representatives of the social partners will be able to make a constructive contribution to the discussions and conclusions which will be adopted at that Summit.

For my part, my country sincerely hopes that at Copenhagen, as at Geneva within the ILO, all our discussions will pursue as a ultimate objective the enhancement and dignity of the individual.

Mr. BAROT *(Workers' delegate, India)* – On behalf of over 250,000,000 working people, and on my own behalf, I extend to the President our hearty congratulations and warm greetings on his election to preside over this historic session. Delegates representing governments, employers and workers of 171 countries are gathered here on this momentous occasion to celebrate this 75th anniversary of the International Labour Organization, the oldest and only tripartite agency of the United Nations, with the ideal of securing universal social justice. This session also coincides with the 50th anniversary of the adoption of the historic Declaration of Philadelphia, which proclaimed that poverty anywhere constitutes a danger to prosperity everywhere. It is, therefore, in the fitness of things that a representative of the producers of wealth has been unanimously chosen to guide the deliberations in this session. The Secretary-General of the United Nations Organization, Mr. Boutros-Ghali, and others, have addressed this session – which only reflects the importance of this Organization.

Starting with an initial membership of 44 in 1919, the ILO is today truly universal, having 171 member States representing about 98 per cent of the world's population. India, as a founder member of the ILO, is proud in celebrating the 75th anniversary of this great Organization. Progressive labour policies of our country have been largely influenced by the standards set by the ILO. Indian labour laws have ben guided by ILO Conventions and Recommendations. India is ahead of many member States in ratifying ILO Conventions, and we have the proud record of having ratified 36 Conventions. A few more are in the process of ratification in this 75th anniversary year of this Organization that has as its objective: the constant improvement in the standards of living of men and women all over the world; the relentless fight against ignorance, misery and poverty; and the promotion of universal peace. As the Declaration of Philadelphia indicates, the war against want requires to be carried on with unrelenting vigour and by continuous and concerted efforts of workers, employers and governments.

The Indian National Trade Union Congress, the country's premier trade union centre, with which I am associated, has been, since its formation in 1947, contributing to and interacting with the ILO. It enjoys the record of being represented on the Governing Body of the ILO for the past several years.

The collapse of communism and globalization of the economy at a breath-taking speed, coupled with revolutionizing technological innovations and the consequent incomprehensible change in the world of work, have led to the proliferation of social and labour problems and a widening of the inequalities between States and within States, thus posing a challenge to the ILO in its mission for world peace by promoting social justice. I therefore compliment the Director-General for presenting to this session a set of precise and specific proposals for the agenda of the ILO in the present changing world. In the introduction to his Report, *Defending values, promoting change – Social justice in a global economy: An ILO agenda*, The Director-General has rightly stressed that tripartism is the most effective means to the realization of the ideal of social justice.

The main fall-out of globalization is that the quest for a new international economic order to ensure balanced development of the world has been given up. The inequalities between nations and within nations continue to widen. The hopes of promoting economic development of the poor countries and reducing the disparities at the heart of the world economy have been totally belied. "Between 1960 and 1989, the countries with the richest 20 per cent of the world population increased their share of global GNP from 70.2 per cent to 82.7 per cent. The countries with the poorest 20 per cent of the world population saw their share fall from 2.3 per cent to 1.4 per cent. The consequences for income inequalities have been dramatic. In 1960, the top 20 per cent received 30 times more than the bottom 20 per cent, but by 1989 they were receiving 60 times more. This growing disparity in income levels shows no signs of abating". At this point, I cannot help recalling the words of our all-pervasive leader, Mahatma Gandhi, that "the world has enough for man's need and not for man's greed". So, we will remember that. It was Mahatma Gandhi also who was responsible for promoting one union in India, and he formed the union which was known as the Textile Labour Association in 1917.

Another alarming outcome of liberalization in a free-market economy governed by market forces is the rapid growth of foreign investment. The Director-General has referred to the study conducted by UNCTAD, according to which the "impact on the world economy of the 37,000 (non-financial) multinational enterprises doing business in the early 1990s continues to increase. (There were only 7,000 such firms 20 years ago.) The sales of multinational enterprises outside their home countries in 1992 amounted to US$5,500 billion – considerably more than the world's total exports of goods and services, which came to US$4,000 billion, and trade between the subsidiaries of the multinationals accounted for one-third of this figure".

According to the International Metalworkers' Federation, just 1,000 global companies have a market value of US$7,727 billion – more than the size of the United States economy and five times more than the size of the leading European economies. There is no evidence of the multinationals transferring their latest technology or helping generate employment in the host countries in the Third World. Unionization is being discouraged, and the laws of the country pertaining to labour are blatantly flouted. Basic human rights and trade union rights are grossly violated. Further, the established domestic industries are forced to face the prospect of ultimate closure because of the unfair competition from the multinationals with their superior technology. This leads to more unemployment and the adoption of a market economy enjoins the withdrawal of a State's intervention from the economic sector.

The time has come for the three constituents of this tripartite organization to think of some special transnational mechanisms so that the ILO principles are incorporated in the employment and human resource policies of these determinant global employers.

I fully agree with the Director-General that poverty and unemployment are endemic to our planet and no country can ever hope to resolve the problem on its own. In India, these two problems continue to defy solutions. Ever since independence, 39.3 per cent of our population continue to languish below the poverty line despite the tremendous advance made in many industrial sectors. The projection of unemployment by 2000 AD is 106 million. I fully subscribe to the Director-General's view that labour legislation alone is not enough for every person to have the opportunity to find employment. The last World Employment Conference was held way back in 1976. Therefore, I would like to suggest that the ILO should take the initiative to launch another World Employment Programme, and a special session of this body should be convened for the purpose of looking at the problem of unemployment throughout the world.

The Director-General has referred to the move from some of the constituents of the ILO to bring labour standards within the purview of the World Trade Organization by incorporating a social clause into multilateral trade agreements. We do not accept the linkage of labour standards with trade. It is nothing but a disguised justification for new forms of protectionism. It is an attempt to return to protectionism and impose non-tariff barriers; levying a countervailing duty on imports from developing countries aimed at offsetting labour costs is tantamount to asking the poorer nations to pay for their poverty. It is obvious that this sudden concern about the plight of labour in the Third World is only to deprive the developing countries of their only competitive advantage. The social clause is a punitive clause loaded too heavily against the developing countries.

Child labour is a phenomenon which is more important as far as we are concerned. The estimated figure of child labour all over the world is about 200 million, but the existence of the child and bonded labour is a legacy of the colonial rulers, who never wanted the long-term development of their colonies.

Our Labour Minister, in his address to the previous session of this Conference, effectively pointed out that child labour is a silent and tragic emergency of our times. We should tenaciously investigate all the feasible modalities.

Mr. SUNDERAM *(Workers' delegate, Sri Lanka)* – It is my great pleasure and honour to address this august assembly, as the Workers' delegate of Sri Lanka, on the historic occasion of the 75th anniversary of the ILO and of the 50th anniversary of the Declaration of Philadelphia, and to congratulate my colleague and friend Charles Gray on his election as President of this session of the International Labour Conference – a well-deserved tribute to a dedicated trade unionist who has served the cause of labour with great distinction.

I would like to extend the fraternal greetings of my own organization, the Ceylon Workers' Congress, and the other two workers' organizations, the Yathika Sevaka Sangamaya and the Lanka Yathika Estate Workers' Union to this Conference.

It also gives me great satisfaction to extend a special welcome to the delegation of the first non-racist democratically elected Government in South Africa and in particular to salute the independent trade union organizations for their courageous struggle to end apartheid and achieve the liberation of their country.

Since its inception, the ILO over the past 75 years has an impressive record of achievement in improving the conditions of work and promoting the economic and social security of workers. Much has been done but much more requires to be done in the face of new and increasing challenges in a changing world.

It is therefore of paramount importance that we should take this opportunity at this historic session to focus on the tools, methods and structures that are necessary to equip the Organization to achieve its central objective of social justice and peace. I am indeed grateful to the Director-General for his thought-provoking Report, which should facilitate a stimulating discussion leading to practical conclusions for the guidance of the Governing Body and the Director-General.

The Declaration of Philadelphia, which highlights employment promotion and poverty alleviation, is not only of special significance to workers but is, indeed, an imperative for sustainable development. Despite the endeavours of the ILO and other relevant international organizations, it is distressing to note that inequality between States and within States has increased and unemployment and poverty have grown to alarming proportions.

The UNDP *Human Development Report* of 1992 highlights the position starkly. To our dismay, poverty has spread in the developing world. There are many countries caught in the vice of the international debt crisis, which have experienced a reduction in per capita income. But what is important to note is that poverty has increased not merely due to a lowering of incomes but also on account of increased inequality within these countries, and even though there has been a fall in poverty, as in certain Asian countries, an improvement in the distribution of incomes has not taken place.

As the Director-General states, the challenge for the ILO is "how to guarantee fair treatment and protection for those who are most vulnerable". The constructive proposals which the Director-General makes to cope with this crisis, and those which he will formulate in the future, should not be based on the misconceived idea that employment can be promoted by withdrawing existing workers' protection. It is fundamentally wrong and a violation of its mandate for the ILO to accept the notion that a reduction in the quality of employment is justified by an increase in the quantity. In the light of the challenges with which it is faced, the ILO needs to formulate and implement, in association with other relevant multilateral institutions, a comprehensive strategy for protecting and promoting employment and alleviating poverty globally.

There can be no question that the ILO must respond to the changes that are taking place in the world by reviewing and revamping its methods and programmes of action in order to ensure that its objectives as enshrined in the Preamble to the ILO's Constitution and in the Declaration of Philadelphia remain inviolate. It is particularly heartening that the Secretary-General of the United Nations, in his inspiring address at this session, should have called upon us to mark the 75th anniversary by rereading the Declaration of Philadelphia and rededicating ourselves to its principles and ethics in order to chart a course of action for the future. We are encouraged by the emphasis that the Secretary-General has placed on the need to guarantee the right to work as an essential ingredient of human dignity in the context of worldwide unemployment which he alludes to as "a permanent reproach to all our societies". His stern warning that the increase of poverty, particularly in the developing countries, and the rise in world unemployment have created new tensions that threaten international peace and security, brings into sharp relief the need for the ILO to address itself with renewed vigour to a major responsibility that is central to its core mandate.

The World Summit for Social Development, scheduled to take place next year, presents the ILO with an unparalleled opportunity to apply its outstanding experience and expertise relating to the social dimension of development and the pursuit of social justice acquired over a 75-year span, and to play a leading role, not only in the preparatory work for the Summit but in ensuring that it realizes its purpose of formulating policies and measures to alleviate and reduce poverty, to promote productive employment and to enhance social integration. It is also of great significance that the Secretary-General of the United Nations has assured the ILO, in his address, that it will have a leading role in implementing the recommendations and programme of action resulting from the Summit. Needless to say, the workers and their organizations look forward to full tripartite participation in the Summit and its follow-up with great expectations, and this should give the ILO a new and much needed impetus in the pursuit of its goal of social justice.

The dignity of working people is given pride of place in the Declaration of Philadelphia which proclaims that "labour is not a commodity". However, what is the reality after 75 years of the ILO's existence? Despite the end of the Cold War and the winds of democratic change that are alleged to be sweeping across the world, freedom of association and expression are being violated with impunity by authoritarian regimes as well as so-called democracies. The conclusions of the Governing Body Committee on Freedom of Association bear ample testimony to the continuing violation of human and trade union rights. It is therefore gratifying that the Director-General has recognized that human rights is a high priority responsibility of the ILO in its task of promoting social justice and particularly vis-à-vis the application of the Conventions which relate to freedom of association, forced labour and discrimination, which are of vital importance to workers and their organizations.

It is unfortunate that the proposal to introduce a social clause has given rise to fears and anxieties about its impact on developing countries. It is imperative that a serious dialogue should be initiated and continued under the auspices of the ILO between the protagonists of the social clause and those opposed to it in order to allay such fears and misgivings, as the consequences of failure to reach an accord could result in the imposition of protectionist barriers, and could impede the beneficial effects of the recent Uruguay Round and possibly lead to a trade war detrimental to workers' interests.

It is unfortunate that the international financial institutions, notably the IMF and the World Bank, have failed to take into account social and labour priorities and involve workers' and employers' organizations in the formulation of structural adjustment programmes. The ILO must play a positive role to assist the social partners to participate actively in developing balanced and socially acceptable adjustment programmes and to ensure that it is accorded the status of an equal partner with the Bretton Woods institutions in promoting the social dimension in structural adjustment.

Tripartism represents the life and soul of the ILO and gives it its main strength. The Organization should reinforce tripartism at the national subregional and regional levels and give priority assistance to workers' organizations to participate effectively in the formulation and implementation of economic and social policy. This should be considered a priority task by the newly appointed multidisciplinary teams.

International labour standards and the mechanisms for their supervision go to the heart of the ILO mandate. The ILO's standard-setting work must continue and should include the revision of existing instruments, where necessary. The failure of certain governments to apply basic standards and their refusal to comply with the rulings of the ILO's supervisory bodies causes serious concern. It is imperative that all ILO constituents should uphold the authority of these bodies and their established jurisprudence. The "soft law" approach of the Director-General is therefore not acceptable. On the contrary, innovative methods should be used to apply standards more widely and effectively and, in particular, priority should be given to the application of standards on freedom of association, discrimination and forced and child labour.

In conclusion, I wish this 75th anniversary session of the Conference success in charting a course which will generate a new momentum in the achievement of our cherished goal of peace and prosperity based on social justice for all.

Ms. ROOS *(Employers' delegate, Estonia)* – It is a real pleasure for me to say a few words on behalf of the delegation of the Republic of Estonia. I should like to begin by congratulating the ILO on its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia. It is a real case for celebration. In this context, I should note that to commemorate these events the International Conference of Social Security and Market Economy was organized by the Estonian Tripartite Council and the Ministry of Social Affairs of Estonia and held from 13 to 15 April 1994 in Tallinn. This is proof that the ILO's principles of social justice and tripartite cooperation have found a favourable echo in Estonia in its transition to a market economy. On behalf of the Estonian Tripartite ILO Council, I wholeheartedly thank the ILO Governing Body, in particular the Director-General, Mr. Michel Hansenne, and the Director of the Europe Regional Office, Mr. Oscar de Vries Reilingh, for their kind support and assistance to the Conference.

On behalf of Estonian employers, allow me to dwell upon that part of the subject that touches the activities and attitudes of the Employers' Confederation of Estonia in connection with the social security of employees in the privatization process and partnership at all levels.

As characteristic to the whole world, unities are created, later reorganized according to the development of the economy. The Confederation of Estonian Industry was established in 1992, taking into account such a development. The CEI is the main defender of the interests of the main branches of industry and a confederation of the unions of branches of industry.

The CEI is a confederation of 13 unions of industrial branches and large industrial private companies. The establishment of a stock company fell into the period when Estonia got back its rights in the ILO. The Confederation of Estonian Industry comprises currently about 110,000 industrial workers in the Republic having assembled 11 large industrial branch associations such as machine-building, electronics and electrical engineering, chemical, paper, food-processing, woodworking industries and fishing.

In accordance with the trends of the ILO, the fundamental aim of the CEI was changed. Its main function became the protection of the interests of industrial branches and industrial enterprises in the legislation process, helping to sort out disputes with the representatives of employers, ensuring agreements between unions representing employers and the Government.

The principles of the CEI for organizing the social security of workers are as follows: bilateral cooperation; settlement of disputes between employers and employees on an equal level; collective agreement; continuous cooperation with the Government; and organizing consultations for the development of legislation concerning social affairs; participation in the unions of employers; and cooperation with the Government and representatives of employers.

The CEI regards the approach to employment relationships as an important element in deciding how the head of an authoritative company accords with the demands of the market economy. It sees bilateral benefit in collective agreements: an agreement is a warrant of the working peace for the workers; working relations are regulated in detail in it; it gives the workers adequate information about the events in the enterprise – it is a source of information.

The CEI has achieved cooperation with the Government. Meetings with members of the Government have taken place, and the perspectives of the development of industry and relevant questions about privatization have been discussed. Joint consultations with the Ministry of Social Affairs were organized. The consultations regarded the governmental regulations and legislation in the field of social affairs, for instance, discussions regarding additional vacations, shortened working days in case of unhealthy jobs, underground jobs and special jobs, the Bill on Social Care, etc. We participate in the tripartite negotiations of the Committee on Health Insurance in the development of additional bills to be included in the Law on Pensions. These additional bills are related to special conditions for old-age pensions and pensions for years actually worked.

We see a direct need for the employers to participate in organizing training improving the qualifications of adults in order to decrease unemployment.

We participate in the activities of the Training Centre of the Technical University of Tallinn, where we see a good perspective of training highly qualified leaders of economy.

Our participation in the Expert Committee of the Ministry of Culture and Education is aimed at supporting the development of the structures of educational institutions and at developing cooperation between employers and training institutions. Our common request to the Parliament about special tax conditions in the new income tax law for employers active in organizing training and qualification courses originates from this Expert Committee.

The law now accepted has made it possible to reduce the costs of training and qualifications to be paid out of the income of a company.

The CEI has had good cooperation with the Association of Estonian Trade Unions since the early days of our activities.

The positive attitude of the Minister of Social Affairs in introducing the draft regulations and possibilities of consulting them have made it possible to organize common information days with the Labour Inspectorate, the Ministry of Culture and Education and the Central Board of Trade Unions of Estonia.

Transition stage and privatization process has reduced the members of trade unions. In new companies, small companies, the defender of the rights of the workers is missing and the employer does not have anybody to dispute with.

The income of foreign capital should enable the maintenance of present rates of employment in Estonia, but at present the process goes vice versa.

The training centres located at once large enterprises have been mostly liquidated now. Therefore, our employers do not have anybody to whom they could turn with their questions regarding working security.

We are accustomed to working out new trends, discussing the main principles of activities and collecting opinions only on the highest level. At the same time we have neglected the representatives of employers and employees *in situ*, although they, the direct tax payers, have a big part in organizing the social security system and in developing the wage and working conditions. As a result, several of the decisions are not fulfilled; even more, quite often nobody knows anything about the existence of such decisions.

In our future activities we regard as important: the ratification of the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), by our Government. This Convention under discussion in the Estonian Council; implementation of the Law on Collective Agreements of Estonia at all levels; finding means for the acceptance of the Law on the Social Security of Employees through tripartite consultations with the Government; and to finish preliminary work on the establishment of a voluntary system of security that would supplement social security at the state level.

We, the employers' Confederation, consider the directions of work of the International Labour Organization as a coordinating force and taking them into consideration we are doing our best to create just the kind of reliable economic and social policy that is needed by everybody in Estonia.

I wish you all very fruitful discussions and a successful Conference.

Original Laotian: Mr. SISOULITH *(Government delegate, Lao People's Democratic Republic)* – The delegation of the Lao People's Democratic Republic is deeply honoured and pleased to have the opportunity to participate in the present Conference of the International Labour Organization, which is celebrating its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia.

I would like to extend my congratulations to Mr. Charles Gray, who has been unanimously elected President of the 81st Session of the Conference and I am deeply convinced that with his skills and experience this Conference will indeed be most successful.

I wish to present my congratulations to the Director-General of the ILO for the important and informative Report he has presented, emphasizing social equality and justice and the associated issues currently faced by all nations.

During the last 75 years, the ILO has not only been a centre for coordination and exchanges of experience, data and information concerning labour between member countries but has also provided timely information about experiences and technical recommendations on labour management, services and development to member countries, while encouraging them to formulate provisions and regulations with the aim of bringing about justice and equality and reducing all forms of unfair advantage between employers and workers. At the same time, the ILO has acted as a substantial tripartite coordinator with the aim of establishing common responsibilities for the positive development of social justice.

The delegation of the Lao People's Democratic Republic has carefully examined the content of the Director-General's Report and agrees that equality and justice are not only currently threatened in the developing countries but are also major issues in the developed world.

The causes of the above problems include the uncertainty of labour, technological changes, market pressures and competition in business, which have a severe impact on the stability of employment.

The Lao People's Democratic Republic is engaged in a comprehensive renewal process and is developing extended external economic cooperation. Our country is also firmly turning to the market economy. Based on the Lao Government's policy and provision of full facilities for the promotion of foreign investment, including socio-economic development plans which focus on the country's potential in terms of natural resources and its excellent geographic location, the Lao People's Democratic Republic is a major and interesting point of attraction for foreign investment. To date, our Government has licensed about 500 foreign investment projects from some 30 countries whose estimated value is US$800 million.

It is expected that by the year 2000 foreign investment will amount to more than US$2 billion.

Simultaneously with economic development the Government of the Lao People's Democratic Republic foresees and is planning ahead in order to counter potential negative influences on social issues. The Government, therefore, needs to apply adjustment measures, for example industrial development planning will formulate periodical and continuous programmes with a view to reducing unemployment. Lao economic structures should be such as to encourage the simultaneous development of industry, agriculture and services, since the sectors of agriculture and services in Lao, in addition to their role of national economic impetus for the establishment of a basis for industrial development, will help to provide continuous employment for a great number of individuals. The issues which remain to be solved in the immediate future are the development of labour skills and stable services simultaneously with the creation of year-round employment in rural areas for farmers. It is to this end that the Government is focusing on the development of an adequate infrastructure for future development.

Our Government has the firm intention of protecting and developing social equality and justice through the Constitution and through rules and laws. For instance, on 1 July 1994 a new labour law and a new foreign investment protection and promotion act will be promulgated whereby the Lao Government has tried to adapt the new conditions with the aim of managing and protecting the interests of the State, employers and workers, to establish appropriate policies on wages, female labour and limitation working hours to of an eight-hour day, with strict measures against any transgression, such as forced labour, child labour, etc. An important point of the new labour law is its emphasis on the right to employment for all, without discrimination based on ethnicity, sex or economic, social or political status, and the right to establish associations for the protection of their interests. In the preparation of this new draft law, the Lao Government has received cooperation and advice from ILO experts.

Positive principles for the development of social justice and equality will most certainly be implemented in any country that intends to guarantee improved living conditions to the whole of its population, and where political and economic stability and steady development prevail. The development of social justice and equality will be gradually attained in this way. The Government of the Lao People's Democratic Republic, although it has not adopted all of the ILO Conventions has implemented them and no problems relating to the ILO fundamental principles have yet arisen, as has been reported to the ILO in our regular reports on the implementation of these principles. Our Government has also closely cooperated with the regional ILO office in Bangkok and several projects have received assistance and support from the ILO.

Due to the fact that the Lao People's Democratic Republic will conduct its socio-economic development along the principles of restructuring, meeting the requirements for the development of human resources in order to support the increasing number of new programmes will call for additional assistance and support from the ILO and other international organizations, including friendly countries, and it is sincerely hoped that such assistance will be provided, for which the delegates of the Lao People's Democratic Republic wish to take this opportunity to express their most sincere thanks.

May the Conference be successful in attaining its goals.

Mr. RAMAN *(Workers delegate, Fiji)* – I join the other speakers who have taken the rostrum before me in congratulating the President on his election to the high office of this great Organization. I do so with a special sense of pride as Mr. Gray is a colleague of mine of long standing whose qualifications to occupy this high office are second to none.

Also on this historic occasion, as we celebrate the 75th anniversary of the International Labour Organization, I bring to this Conference warm greetings and best wishes from the workers of Fiji.

Turning to the Director-General's Report, which is the subject of our current discussion, I must compliment him and his staff on the Report, which I believe is complete in providing the necessary details and is adequately incisive and visionary to provide the basis for a progressive and constructive appraisal of the achievement of the values the ILO stands for.

The necessity which motivated the establishment of the ILO some 75 years ago is just as relevant today as it was then and this must be seen as an indictment of the present generation. Whilst the advancement mankind has achieved in a whole variety of fields, especially in the technological field, would have been unimaginable 75 years ago, the lust of people in positions of power, both economic and political, to suppress and exploit the weak and the helpless is just as prevalent today as it was then.

The irony of it is that the exploitation of workers and the suppression of trade unions are carried out in the name of structural readjustment of the economies in many countries as a result of stipulations imposed by none other than the International Monetary Fund and the World Bank which are all arms of the United Nations. So we have on the one hand an international agency like the ILO utilizing enormous resources and energy in trying to alleviate exploitation and promote social justice, and we have on the other hand international agencies like the IMF and the World Bank who are acting as a parallel counterforce in propagating economic policies which compel governments to adopt measures aimed at eroding the conditions and standards achieved by many countries over many years of hard labour, and reducing workers to exploitative and poverty levels. In most if not all cases, these policies are thrust on the workers by first weakening their collective strength through measures aimed at drastically curtailing the rights of the trade unions. To overcome the problems created by the conflicting advice and services provided by the various United Nations agencies to the constituent governments, I suggest that all these agencies should first consult with all the social partners in the given countries instead of prescribing doctrines that cause irreparable damage.

The Government of Fiji fell victim to such structural adjustment philosophies when it unquestioningly espoused IMF-conceived policies of deregulation, privatization and value added tax in the face of strong opposition put up by the trade union movement. The Government's deregulation policy is slowly but surely destroying Fiji's industrial base and the jobs of Fijian workers are being taken away to the benefit of workers abroad as the markets are opened up to unrestricted imports.

The introduction of the value added tax has shifted the burden of taxation from the rich and well-to-do to the poor and helpless in society. On the one hand, direct income tax has been reduced whilst 10 per cent has been imposed on all consumer items, irrespective of ability to pay. Hence, one of the basic tenets of social justice – that the strong and wealthy pay more than the weak and helpless – has been chucked out. The end result naturally is that the poor are getting poorer and the rich richer.

The worst aspect of the IMF's structural adjustment policies that the Fiji Government adopted and has put into effect was that relating to the deregulation of the labour market. On this pretext the Government, through decrees issued in 1991 when there was a military-backed interim Government in place, imposed changes to the labour laws aimed at virtually crippling the trade unions. The Government has openly admitted that the curtailment of the freedom and power of trade unions was an essential prerequisite in pursuing the policies of economic structural adjustment as prescribed by the International Monetary Fund. The trade union movement in Fiji, led by the Fiji Trades Union Congress, protested vehemently against the imposition of this suppressive legislation, including by means of a report to the ILO, through the ICFTU, against the Fiji Government for violating ILO Conventions and standards. We are grateful to the ILO Governing Body for accepting our report and are pleased to note that the Committee on Freedom of Association has upheld our complaint that the legislative measures imposed by the Fiji Government in 1991 do in fact violate ILO Conventions in several respects. The Fiji Government has responded only nominally to the Committee's call for remedial action by withdrawing two minor aspects of the labour reform. The oppressive and objectionable aspects of the labour reforms still remain in the statute books. Therefore the Fiji Trades Union Congress will continue its fight to have the suppressive laws removed. Indeed we request the ILO to continue with its intervention and to hold the Fiji Government indicted unless and until the Government ceases to offend ILO Conventions and standards by taking remedial legislative measures.

It is becoming increasingly apparent that political leaders and economic planners are targeting the trade union movement and workers to facilitate the realization of their plans for economic development. However, in their obsession to achieve their goal, they lose sight of the very aim and purpose of such development, which must be the uplifting and advancement of the human race. Looking at the decline in standards of living that many countries of the world are experiencing, it is abundantly clear that they have lost their direction. There is a serious derailment of the objectives that the economic development efforts should be striving to achieve. Responsibility to put matters right falls to the ILO, which must pursue more vigorously its charter, which is to accomplish and promote social justice for all the people of the world. For the weak and the helpless of the world the ILO is still the only hope. In conclusion, I thank the President for giving me the opportunity to address this historic Conference.

Original Spanish: Mr. DUTAN ERRAEZ *(Workers' delegate, Ecuador)* – On behalf of the workers of Ecuador, I would like to congratulate the President on his election to chair this 81st Session of the Conference.

I also wish to congratulate the Director-General for having submitted such relevant issues in his important Report. First of all I would like to say something about the basic concepts put forward in the Report of the Director-General.

Unforeseeable changes have occurred in the world, and we are now living at a time of globalization. The centres of decision-making and power now transcend borders.

When we speak of globalization of capital, we refer not only to the internationalization of the relationship between capital and labour and the constitution of a world market under the aegis of the international financial institutions, as the Director-General emphasizes in his Report, but also to the globalization of the power structure, the creation of an integrated area of domination and the intention to impose a homogeneous culture worldwide.

Following the fall of the Berlin Wall a unilateral order was imposed, dominated by the Western countries of the Northern hemisphere. The Cold War did not end, but a winner emerged – capitalism.

The new power is based on the creation of a world State centred around global institutions, in particular the United Nations and the international financial organizations, such as the International Monetary Fund and the World Bank. The counterpart is the decline of the nation State.

Five years ago capitalism celebrated its victory over socialism and the apparent success of its experiments in neo-liberalism.

The paradox today, however, is that the victory of north-western civilization is occurring as it is in a period of decadence.

Five years later the new world order, made in the image of the capitalist transnational, is reaching its limits.

One of the clearest signs of this is Yugoslavia, in the heart of Europe; the new imperial geopolitical interests have ended in a fundamentalist confrontation between the three main civilizations now tearing each other apart – the Slavic Orthodox Christian, Western Christian and Muslim civilizations.

After five years of unilateral domination of transnational capitalism, the gap between rich and poor countries has widened. In 1969 the richest 20 per cent of the world population had an income 30 times that of the poorest 20 per cent.

The result is a world split in two, where 20 per cent of the people have access to the advantages of the technical and scientific revolution, while not only peoples, but whole countries and continents, are simply discarded.

The developing countries, with 75 per cent of the world population, barely represent 19 per cent of world GDP, their share having dropped by 23 per cent over the last decade. The share of Latin America in the world market has dropped from 7 to 4 per cent. Let us not therefore be surprised if we see that the Economic Commission for Latin America and the Caribbean (ECLAC) has noted that the number of people living below the poverty level in Latin America has increased from 112 to 184 million. This represents half of the population of Latin America.

The new world order has not prevented the degradation of the environment. This degradation is only one of the many dire consequences of this development model based on the search for economic growth and consumption, excluding human and environmental interests.

In the case of Latin America, the flow of capital abroad between 1980 and 1990, solely for the servicing of the external debt, was US$200,000 million, which represents 25 per cent of domestic savings. If we add to this capital flight and other payments, then the figure is more than double that, and represents 50 per cent of savings.

Our countries have achieved some signs of growth however. The developing countries maintained a steady growth rate of 5.1 per cent between 1991 and 1994. Nevertheless, the Gordian knot is still there: this growth has not led to a real accumulation of wealth but rather flows towards the imperial centres.

This growth has been achieved at high social costs and led to a deterioration in the standard of living of our peoples. Neo-liberal policies have led to a recovery of macroeconomic indicators, but have distorted the base of our economic development and mortgaged our sovereignty. Privatization policies and the total opening up of markets have eroded the possibilities of integrated human development of our countries.

A new paradox arises. The spread of democracy has not led to more rights and greater well-being for most of the world's population. It is a democracy of exclusion.

The East-West confrontation that characterized the twentieth century is now being replaced by a North-South confrontation that lies beyond the optimistic vision contained in the Report of the Director-General, who said that South is no longer the antithesis of North. However, this is no longer just a confrontation between socio-economic systems, but a battle of civilizations: but what is at stake is the meaning of human history. The confrontation is between the new world order and the new utopia.

The globalization made possible by the scientific and technical revolution created for the first time conditions in which humanity could be the shaper of its own history.

But in the form of transnational capitalism, the result does not give cause for new hopes for most of humanity.

We have to draw a distinction between globalization and world capitalism. The challenge here is to find new paths of civilization that can guide the new world order in a different direction. This is where the task of the ILO lies; this is how it can adjust its role to new conditions.

The resistance and utopia of the South: five years after the fall of the Berlin Wall, the Western illusion of imposing a capitalist utopia as the sole path for humanity has started to reach its limits.

The Chiapas indigenous uprising in Mexico is an explosive sign of the divergence in a divided world. At the same time as local financial groups have set their hopes on the North with the entry into force of the North American Free Trade Agreement (NAFTA), the Indian peoples and the social partners have testified to the collapse of the neo-liberal dream. The fires of revolt had already risen in the Palestinian intifada, the Caracazo in Venezuela and the San Francisco del Estero uprising in Argentina.

In our country too the workers and the popular movement are proposing alternatives to the intentions of the Government and the monopolies, which are trying to impose their fundamentalist neo- liberalism, which in fact comes down to changes in labour legislation with the introduction of greater flexibility in the Labour Code, allowing excessive exploitation in the form of subcontracting and part-time work, etc.

The Labour Code amendments were designed to eliminate a range of rights acquired by the workers over its 55 years in force. As a result the trade unions are subjugated, making it easier to dismiss workers and engage in fraudulent bankruptcy, ultimately destroying the organized resistance of the workers' movement.

The present Government has further developed this deathly model, with the imposition of the Law on Modernization, aimed primarily at privatizing enterprises and cutting back the State. So far 28,300 persons are reported to have been laid off; their fate is totally uncertain, and 25,000 more persons face redundancy in the course of this year.

Privatization of key businesses, in addition to being unconstitutional, robs the Ecuadorians of their social heritage, with dire consequences, since the sole aim of privatization is to make these enterprises more profitable – that is, we are having to pay the bill, ruling out any possibility of subsidies for needy sectors.

It is faced with models such as these that the United Workers' Front and indigenous and people's organizations have decided to join forces and mobilize themselves.

We see a new polarization between neo-liberal forces and the search for alternatives.

The end of apartheid and the ANC victory in South Africa and the peace accords reached by the Palestinian people are signs that the democratic forces in the world are recovering.

On our continent, despite a political ideological context, characterized by the hegemony of conservative ideas – especially neo-liberal ideas – as regards the organization of the economy and the functioning of the State and society, there is a clear electoral tendency towards the Left and democratic positions. In Brazil, the PT has come first in pre-election polls; the PRD is back in power in Panama; in El Salvador the FMLN is the second-strongest party, as is the Frente Grande in Argentina; and the PRD has a clear chance of winning in Mexico.

This resistance has worried the imperial centres and international organizations, which are beginning to speak of the need to give capitalism a human face. Fundamentalist neo-liberalism is beginning to be called into question in the ideological strongholds of the industrialized countries. There is a return to a neo-developmentalist approach, with social compensations to make the dictatorship of the market more attractive.

Our peoples have inexhaustible sources of an alternative approach to life. Solidarity and a harmonious relationship with nature, the strength of a direct democracy which would make it possible for there to be growing control by society over the State and the market, respect for diversity, a dream of freedom and equality – all these can still form the basis of a new destiny for humanity.

International organizations such as the ILO cannot become the mouthpieces of an ideology that justifies the capitalist utopia by providing it with a human face. Their role is to contribute to creating an alternative vision of civilization.

The choice before the workers of the world, including those in the countries of the North, is not between the virulent neo-liberal model and progressive capitalism with a human face, but between the limits of a decadent Western civilization and the possibility of building a new world order on the contributions of the potential of all peoples.

The ILO, based on its founding ideal, that of promoting social justice in the world, is in a special position to take up this task, first of all by becoming a forum for the discussion of alternative proposals on a worldwide scale. Tripartism ensures that there can be a direct dialogue between the main parties in our society in order to seek agreements that cannot be limited to the unilateral imposition of one ideology.

Is the choice going to be to continue on a path of economic development that subjugates human beings and destroys the environment? Or to restore the meaning of history: to set the prime goal of human development in harmony with nature, placing the economy and power at its service.

Mr. ADIYA *(Workers' delegate, Mongolia)* – It is a great honour for me on behalf of the Mongolian Workers' delegation to congratulate the President on his unanimous election to chair the 81st Session of the International Labour Conference.

I am particularly pleased to see the representative of the Workers' group presiding over this historic session when the ILO is celebrating its 75th anniversary. I also would like to extend our best wishes and warmest greetings to all delegates present at this session.

Mongolia embarked upon the road of a market-oriented economy from a centrally planned one. The totalitarian regime in Mongolia is over.

It is worthwhile to note that this process of democratization in our country coincides with the moment when the ILO is looking back and forward and when it is striving to increase its role and activities.

But the economic and social situation in Mongolia remains difficult and the living standards of the people have declined. Unemployment and poverty are spreading. Unemployment mostly affects young people who make up more than half of the total population of Mongolia. The Government is unable to change this situation and much remains to be done in this respect.

When one ideology prevailed in my country, Mongolia and its workers' organization could not fully use significant opportunities to cooperate with the ILO. Today a lot has changed since 1990 in my country and thus favourable conditions have been created for cooperation. I am happy to say that in recent years cooperation between the ILO Regional Office for Asia and the Pacific and our organization has successfully developed. I hope that this fruitful cooperation will be further strengthened.

Our workers' organization carries out activities independent of the Government, employers and any political parties. To protect the interests of Mongolian workers our organization initiated tripartite negotiations at the national level. Mongolia ratified the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), but we regret that recently the Government has submitted a draft law on public employees to Parliament which restricts freedom of association and the right to bargain collectively and to strike. Our organization does not agree with that position and cannot support the adoption of such a law by Parliament.

The Director-General presented to this session an excellent and comprehensive Report which deals with the present and future challenges facing the ILO.

We highly commend the ILO for its important role in promoting social justice and peace in the world. But it is recognized that social injustice is still a widespread phenomenon. In order to eliminate this phenomenon we have to promote better working conditions to ensure every person the opportunity of employment, to respect the right of freedom of association and to develop social dialogue to strengthen tripartism.

Bearing in mind these challenges we fully endorse the view of those speakers who underlined that we must revitalize the noble role of the International Labour Organization to make labour relations more human and strengthen its basic principles and functions.

The Director-General calls on constituents to recommit themselves to the goal of social justice, tripartism and the universality of ILO Conventions.

We welcome the Director-General's invitation and wish every success in his noble endeavour.

Original Russian: Mr. SALIKHOV *(Workers' delegate, Tajikistan)* – May I sincerely congratulate the President on his election to this high post and express our satisfaction at the fact that a representative of the Workers is leading the work of this anniversary session of the International Labour Conference.

This is the first time our delegation is participating in the work of the International Labour Conference. But we have always been conscious of the ILO's useful and essential influence on all aspects of the social and labour relations in our country.

We are particularly delighted to join in the ILO's activities at a time when it is celebrating its 75th anniversary and is drawing up tactics and a strategy for the future. The Report of the Director-General raises many questions. What kind of an organization should the ILO be at a time when the world is rapidly changing? This question forces all of us to give some serious thought to the question of what should be done in order to maintain our Organization as the "social conscience" of the world.

We can only agree that in the light of the structural changes taking place in all the countries of the world, the ILO is confronted with the problem of adapting its forms and methods of activity. This applies in particular to the standard-setting activities.

Over 75 years the ILO has created a genuine world code of labour legislation. We use ILO standards for guidance when we draft our own national legislations and when we set up tripartite systems for social partnership. It is very difficult for us as a young State creating its own legal system for labour relations to understand the position of those who are trying to weaken the importance of ILO Conventions and to convert them into mere advisory texts which are not binding on governments.

Our State, the Republic of Tajikistan, is a young State. We have to start everything from scratch. For us, the social and labour standards of the ILO are the basis on which we must build the entire legal basis for labour relations.

The situation in our Republic is extremely difficult. The level of production is falling. There is a payments crisis. The level of minimum social guarantees is dropping and conditions of work are deteriorating. The standard of living has fallen sharply. Of particular concern to the trade unions is the irregularity with which wages are paid. This leads to a situation where a large percentage of the workers are simply unable to provide their families with food. They literally fall into abject poverty. The question is not whether they are living above or below the poverty line, but whether they will live at all. Many enterprises are working below capacity or have stopped functioning altogether because of the lack of raw materials and other materials or because their production is not competitive. Unemployment is increasing. We therefore concur with the conclusions of the Report of the Director-General to the effect that the problem of employment is currently one of the most acute problems of our times. We fully support the proposal to submit a yearly report on the economic situation to the International Labour Conference. We believe that, in addition to a thorough analysis of the causes of the economic crisis, a report of this nature should also propose specific proposals for overcoming the crisis. For our young States and particularly for our trade unions, such a report would be of great assistance in our work to protect the interests of the workers.

We endorse the Director-General's position regarding the situation of the countries of our region when he says that their restructuring programmes have been implemented without taking into account their national particularities and the consequences they have on their societies. Our countries are indeed in a "desperate situation". But the situation is far worse than ILO experts can imagine. We cannot share the optimism of the Report when it says that all of these are temporary and transitional difficulties which are very soon going to be overcome.

The defence of human rights is extremely important to us. Indeed, the primary function of the ILO is to ensure observance of these rights, as the Declaration of Philadelphia states that the violation of human rights in any country harms the entire international community.

The trade unions of our republic are doing everything they can as their functions and objectives radically change to ensure their independence from government bodies and political parties and to increase their influence on all government decisions affecting the social and labour rights of workers. At our own initiative, our Parliament adopted an act on trade unions, their rights and guarantees for their activity, and has ensured that unions retain the right of legislative initiative. We actively participated in the adoption of acts on social partnership, collective bargaining and occupational safety. We can state with satisfaction that in all this legislative activity we constantly drew inspiration from ILO standards. We are counting very heavily on the ILO to provide us with its unceasing and productive assistance in the future.

Our trade unions are working in extremely complex and difficult conditions. In a worsening social and political situation, with armed confrontation and interference from certain foreign forces, the trade unions still managed to find their place in the life of our country. They are playing an important and creative role both in strengthening the Government and in protecting the basic interests of the workers.

The Council of the Federation of Trade Unions worked hard to obtain our membership in the International Labour Organization.

We have a great deal of hope for the further extension of ILO activities and the strengthening of its prestige and influence in the world. We are counting on it for effective assistance in solving the difficult and complex problems currently facing the workers of the Republic of Tajikistan.

Ms. MUKADI *(Workers' delegate, Indonesia)* – On behalf of the Indonesian Workers' delegation and myself, I wish to extend our warmest congratulations to the President on his election at the 81st Session of the International Labour Conference.

Allow me to express also on behalf of the Indonesian Workers' delegation my sincere appreciation of the Report of the Director-General in dealing with a matter of great importance, namely *Defending values, promoting change*. I am touched by the Director-General's statement: "True, it has not been an orderly retreat and uncertainty reigns in many places; but, all things considered, uncertainty must hold out more hope than the despair caused by an unjust social and economic order."

This year we celebrate the 75th anniversary of the International Labour Organization as well as the 50th anniversary of the Declaration of Philadelphia which recapitulates a history of humanism and heroism, when the ILO, in the aftermath of the First World War, emerged to give concrete form and shape to the social conscience of mankind.

There is still great inequality in the world, and new forms of inequality are appearing. The growing poverty in some regions of the world can be explained by increased inequality as well as inadequate growth of output. In others, where poverty has fallen, inequality nevertheless persists. Many countries, such as Bosnia and Herzegovina, are in a "desperate situation", with unemployment out of control and unprecedented poverty. The industrialized world is not immune from mass unemployment, fear of polarization, marginalization and "the growth of an underclass". The plight of millions of displaced persons must not be forgotten. The challenge for the ILO is how to deal with these changes, and "guarantee fair treatment and protection for those who are most vulnerable".

The role of the trade unions today is more vital, and more decisive than ever before in the progress of a country and in the global economy.

Asian workers and, in particular Indonesian workers, are fully aware that we still need more capital, technical know-how, professionalism, skill and experience to be able to play our part. But with your cooperation, combined with our will, courage, hard work, discipline and the natural and manpower resources we have, we are confident that we can meet the challenges ahead and overcome the difficulties.

There are three major challenges currently facing both the world and the ILO:

Firstly, the market economy has become the universally accepted standard. The State is withdrawing from the economic sector and privatization is taking its place around the globe. One of the most difficult problems today for almost all countries, particularly developing countries, is the persistent problem of unemployment. Those of us in developing countries recall with great hope that the Declaration of Philadelphia states that "Poverty anywhere constitutes a danger to prosperity everywhere" and this remains always the spirit of the ILO's basic task, viz. establishing for mankind a universal and lasting peace based upon social justice. In addition, governments, employers and workers throughout the world should cooperate by putting their greatest efforts into modernizing and developing world economies.

Secondly, the globalization of the economy, the expansion of the world trade in goods and services, international capital movements, including foreign investment, the inter-connection of financial markets, the growing share of multinational enterprises in total economic activity, technical innovations, ecology, the erosion of personal freedom, problems of the developing world and partners in all societies are important problems facing the world today. We would like to appeal to the establishment of the world to put some restraints on technological progress or at least to harmonize it with the progress of mankind as a whole, remembering that the aim of progress is to create a better world for future generations.

Thirdly, the proliferation of social problems. In many cases, the spread of poverty is not simply the result of the generally lower incomes; it is also due to greater inequality. But even in countries where there has been a significant drop in poverty levels, as in Asia, for example, there has been no concomitant improvement in the distribution of income.

We would like to express our congratulations to our brothers and sisters in South Africa. We follow with great interest the new developments and the situation in the country. On the matter of apartheid, it must be acknowledged that women have suffered the most severe forms of discrimination, and that the simple act of abolishing discriminatory laws will not eliminate discrimination against disadvantaged groups and, least of all, against women.

Awareness of the need for equality between men and women is not as developed as that of the need for racial equality, and much remains to be done on both these fronts.

The situation in the Middle East is improving. We sincerely hope that the ILO will be active in dealing with the changes taking place there. As we all know, history has proved that the ILO is an important constructive force in the history of mankind. We have full confidence in its ability to deal with the problems at hand. We maintain our faith in the Organization and look forward to its continued success in achieving social progress and justice in that area with the help of God.

I would naturally like to take this opportunity to reiterate also the Indonesian workers' continuing faith in the work of this international tripartite Organization, and their readiness to cooperate fully in attaining economic growth. Admittedly, not everyone has a share of that economic growth and for those that do, it is often very unfairly distributed.

During more than 75 years of existence, the ILO has done good work on behalf of world labour and has played an important role in safeguarding, defending and promoting the fundamental rights of men and women in achieving social justice. We are confident that the ILO will continue to do so in the years ahead.

Finally, in accordance with the spirit of the International Year of the Family, I am quite sure that Mr. Gray is the right man to chair this session of the Conference. Not only has he been a brave and strong fighter in promoting the interests of workers in general, but he has also supported the case of women workers throughout the world. In keeping with the theme of this session of the Conference, I can affirm that he has spent his life trying to promote change in this world for more social justice in the global economy.

Mrs. CHITAURO *(Deputy Minister of Public Service, Labour and Social Welfare, Zimbabwe)* – It is indeed a great honour for me to have this opportunity to address the historic 81st Session of the International Labour Conference on the occasion of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. On this momentous occasion, I wish to extend my sincere congratulations on behalf of my delegation to the President of the Conference, Mr. Charles Gray, on his unanimous election, and all the Vice-Presidents and Officers of the Conference, under whose guidance, I have all the confidence, this session of the Conference will meet the expectations of all member States.

At the outset, I wish to extend special congratulations to the delegation of South Africa and, through them, to their democratically elected Government and to their people upon their country's recent entry into the ranks of the ILO after a 30-year hiatus. It indeed gives me great pleasure to note that the vicious system of apartheid has finally been committed to the dustbin of history, for it had, for many decades, laid waste to the social fabric of that country's people. Its giving way to democracy ushers in a new era, not only to South Africa itself but also to the rest of the southern Africa region and to the African continent as a whole, as we endeavour to uplift the political, economic and social well-being of our people within the region. The ILO should now assist the new democracy, upon request, through the provision of requisite expertise and technical assistance so as to redefine the work environment in that country.

At this juncture, I wish to join previous speakers in applauding the Director-General of the ILO for his thought-provoking Report which seeks to transform the ILO in order to fully and effectively implement its mandate. Taking into account the present-day realities of a globalized economy, and the enormous international political changes arising from the demise of the East-West divide, it indeed is imperative that the ILO should seek to assume a new orientation in the discharge of its mandate. In this connection, I welcome the ILO's new active partnership policy with the full hope that this will considerably enhance our efforts in identifying solutions to overcome the challenging scourges of poverty and unemployment, and all member States should take it as an invitation to assess their contributions to the betterment of mankind.

I do realize and concur with previous speakers that the issue of the globalization of the international economy, underscored in the Director-General's Report, affects the projects, institutions and values which contribute to the achievement of our main objective of eradicating economic depravation and social injustice. For us to have lasting international peace and security, there is an absolute need to redirect our energies towards the creation of an enabling and conducive environment in our countries. To this end, there is need to adjust our economic policies to facilitate improved international cooperation. In this same connection, I welcome heartily the successful conclusion of the Uruguay Round of multilateral trade negotiations, seeking to bring down the barriers in international trade; the recent Jobs' Summit convened in the USA; the Informal Tripartite Meeting at the Ministerial Level on Employment which has just been held at this Conference; and, above all, the World Summit for Social Development, scheduled for next year in Copenhagen. I am hopeful that every effort will be made to address all the socio-economic woes bedeviling mankind today, and that effective and concrete solutions will be identified to enhance and consolidate peoples' standards of living. I do not have the least doubt that the ILO, being in the forefront in the fight against poverty and social inequity, will utilize all its resources to make a meaningful and exacting contribution to the Summit's deliberations.

Zimbabwe highly appreciates the work of the ILO/SAMAT office in Harare, which is making commendable efforts to prioritize our region's labour concerns in order to foster a coordinated regional labour approach to labour issues of common interest. In the light of the envisaged cross-border labour movement, likely to commence and intensify in the wake of the positive and encouraging developments in South Africa and the peace process in train in Mozambique, it is indeed timely that such a coordinated regional approach to labour issues is being pursued. There is no doubt that, as the region delves into closer economic cooperation, labour issues will assume a central role in consolidating political understanding and cohesion. In this context, it is quite appropriate that the ILO should be facilitating the realization of a closer understanding in regional labour relations.

As a country currently implementing an Economic Structural Adjustment Programme, Zimbabwe naturally has tremendous interest in areas such as poverty alleviation, employment, training and occupational health and safety. While our Social Dimensions Adjustment Programme has gone a long way in cushioning the poor and the retrenched from the impact of economic adjustment, its scope and definition still need to be made more comprehensive. We hope to achieve this through the Poverty Alleviation Plan which, as a social safety net, will hopefully adequately address the plight of the socially deprived members of our society. The ILO could significantly assist in this regard through the provision of expertise and technical assistance in line with the goals enunciated in the Director-General's Report.

With regard to labour standards, I am happy to say my Government is already making adjustments and amendments to certain legislation in order to ensure that international labour standards, including those pertaining to the abominable child labour, are defined and discouraged in the workplace. It is my hope that the ILO will continue to assist us in establishing fair labour standards and democracy at work as we pursue the goal of ensuring that all the social partners are party to the legislation that governs the nation.

Today's nations of the world are at the crossroads; we are increasingly becoming aware that no one man is an island, and no country can isolate itself from its neighbour. The impact of the labour force on national economies cannot be ignored. I am happy to note that the ILO provides a unique forum in which all relevant players are able to debate pertinent issues and agree on internationally recognized standards. In pursuing this, we need to exercise caution in determining universal labour standards.

While I sincerely appreciate the need to utilize the ILO in uplifting international standards of living, I also hasten to observe that different countries are at different levels of development. I therefore am of the conviction that, for any standards to be set up and effectively applied by all constituent members, it is of great importance that such standards do take cognisance of the different cultural norms, social traits and traditional values juxtaposed with each country's level of socio-economic development. In this regard, I do find the issue of the proposed "social clause" quite an appealing idea if only it can take into account the factors I have just mentioned.

In the same connection, there is need to clearly define the "social clause", agree on the modalities of its implementation before we can make firm decisions on whether or not to accept it as a labour standard. I believe it is highly desirable that, in our deliberations on this issue, attention should be duly accorded to its potential impact on the fabric of our societies that it and does not impinge on international trade and economic cooperation. The issue, in my view, still requires closer study and analysis with which, hopefully, the Office can sufficiently assist us.

In concluding my remarks, let me emphasize that the ILO constituents should work together at this Conference to further develop the basic principles of the ILO, and utilize their tripartism to forge a closer social partnership through which we can reach and implement meaningful and effective economic decisions for the benefit and betterment of our societies.

Original German: Mr. THÜSING *(Employers' delegate, Germany)* – May I join in the chorus of congratulations addressed to the President and the Vice-Presidents on their election. I am particularly pleased that in this year, which marks such an important event in the history of the ILO, the Conference should benefit from their experience and skilled guidance.

Things have started to move in the ILO, and that is a good thing.

In his Report, the Director-General gives an impressive demonstration of readiness on the part of the Office to play an active role in the discussion on the necessary reforms within the ILO. I welcome that state of affairs, and I should like to thank the Director-General specifically and explicitly for his commitment and for the wealth of ideas reflected in his excellent Report.

However, this wealth of ideas might actually constitute a problem. If I try and visualize how all these proposals and how all these suggestions would work in practice if they were actually implemented, then I can see that we would end up with a completely new, totally different Organization. I recognize that once necessary changes have been identified, they should be resolutely implemented with determination. Nonetheless, I do believe that we must exercise moderation and level-headedness. We do not want a new Organization; we want the old ILO, but better equipped to handle new tasks.

Let me just refer to some of the salient passages in the Report.

As far as standard setting is concerned I have a feeling that people have recognized that our traditional approach was perhaps misguided. We must give up the smug illusion that we can change the world by adopting complex and comprehensive Conventions every year in June in Geneva, which ultimately end up not being ratified. But it would seem that it is proving very difficult for people to draw the only obvious conclusion; namely, that we should confine ourselves to framing fewer standards, but standards which are more readily ratifiable, and use the resources freed as a result of this for increasing practical assistance.

I am inclined to take a somewhat sceptical view of the suggestion that we should fill the void which would result from a reduced level of standard setting by a sort of "soft law". I think that there are still many points which need further clarification. But for the time being I really fail to see the need for the ILO to add such a new "soft law", as it is already able to express its views in an appropriate way on matters within its own competence. Above all I think we should avoid introducing any new rituals which would be practised every year and serve no constructive purpose.

The Report confirms that the Office is perfectly aware of the importance of continuing to provide practical assistance to the countries in Central and Eastern Europe. This must remain a prime concern in the long term. I believe it is particularly important to support the emerging employers' organizations in these countries which are oriented towards the private sector of the economy; and I think here the Office would be well advised to draw on the knowledge and experience of the International Organization of Employers (IOE).

The Director-General rightly emphasizes the weighty, even dramatic, problems which are occurring in the countries undergoing a transition to a market economy. The problems they are facing are not a consequence of privatization; they are a legacy of socialism. And the continuation of this process of privatization is an absolute prerequisite for improved economic and living conditions in these countries. It is no coincidence that it is precisely in those countries where endeavours towards privatization have made the greatest progress, that we see the most positive signs of hope. I think that the Office should pursue this issue of privatization in its activities – and to a far greater degree than is suggested in the Report.

Economies throughout the world have become increasingly interdependent – and this trend is likely to continue. This is bound to have an impact on the work of the ILO; but I do not think that it is basically a new phenomenon. And yet the Report sees this state of affairs, for which the term "globalization" is more of a label than a definition, as a pretext for a thorough and extensive reflection on the future role of the ILO. I think this attitude is too one-sided and somewhat misleading. I should like to comment briefly on this.

I see a danger that the Report could be used to spark off a new wave of hatred against the so-called "multinational enterprises". Surely no one would deny that it is precisely these enterprises that have made a major contribution towards improving social standards, particularly in the developing countries. And, yet, the Report says: "even in the most industrially advanced societies, the rights of workers to information and collective bargaining are time and again being rendered meaningless by sudden unilateral decisions to relocate production". Now, may I ask you, are the multinational works' councils, which are supposed to be set up under the aegis of the ILO, supposed to be keeping tabs on the relocation of enterprises? I am sure that that is not the contribution which the developing countries expect from the ILO.

The Committee on Sectoral and Technical Meetings and Related Issues will be submitting proposals on a reorganization of their work to the Governing Body. I do not wish to anticipate the proposals which are the fruit of extensive evaluation; but I would point out that in the discussions within the Committee a very different approach is adopted to that in this Report, which suggests that there should be a major reorganization on the way in which the industrial committees should function.

The Report dwells at length on the problem of so-called social clauses. That is fair enough because I think it is only right that the ILO should discuss and determine its position with regard to this very topical issue. But I cannot help noting with some concern that there is a shift in the focus of this discussion. The Report refers to an early draft of the Constitution of the ILO which stated that one of the fundamental objects of international labour Conventions was: "to eliminate unfair competition". I admit that discussions were then taking place in a completely different context; but the objectives and the tasks of the ILO are enshrined in the Preamble to the Constitution – and I can find no reference to competition or trade anywhere in that Preamble. It is therefore all the more surprising to read in the Report that the ILO was conceived, and I quote, "to be an instrument for social regulation of international trade". That is precisely what it is not and should not become.

I do not, at this point, want to enter into a discussion on the pros and cons of these clauses; whether they are likely or not to achieve their commercial or social policy aims, or whether they are going simply to end up being wielded as a protectionist instrument by the strong countries against the weaker ones. What does matter, however, in my opinion, is that the ILO would become involved in trade relations between countries. And, I believe that, any increase in power and importance which would derive for the ILO from this position as a regulatory authority in world trade relations would carry a very high price. The Organization would sustain a loss in moral authority in its quintessentially own area of competence, namely the promotion of social justice.

By all means, let those responsible for trade discuss regulations of world trade; and should they come to the conclusion that certain social clauses would be a good thing – for example on the subject of compliance with the principle of freedom of association – then the ILO could be asked to play a role when cases of violation are identified; but its role should be no greater than that. And certainly, whatever happens, it should not require the introduction of any new monitoring or supervisory mechanisms.

The Report was right to broach this subject of social clauses. But I feel that the outcome of this discussion should be that now the issue is closed as far as the ILO is concerned.

I would like to issue a clear warning. We must be careful not to be tempted, in our commitment to reforms within the ILO and the work of the ILO, to sacrifice what the ILO is and what it is required to remain under the terms of its Constitution; namely a unique association of nations and peoples based on the principles of tripartism and voluntary commitment, whose aim is to contribute to greater social justice. That alone is already a very tall order. And, if we want to try and be more than that, I believe there is a danger that we shall fail to achieve what little we really can manage to do.

Mr. MUKASA *(Workers' delegate, Uganda)* – First of all, permit me to present my congratulations to the President and the other Officers for having been entrusted with the responsibility of conducting the business of this Conference. Judging from the unchallenged experience of Mr. Gray and the most able manner in which he has conducted the business of this Conference, I have no reason to doubt the successful conclusion of this session.

I would also like to add my voice to those who preceded me in congratulating the Director-General, all ILO member States, and the international community for the successful war against apartheid in South Africa. I further congratulate our brothers and sisters of South Africa for having survived to see the end of the independence struggle in Africa.

Yes, the Director-General's Report has certainly achieved its first objective, and that is by provoking quite a stimulating argument for most of the issues it contains. I am sure the subjects he selected, *Defending values, promoting change*, will remain issues for discussion by this Conference for some time to come.

I quite agree with the Director-General's reaffirmation of the ILO's established mandate: "to contribute to universal and lasting peace through the promotion and development of social justice", and his invitation to constituents to recommit themselves to the goals of social justice, to tripartism, and to adapting the ILO to new challenges. Indeed, these are widely established fundamental values and ideals of the ILO.

Everybody recognizes, with appreciation, the ILO's tireless efforts in the past 75 years in promoting better working conditions, combating all forms of inhuman exploitation of working people, and defending the right of workers to freedom of association, the right to collective bargaining, the right to information and to various forms of technical assistance for the better life of our civil society.

The proposed adaptation to new tasks should not therefore be seen as a waiver to the above-stated objectives upon which the founding members established the ILO.

The stated principle of social justice as one of the ILO's fundamental values, upon which lasting world peace can be established, is based on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). All member countries, and particularly government delegates taking part in celebrating the 75th anniversary of the ILO and the Declaration of Philadelphia, who are at the same time invited to examine the ILO's in-depth review of its future objectives and principles, must recommit themselves to the ratification of at least the three basic instruments, that is to say Convention No. 87, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Minimum Age Convention, 1973 (No. 138) and the Abolition of Forced Labour Convention, 1957 (No. 105).

On this point, I must slightly disagree with the view that so far the falling rates of ratifications are evidence that recently adopted standards are not really widely applicable, and the Director-General's suggestion that more appropriate use of flexibility clauses would be beneficial. This is not true, at least in my humble view.

The falling rates of ratification are mainly due to lack of proper enforcement machinery and the already flexible provisions of the ILO's statute and/or lack of member countries' real commitment to the most celebrated ILO values. The term "simple laws" may not be applicable in our case. The effect of simplifying the law is actually to dilute it and change its original intentions. Laws are intended to be complied with or otherwise; non-compliance is a violation.

I would, with respect, propose that the attainment of the original and future ILO fundamental goals and objectives would require the revision of the ILO Constitution to give this body more power in the enforcement of its standards. It will also require the member countries' seriousness in respecting their own work.

I do commend the Director-General for his continued recognition of tripartism being a highly effective agent for change, as well as a necessary component of real democracy, and his commitment to the task of promoting tripartism through assistance to workers' and employers' organizations and government labour ministries.

I also welcome the Director-General's proposals concerning how the ILO intends to act at a global level to promote employment objectives, but what is important here is actual transformation of the same, and practical results.

I support the suggestion of renaming this Organization the "International Organization for Employment and Labour". This shows the real concern and commitment of this Organization to the maintenance of employment.

Turning to the proposed social clause which has been viewed by some delegates as an attempt to establish a bad precedent to link ILO standard setting to the terms of international trade, I say the reverse is the case. It is already done.

The two Bretton Woods institutions assumed a position of unparalleled importance for most African countries and they now provide the single most important influence on their economic policies. In order to reduce labour costs, increase competitiveness and boost exports, jobs have been lost, terms of employment reduced, hence directly affecting ILO goals. ILO standard setting has been already linked with the terms of world trade.

The review of GATT has appropriately considered the review of environmental protection in the new World Trade Organization, i.e. the protection of animals and forests. What about the protection of civil society?

I am a trade unionist and I do not mind repeating it. In a world where economic power has shifted to international forces which are no longer accountable to government control, particularly in the Third World, and where social justice is constantly threatened by world trading arrangements, we need a global regulation of social rights and an international enforcement of the right of unions to exist, to organize and carry out collective bargaining, and to strike. That is protection of social justice.

Permit me to finally extend my and my organization's (National Organization of Trade Unions) gratitude to all international labour organizations, the ILO, the African-American Labour Center, the ICFTU, LO-Norway, LO-Sweden, the Danish Confederation of Trade Unions, the CTUC, the British TUC, and all International Trade Secretariats for their continued struggle in the protection of our civil society and trade union rights.

I am confident that by the time we celebrate the 100th year of the ILO's existence, the goals to create full employment and full establishment of social justice will have been attained.

Original Spanish: Mr. ESCOLASTICO PINZON *(Worker's delegate, Guatemala)* – "Commitment, mysticism, solidarity, hope, authenticity, honesty, and coherence should be the permanent values characterizing the institutions and leaders that have the responsibility, challenges and opportunities of seeking alternative solutions to the poverty and social exploitation affecting the majority of countries in the world today."

With these words of introduction, and on behalf of the Workers of Guatemala whom I represent here today, and on behalf of the Guatemalan General Workers' Organization, in particular, I congratulate the President on his election to the presidency. I also address the International Labour Organization and congratulate it on its 75th anniversary of fruitful work in the interest of the workers of the world. The ILO, as we know, is also celebrating the 50th anniversary of the Declaration of Philadelphia.

This moment is opportune to express to the Director-General of the ILO our congratulations on and satisfaction with the subject dealt with in his Report, that is to say *Defending values, promoting change – Social justice in a global economy: An ILO agenda.*

The presence of the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, his speech and the very interesting work of the ILO Committee of Experts on the occasion of this 81st Session of the Conference, are the best contribution and homage to the 75 years of existence of the ILO. On the eve of the twenty-first century, and in the light of neo-liberal developments which are taking place, the Director-General has made an SOS appeal in his Report to the International Labour Conference.

We agree with the Director-General in the goals which he sets out in his Report because, if there is anything today which is affecting humanity, it is the cynical pragmatism which exists and the critical lack of real values which exist at all levels of society, more particularly, questions relating to moral and ethical values.

As a consequence, the ILO also needs to undergo a process of renovation and redimensioning taking as a starting point the values on which it was founded so as to best be able to continue serving the world, particularly the world's poorest.

In this world, devoid of any sense of solidarity due in particular to the totalitarian effects of structural adjustments, and the market economy which are condemning millions of workers to unemployment and extreme poverty, the Report of the Director-General conjures up for us a sort of oasis when we read: "The future is particularly important for us because it invites us, as it did our founders, to secure the progress of social justice in the world of today and of tomorrow". Knowing the career of the Director-General and his experience, we are sure that these are not just vain words.

However, to pay due tribute to truth, it is necessary to make certain comments on what I consider does not fit well into this concept of social justice. For example, the phrases "Triumph of the market economy", and "the market economy has become the universally accepted standard" are, we consider, disproportionate.

With all due respect and firmness, I declare that, we the workers, refuse to accept this "triumph of the market economy", this savage mercantilism which has been fired by the inflationary processes we see in our countries where the majority of people have no access to basic consumer goods. Prices are tied to the dollar and wages remain frozen.

Here I would like to make reference to my own country, Guatemala, where as a result of structural adjustments, the market economy, state deregulation, service concessions and privatizations, unemployment and the informal economy are growing; poverty and destitution last year affected between 70 and 90 per cent of the population respectively. It is for this and other reasons, that the workers cannot accept the market economy and vehemently reject it as being unjust and callous. The market economy, in practice, contradicts and conflicts with the principles of social justice.

Equally, neo-liberal practices contradict and negate the values of human dignity, freedom, democracy and the general prosperity to which we all aspire.

In our Latin American countries and particularly in Guatemala, the victory of democracy was achieved after 30 years of war and the loss of many thousands of lives. However, we hope that this year we will finally sign and agreement of sound and enduring peace.

I would, therefore, like to draw the attention of the world, and more particularly European nations, which think, incorrectly, that because there are governments that have been democratically elected "our problems will melt away as if by magic".

This is wrong and they are mistaken. These democratic processes are today on the point of collapse and the assassins are: foreign debt, unemployment, abject poverty, violence, drug trafficking, the destruction of the trade union movement in farming, trade, processing and assembling of semi-finisheds, and public employment. Here there is something I must mention: the workers in trade unions are being persecuted by the National Police force and are in fear of their lives.

As regards the globalization of the economy and the social clause, there is urgent need for the trade and industrial agreements which are being signed as a part of economic globalization to be linked to the application of standards, on a tripartite basis, which guarantee recognition of acquired rights.

Of particular importance here are the agro-food sectors and, more specifically, the textile industry because it is here that we have a form of slavery – in many cases, much worse than the slavery of the last century. What is more serious is the subtle and apparently complicit attitude of the Government in not being firm and applying the law and in particular in not protecting workers' human rights. It is also necessary to implement provisions that give protection to working women and children and eliminate abuses and scandalous exploitation. Creating employment in exchange for suppressing rights and institutionalizing slavery should be studied with the greatest attention to rid ourselves once and for all of these vicious policies.

The social clauses should guarantee freedom of association, collective bargaining, etc. laid down in ILO standards.

And we also feel that we have to look at the question of substance rather than form, and I would like to refer to the insinuation of certain interests which would deregulate and make ILO standards and Conventions more flexible.

It is strange, and even an insult to the intelligence of the workers, that on the 75th anniversary of the ILO, in the context of neo-liberalism there is reference to the need to make standards more flexible.

I would like to reiterate here what I said before the Committee on Applications of Standards, that we should recognize the efforts and valuable work of the Committee of Experts on the Application of Conventions and Recommendations, in particular, with regard to freedom of association and collective bargaining.

I repeat our best wishes to the ILO on its 75th anniversary and in the face of the veiled intentions to destroy the why and wherefore of the Organization, and certain standards in particular, we declare our solidarity with and belief in tripartism, and see the future prospects of ILO standard-setting activities as a source of great hope, for, as has been said previously, they are the trademark and the backbone of the Organization.

To conclude, and in connection with the recovery of the values necessary to promote change together with social justice in a climate of economic globalization, I would like to refer to a reflection by Pope John Paul II, which is relevant to this issue: "History has shown that a democracy without values is easily converted into visible or disguised totalitarianism".

Original Afghan: Mr. ANWARY *(Minister of Labour and Social Affairs, Afghanistan)* – Permit me first to offer my congratulations, as well as those of the members of my delegation, to the President and the Vice-Presidents on their election to this 81st Session of the International Labour Conference. We wish them a very successful session. I am sure the President's expertise will help us to reach success at this session of the Conference.

At the same time, we would like to congratulate all those participating in the Conference on the occasion of the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia, and we hope that, encouraged by the importance of these events, the ILO will take a new turn on the basis of objectives laid before this session of the Conference.

I assure you of the complete cooperation of the delegation of the Islamic State of Afghanistan for the successful completion of this Conference.

We, the world's Muslims, understand the need for work and its proper management, because for us it originates from Islam's teachings: it preaches that labour is not only a useful social activity to maintain life, but most of all, labour is a prayer.

The 81st Session of the International Labour Conference is being held at a time of political, economic and social changes faced by all the nations and various international organizations, including the ILO. The achievement of the above-mentioned aims will be easier with the cooperation of all countries and international organizations. We hope that fruitful and effective decisions and steps will be taken at this session of the Conference.

The items on this year's agenda are very important. The Director-General's Report shows the ILO's future objectives. It reviews the plan of action; the activities of this Organization have been extended to include the world's development needs, and are still expanding.

A review of the work of the ILO in the past year shows that this Organization has completed its work successfully in various domains, which has had a positive role in the improvement of working as well as living conditions, the reduction of poverty, an increase in employment, the establishment of democracy and stability in the world of labour.

The technical matters included in the agenda, such as part-time work, safety and health in mines and the role of private employment agencies in the functioning of labour markets, are most important in the world of labour, and this is why the setting of international labour standards is of such high importance.

As you may be aware, an Islamic State was established in Afghanistan two years ago. Our Islamic State's main objective since then has been to maintain social equality according to the principles of the holy religion of Islam in every economic, social and political field, and to take meaningful steps towards the improvement of people's lives.

The Islamic State of Afghanistan respects and observes the Charter of the United Nations and the Universal Declaration of Human Rights and wishes to maintain good relations with all the countries of the world. Afghanistan's foreign policy is based on peaceful coexistence, respect for the rights of nations, non-intervention in the internal affairs of other countries and support of the people's legitimate rights.

Unfortunately, owing to the armed conflicts in our country the process of economic and social reconstruction and the fulfilment of basic needs for the improvement of the people's standards of living have been delayed. Serious attempts are being made, with the help of various institutions, to stop the fighting and to bring peace and lasting stability to the country, and these attempts are still continuing. We are sure that as a result the present problems will be solved peacefully in the country.

Of course, the first item on the Government's agenda that will be immediately implemented, once peace prevails, will be the economic and social reconstruction and rehabilitation of the country. It should be mentioned that our country, Afghanistan, is one of the least developed countries, though it possesses an enormous amount of natural and human resources. In addition to the economic and social backwardness of our country, 14 years of imposed war and fighting have inflicted irreparable damage on the economic, social and human areas of the country as a whole. As a result, thousands of schools, residential buildings, services and production units, roads, highways, bridges, vehicles, millions of animals, herds and irrigation, agricultural and communication systems have been either destroyed or very heavily damaged.

The human resources of the country have been severely depleted. Approximately 2 million of our countrymen, who were the main workforce, lost their lives, a large number are disabled, and millions have emigrated to other countries. All this has further complicated the present problems of reconstruction. Due to the spread of such problems and the damage inflicted, the economic reconstruction of Afghanistan is not possible with our internal resources alone. We therefore hope that the nations of the world, the United Nations and the other international organizations, including the ILO, will ease the burden of the people of Afghanistan by offering their financial, vocational and humanitarian assistance.

Our country, Afghanistan, as one of the oldest Members of the ILO, has always paid due respect to the spirit and philosophy of the Constitution of this Organization, and has always supported its actions while trying to apply its principals and decisions, keeping in mind the national needs of the country. At present we are of the opinion that with the establishment of peace and the launching of the programme of the country's reconstruction, there is a need for the ILO to provide further aid and cooperation to Afghanistan. Thus, in our view, putting into practice the principles and articles of the ILO Constitution and its decisions is of the utmost importance in order to establish peace, economic and social progress and stability in the country, while on the other hand, extending vocational, financial, material and professional assistance will play a positive role in achieving peace and fulfilling the objectives of development for the country.

Following the previous aims and requests which we put forward to the ILO, we once again recommend the same: that the competent authorities in the ILO participate actively by designing a specific programme for the reconstruction and the rehabilitation of our country, Afghanistan. When these general needs – needs of the utmost priority: specific budget requirements, vocational and economic cooperation – when these are met, Afghanistan should then be given first priority, as one of the oldest Members of the ILO and a war-torn country, in economic and social assistance.

One of the problems faced by Afghanistan at the national level is that of reconverting the youth of the country from arms and ammunition towards socially useful work, with an income as an incentive. Achieving this goal would give an impetus to the process of peace and stability. In our opinion, one of the ways that would attract the young to productive employment would be to provide workplaces, as well as vocational and technical training. We request the ILO and its member States to provide the necessary assistance by establishing vocational and professional training systems and training centres in Afghanistan.

Teaching and training of professionals, vocational and technical personnel, the provision of a workforce, work for the disabled, vocational training centres, establishing an effective economy in institutions, better management, reforming the administration, implementing self-employment projects and developing human resources – all these are among the fields in which Afghanistan needs most to have urgent assistance from the ILO and its member States.

Original Arabic: Mr. AL KAHLANY *(Workers' delegate, Yemen)* – I should first like, on my own behalf and on behalf of the delegation of the General Federation of Trade Unions of the Republic of Yemen, to extend warm congratulations to Mr. Charles Gray, the President of the Conference, and to his Officers on the confidence shown in their abilities to conduct the proceedings of this Conference. Our meeting and discussions will certainly prove useful and the results that we achieve together through democratic dialogue will have a favourable and productive outcome in terms of renewing the working methods of the International Labour Organization, whose 75th anniversary we are celebrating. It is indeed a great occasion to be meeting here in this pioneering Organization, which has worked unremittingly for human rights and freedom of association and in defence of the joint interests of the social partners, strengthening the lawful rights of each party and consolidating social justice in the world. We are also celebrating the 50th anniversary of the Declaration of Philadelphia, which added major humanitarian dimensions to the Organization's tasks, so that it stands out among international organizations by virtue of its combative spirit, the positions it adopts and its solidarity, in accordance with the provisions of its Constitution and other instruments and its motivation to widen its horizons and its fields of activity on behalf of the international community.

I draw optimism and hope from the convening of this great Conference in the wake of major world changes that have had a favourable impact internationally on all aspects of democratic, political, economic, social and cultural affairs. The choice of subject for the Director-General's Report this year is apt in terms of the aspirations of the world and the Organization's working methods. It is entitled: *Defending values, promoting change – Social justice in a global economy* and deals with the outlook for the ILO, the far-reaching changes and their implications for the present and the future, the path followed by the Organization in the past few decades, which have strengthened its potential for keeping abreast of international change by virtue of its tripartite structure, the credibility of its goals and its peaceful vision of world social, economic and cultural affairs. It is very appropriate that we should all endeavour at this session to review all the Organization's activities, what it has achieved and how it views the future. This is the key to a successful Conference.

I support the objective and constructive observations and views in the Report and the scientific approach that reflects the Director-General's breadth of vision, his full understanding of his responsibilities and his experience of the working conditions of the Organization. We shall all certainly draw tremendous benefit from the Director-General's vision of the prevailing circumstances, taking into account the recent changes whose implications the Report seeks to address with a view to promoting social development, especially in the developing countries and the countries in transition to a market economy, on the grounds that such development is a sound basis for all the Organization's present and future policies and aspirations and a source of protection against adverse consequences that run counter to such endeavours. We take this opportunity to thank the Director-General for his fine work.

I cannot fail to mention here the important steps towards unity and democracy taken by the Republic of Yemen on 22 May 1990, the day when the blessed Republic of Yemen was established and for the sake of which the Yemeni people have offered up hosts of martyrs in the course of their history. Our country is moving confidently forward towards a new dawn, with a great series of achievements. The eyes of the world were drawn to the experiment of the Yemeni people, who embraced democracy as its path for the future, proclaiming multiparty democracy and policies and guaranteeing human rights and freedom of expression. A referendum was held of all our people – workers, peasants, officials, teachers, students – on the constitution of a united Yemen in a climate of freedom and a spirit of democracy. The first parliamentary elections ever were held in our country and for the first time a National Coalition Government and parliamentary blocs of the ruling parties and the opposition were formed. A body of unified laws was adopted and the country moved confidently towards full development. It opened its doors to investment in accordance with the legislation in force and worked to expand oil prospecting and took action on such vital matters as land and housing in order to put an end to the underdevelopment of the divided past, taking the proper course for our young country in the direction of cultural progress, growth and stability and security for the masses of our devoted people.

Yemeni unity is the fate and destiny of our people and men and women of goodwill had the honour to accord it their support and blessing. Our General Federation highly appreciates the staunch support of the Arab and international working class and of all regional and international trade union organizations for the unity of our Yemeni working class and the unity of the land and people of Yemen. But today our country is the scene of a tragedy caused by a band of separatist renegades made up of some elements of the Socialist Party, so that now more than ever we call on Arab and international trade union organizations and movements to offer support and protection for unity and its achievements.

The General Federation of Trade Unions of the Republic of Yemen therefore appeals to all people of goodwill to align themselves with the just cause and to support it. We call on certain neighbouring States that adopted a resolution in the Security Council against our independent sovereign State, that is to say the States that have aligned themselves with and are supporting the secessionists from the leadership of the Socialist Party, to refrain from interfering in the internal affairs of the Yemeni Republic, since what is happening in our country is an internal matter.

The desire of the General Federation of Trade Unions of the Republic of Yemen to engage in trade union work in our country means that we are always keen to take advantage of the experience of other Arab, regional and international trade union federations in order to promote the role of the Yemeni trade union movement, to cooperate in all trade union matters and to defend freedom of association and human rights everywhere.

I also urge the ILO to take determined action on behalf of the people, workers and employers of Palestine, providing them with material, moral and technical assistance so that they can recover their legitimate rights and build their independent State with its capital in the Holy City of Jerusalem.

We appeal to the ILO and to all international organizations to work for the lifting of the embargoes imposed on the people and workers of Iraq and the Libyan Arab Jamhiriya, which violate humanitarian principles and human rights.

In conclusion, we wish the ILO a successful new era in the service of its humanitarian goals. I should also like to welcome the Sultanate of Oman, South Africa, and the other countries that have recently joined our Organization.

Original Russian: Mr. BAZAROV *(Employers' delegate, Tajikistan)* – Mr. President, ladies and gentlemen, distinguished delegates, may I express my great satisfaction at being allowed the opportunity to take the floor at this highly representative forum.

It is gratifying to see that Tajikistan, as a sovereign State has been recognized and, as an equal member, can join the international community, and as you can see my feeling of pride runneth over as I see the flag of Tajikistan in the midst of the other flags adorning this assembly hall.

I would like to express deep gratitude to all those delegations which have congratulated Tajikistan on becoming a Member of the ILO.

Tajikistan is now experiencing one of the most difficult periods in its evolution. We find ourselves at a historic turning-point, faced with choices that will determine the future of our nation. These choices have to be made at a time of radical political and economic changes, and as we are establishing a secular democratic State based on the rule of law. The road leading to true democracy and progress is a difficult and tortuous one and we are fully cognisant of this and gratefully acknowledge the contribution made by the United Nations and the leader of the mission to Tajikistan, Mr. Bota, in helping us achieve peace and harmony in Tajikistan, and send our delegation to Geneva

At the same time we are deeply convinced that we can muster the strength and are prudent enough to become a worthy member of the international community, given our contribution to world civilization through our national scientists and thinkers, including Omar Khayyam.

This process is to a large extent influenced by temporal considerations. It may drag on for decades if we become insular. It could also be financed and accelerated considerably if timely and useful assistance were to be provided on mutually beneficial terms.

It is truly symbolic that the 75th anniversary of the ILO coincides with the first anniversary of the establishment of the National Association of Small and Medium-sized Enterprises. Our association, as a public organization, has a consolidating function acting as an umbrella organization for Employers' groups. It brings together more than 4,000 units operating in practically every sphere of the national economy.

The timepiece set into motion only one year ago is slowly measuring our pace, as we inexorably move forward, setting the pace of our Association. Qualitative changes in entrepreneurship are sometimes taking place not on a monthly basis but by the day. I would like to mention, among the more noticeable events, the conclusion of a tripartite general agreement with the Government and with the Federation of Trade Unions, the creation of a reference centre to help develop entrepreneurial skills and a fund to provide financial support for small and medium-sized enterprises and establish links between similar associations.

We should nevertheless admit that many problems facing entrepreneurs have not been resolved as yet for subjective and objective reasons. These problems extend to the establishment of tripartite agreements and the social protection of entrepreneurs.

Even though the Government has drafted a support programme for entrepreneurs and a legislative base already exists, the process of economic reform is very slow and the market infrastructure remains poor.

Many problems linked with the development of entrepreneurship are related not only to the instability of the political and social sphere, also to the contradictory nature of laws and regulations. Privatization is progressing painfully. But, without the promotion of genuine owners/entrepreneurs, entrepreneurial skills as a whole cannot develop. How paradoxical it is that the labour market having been forged with minimal participation by entrepreneurial structures, the creation of new jobs without developing entrepreneurship is nigh on impossible.

This is the first time a Tajik delegation is attending a session of the International Labour Conference. Obviously the short time since we became a member of the ILO does not give us the possibility to look into all of its activities in sufficient depth, but there are some comments that I feel I can make on the basis simply of common sense and logic. And as a newcomer, I bring fresh views, unbound by traditions and preconceived ideas. In defence of my opinions, I may refer to the expression, "Out of the mouth of babes and sucklings hast thou ordained strength".

First of all, the ILO does not react effectively enough to the changes taking place because it is too conservative. This can be observed by examining the processes on the labour markets in the republics of the former USSR which are now independent States. We would like the ILO and its structures to react more effectively and flexibly, providing practical assistance when it is needed. Tajikistan especially requires such help now.

Secondly, there is a need for a better definition of one of the basic principles of the ILO – the principle of social justice Social justice will only have genuine meaning if it applies beyond the confines of a closed system, be it a continent, a country, a branch or a population group. This principle will be a universal value which applies to all mankind only when it is uniformly applied at the international level, in the territory of all the member States of the ILO. If this is not the case, this principle will just be fine words. I would like to give the following example. How can you speak of social justice when the monthly wage of a world-renowned Tajik scientist or professor is hardly enough to pay for one tank full of gas for the family car.

Thirdly, I believe that many of the ideas of the ILO and the values which it supports and preaches would be reflected in practice more quickly if one of the official languages of the ILO was Russian. This is not only because the Russian language is used by people in one-sixth of the world and is spoken by 300 million people, but rather because for historical and practical reasons the Russian language was and still is the language of international communication in the countries of the CIS.

Because the previous system was so closed, the vast majority of our people had no need for fluency in other languages of international communication.

In conclusion may I assure this august assembly, on behalf of Tajik employers, that the National Association of Small and Medium-sized Enterprises will make every effort to give effect to the Recommendations and Conventions of the ILO in our country.

NINTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original French: The PRESIDENT (Mr. MATINCHEV) – Since there will be no plenary sessions tomorrow and since the committees have to meet, I suggest that we adopt this evening the ninth report of the Selection Committee, which contains changes to the composition of the Conference committees. I invite the Clerk of the Conference to read those changes to you.

Original Spanish: The CLERK OF THE CONFERENCE – The changes in the various committees are the following:

Committee on the Application of Standards – Please add Seychelles as a Government member. Among the Workers, please add Mr. Samia *(Afghanistan)* as a deputy member, and Mr. Mukasa *(Uganda)* as a regular member.

Committee on Part-Time Work – Please add the following Government members: the representative of the Republic of Angola as deputy member; the representative of Slovenia as regular member. Among the Employers, there are a number of changes: Mr. Arbesser-Rastburg *(Austria)*, formerly regular member, becomes deputy member; Mr. Brauner and Mr. Strimitzer *(Austria)* remain as substitute members for Mr. Arbesser-Rastburg. Among the Workers, please add Mr. Ana de Conceiçáo *(Angola)* as regular member, and Mr. Samia *(Afghanistan)* as regular member. Change the status of Ms. Varga *(Hungary)* to regular member. Delete the name of Mr. Ivany *(Hungary)* as regular member.

Committee on Safety and Health in Mines – Among the Employer members please add Mr. Bruna Vargas *(Chile)*; Mr. Hermída Martinez *(Argentina)* as substitute members for Mr. Guzmán Matta *(Chile)* and Mr. Eurnekian *(Argentina)* respectively. Add Mr. Momen *(Afghanistan)* as deputy member. Among the Workers add Mr. Samia *(Afghanistan)* as deputy member. Change Mr. Liu *(China)* from regular member to deputy member; Mr. Nunoo-Quaye *(Ghana)* from regular member to deputy member. Delete: Mr. Ghanes *(Algeria)*, regular member; Mrs. Horakova *(Czech Republic)*, deputy member; Mr. Wolf *(Czech Republic)*, regular member.

Committee on Private Employment Agencies – Among the Worker members, please add Mr. Ana de Conceiçáo *(Angola)* as deputy member.

Resolutions Committee – Please delete Mr. Basnet *(Nepal)*, regular member.

Original French: The PRESIDENT (Mr. MATINCHEV) – If there are no objections, I shall take it that this report is adopted.

(The report is adopted.)

(The Conference adjourned at 7 p.m.)

Credentials

Third report of the Credentials Committee

Objection concerning the nomination of the Workers' delegate of Sudan

1. The Committee had before it an objection to the nomination of the Workers' delegation of Sudan submitted by the General Secretariat of Legal Sudan Workers Trade Unions Federation.

2. The objecting organization alleged that the actions of the Government of Sudan, and in particular the introduction of a Trade Unions Act in 1992 violated trade union freedoms and the right to organize, and considered that this view was supported by the conclusions of the ILO Committee on Freedom of Association. In addition, the Government had manipulated its administrative, executive and security bodies to influence the election procedures. The objecting organization appealed for the members of the Workers' delegation to be excluded from the Conference as they had not been selected democratically by the Workers. It also requested the exclusion of the whole Sudanese delegation having regard to the obligations of membership of the International Labour Organization.

3. Communications opposing the objection were received from the Organisation of African Trade Union Unity (OATU) and the International Confederation of Arab Trade Unions (ICATU).

4. In a written communication to the Committee made at its request, Mr. Dominic Casiano Bakheit, Minister of Labour and Administrative Reform and Head of the Delegation to the Conference, stated that the elections under the Trade Unions Act had covered all trade-union levels and had been supervised by neutral committees approved by the trade unions. The general congress of the Sudan Workers Trade Unions' Federation, attended by representatives of the Arab Labour Organization, OATU and ICATU, had democratically elected the Central Committee of the Federation and the three most senior officials, who had now been nominated as Workers' delegate and advisers at the present Conference. The Federation represented the workers in several national and international bodies and had negotiated collective agreements. The Minister concluded that the delegate and advisers had been duly chosen in agreement with the most representative organization of Workers in Sudan and were therefore entitled to participate in the Conference just as they had done in previous years.

5. Having regard to the conclusions of the Committee with respect to objections concerning the Sudan delegation at the two previous sessions of the Conference as well as to the conclusions of the Committee on Freedom of Association in a recent case relating to Sudan (Case No. 1688 in the 292nd Report), the Credentials Committee still had doubts as to whether the Workers' delegation could be truly representative of the Workers of Sudan. It recalled, however, that its function was to examine whether or not the members of the delegation had been chosen in agreement with the most representative organizations of Workers in the country, if such organizations existed. The objection did not challenge the procedure followed in the nomination of the delegation, did not argue that any other organization should have been regarded as the most representative organization of Workers in Sudan, and was essentially based on allegations relating to the absence of freedom of association in Sudan. The Committee therefore concluded that the objection, as formulated, could not be considered within the framework of its terms of reference.

Objection concerning the nomination of the Workers' delegate of Nicaragua

6. The Committee examined an objection to the nomination of the Workers' delegate of Nicaragua submitted jointly by the "Associación de Trabajadores del Campo (ATC)", the "Federación Nacional de Trabajadores de la Salud (FETSALUD)", the "Asociación Nacional de Educadores (ANDEN)" and the "Unión Nacional de Empleados (UNE)".

7. The objecting organizations maintained that the nomination of the Workers' delegate contravened Article 3, paragraph 5 of the ILO Constitution as it had been made for political reasons and not according to the criteria of representativity. Although consultations at the Government's request had taken place jointly with the trade union organizations in the country, since no consensus had been reached the Government should have nominated the Workers' delegation in agreement with the most representative central organizations. As the "Central Sandinista de Trabajadores (CST)" had received the mandate to represent the objecting organizations, the Workers' delegate should have been chosen from the CST. The objecting organizations referred to the fact that the Credentials Committee had on previous occasions confirmed the greater representative character of the CST and the ATC and that since the change of Government in 1990, the Workers' delegate had been nominated from minority central organizations close to the Government, excluding pro-Sandinista organizations, which had been opposed to the social reforms adopted by it.

8. In a written communication to the Committee made at its request, Mr. Francisco Rosales Argüelo, Minister of Labour and Head of the delegation to the Conference stated that the Government had on two occasions invited the seven trade union centres of the country, including the CST and the ATC, to participate in the meeting for the nomination of the Workers' delegate. Since the first meeting had been attended by only two of the centres, the convocation letter for the second meeting stated that that meeting would take place irrespective of the number of centres present. The ATC, the "Central de Trabajadores de Nicaragua (CTN) and the "Central General de Trabajadores independientes (CGTi)" attended the meeting of 9 May, but because there was no consensus, the Minister was given the power to appoint the delegate and advisers on the condition that the delegate came from one of the three centres attending the meeting. With regard to representativity, the CTN, which had been in existence since 1962, had been recognized as representative even by the Sandinista Government when in 1979 its representative had been nominated as Workers' delegate to the 11th Regional Conference of American States of the ILO. Moreover, the CTN met the other criteria of representativity applied in Nicaragua. Since the trade union organizations did not have an obligation to communicate to the Government the number of their members, it was difficult to provide exact data in that respect. On the other hand and as recognized by the objecting organizations, the Government had applied since 1990 a rotation system in the following order: CGTi, CUS, CTNa, CAUS and this year CTN. In those years, the ATC and the CST had been nominated and had participated in the Conference as advisers.

9. The Committee noted that consultations had taken place, even though not all the organizations which had been invited had attended the meetings, including the CST to which the objecting organizations had given a mandate to represent them. It also noted that the meeting had agreed that the Minister would make the nominations subject to certain conditions. At the same time, the Committee recalled that the Credentials Committee last year had advised that the Government should strive to re-examine its consultation procedures, which should be preceded by procedures which would permit the objective evaluation of the importance of the organizations. It considered that the rotation system to which the Government had referred could be an appropriate means of reaching agreement, provided that it was acceptable to the most representative Workers' organizations in Nicaragua. However, in the absence of the necessary statistical data, the means for determining representative character of the various organizations were inevitably inadequate. For the time being therefore, the consultations of the Government, as well as the rotation system for the selection of the titular delegate, should cover all organizations considered to have significant representative character.

10. The Committee accordingly decided not to uphold the objection, but considered that the Government should take the necessary steps to ensure that its evaluation of representativity was essentially based on quantifiable criteria and reliable statistical data.

Objection concerning the nomination of the Workers' delegate of Cameroon

11. The Committee had before it objections to the nomination of the Workers' delegation of Cameroon submitted by the Cameroon Trade Union Congress – Agricultural Workers' Union, the Organization of African Trade Union Unity (OATUU) and the International Confederation of Free Trade Unions (ICFTU).

12. According to the objections, the members of the delegation belonged to a government controlled group which, with the active support of the authorities, took illegal control of the Confederation of Cameroon Trade Unions (CCTU). The legitimate leadership of the CCTU had been elected in 1992 and had opposed major aspects of Government policy. Claiming that its General Secretary, Mr. Louis Sombes, was engaged in political activities, it engineered his removal, bypassing the disciplinary procedures provided for in the CCTU's Statutes, and installed members of the ruling party, which composed the Workers' delegation. One of them had been installed as General Secretary of the CCTU at a time when the CCTU's premises had been under occupation by armed police officers and Mr. Sombes had been held in prison. The objecting organizations concluded that an unrepresentative group controlling the CCTU had been appointed as Workers' members, violating Article 3, paragraph 5 of the ILO Constitution.

13. In a written communication to the Committee made at its request, Mr. Simon Mbila, Minister of Labour and Social Security, Head of the delegation, indicated that the CCTU was represented at the Conference by its President, Mr. Emanuel Etame Ndede, in accordance with articles 32 and 33 of the statutes and articles 2 and 21 paragraph 5 of the bylaws of the CCTU. The two advisers had, as a result, been nominated in accordance with article 3 paragraph 2 of the ILO Constitution. Moreover, the documents which were annexed to the objection of OATUU and the ICFTU relating to Mr. Louis Sombes could bind the Government neither in form nor in substance. The Government had ratified Convention No. 87 in 1960 in respect of which no violation had been registered, and the allegations of Mr. Louis Sombes and those representing him were devoid of merit. In addition, it had never interfered in the internal affairs of the CCTU.

14. At the Committee's request, the Minister also attended the Committee. He was accompanied by two members of the Government delegation: Ms. Claire Nyangang, Director of Labour, and Mr. Herman Misse, Inspector General No. 1 in the Ministry of Labour and Social Security. The Minister provided information concerning specific incidents alleged by Mr. Sombes and confirmed the Government's denial of their truth. He said that the nomination of the Workers' delegation had been made on the basis of the list submitted to him by the President of the CCTU who, in accordance with its basic instruments, represented the CCTU in such matters. He stressed that the Government had not interfered in any way in the running of the CCTU, including the replacement of Mr. Sombes as General Secretary of the CCTU. The problems that had arisen were solely internal ones for the CCTU to resolve.

15. At the Minister's suggestion, the Committee heard the persons appointed as advisers to the Workers' delegate (the latter being ill), Ms. Salomé Tsogo, Vice-President of the CCTU, and Mr. André Mousseni, the new General Secretary. It also received Mr. Guy Ryder, a representative of the General Secretary of the ICFTU, and Mr. Louis Sombes.

16. After obtaining detailed oral and written information, the Committee was satisfied that the matters set out in the objections were essentially internal to the CCTU and in any event fell outside the Committee's terms of reference, being questions for decision by the national courts or possibly for the Committee on Freedom of Association of the ILO. It therefore decided not to uphold the objections.

17. At the same time, the Committee felt that the procedure for the nomination of the Workers' delegation in this case based as it was on a list provided by an official of the CCTU, should have been more thorough and transparent so as to leave no doubt as to whether the requirements of Article 3, paragraph 5 of the ILO Constitution had been satisfied.

Objection concerning the nomination of the Workers' delegate of Malaysia

18. The Committee had before it an objection to the nomination of the Workers' delegate of Malaysia submitted by the Malaysian Trades Union Congress (MTUC), under the signature of two persons whom the Government had appointed as advisers to the Workers' delegate. The Committee also had an objection from the International Confederation of Free Trade Unions (ICFTU) supporting MTUC's objection and alleging the possibility of action by the Government against MTUC on account of the objection.

19. The objecting organizations requested invalidation of the nomination of Mr. Mat Jid Mohamed, President of the Congress of Unions of Employees in the Public and Civil Service (CUEPACS) as Workers' delegate, claiming that the nomination had been made without the agreement of MTUC, which had been recognized by the Government itself as the most representative organization of Workers in Malaysia. MTUC represented about 55% of organized labour and CUEPACS only 13%. Of the 409 trade unions, 147 were affiliated to MTUC, whereas CUEPACS had a total of about 50 active unions. While MTUC represented workers in all sectors of the economy, CUEPACS was limited to the public and civil service and to a smaller geographical area. Following the objection lodged by MTUC in 1982, when it had for the first time been replaced by CUEPACS, as the organization to which the Workers' delegate belonged, the Credentials Committee had concluded that MTUC was still the most representative Workers' organization. In its objection, MTUC denied that it had ever agreed with CUEPACS that the Workers' delegate should be nominated on the basis of rotation, and it annexed supporting evidence.

20. MTUC also stated that the signatories of the objection had declined to act as advisers to the Workers' delegate; copies of letters to that effect, one of which was addressed to the Director-General of the ILO, were annexed to the objection.

21. Communications opposing the objection were received from CUEPACS and the Malaysian Labour Organization (MLO).

22. In a written communication to the Committee made at its request, Mr. Dato' Lim Ah Lek, Minister of Human Resources and Head of the delegation to the Conference, stated that the appointment as Workers' delegate of the President of CUEPACS was in accord with a rotation system that had been applied since 1982 and under which MTUC had alternated with CUEPACS in proposing the Workers' delegate. MTUC had challenged the appointment of CUEPACS in 1984 and in 1992, but had subsequently withdrawn its objection, indicating acceptance of the rotation system. CUEPACS had insisted that an agreement for rotation had been reached following a Declaration of Intent signed on behalf of MTUC and CUEPACS in 1982. MTUC had, however, never attempted to negotiate with CUEPACS but had insisted on nomination at the present session. After trying to help the organizations resolve their differences, the Government had decided to maintain the rotation system. The Minister's communication gave statistical information which, while not fully confirming the claims of MTUC, showed that the latter had a slightly larger number of affiliates than the two other representative trade union centres together (CUEPACS and the MLO) and a larger number of members than the combined total of the other centres. Finally, the Minister noted that in 1992 the Committee had not upheld an objection by MTUC to a Workers' adviser.

23. Concerning the signatories of the objection by MTUC, the Minister pointed out that they had been nominated as advisers to the Workers' delegate in accordance with the rotation system and one of them had been informed that an air ticket and subsistence allowance were available.

24. The Committee, noting that the signatories of the objection by MTUC had clearly declined to act as advisers, had not accepted or had not been offered travel or subsistence payments from the Government and had not registered in the Workers' delegation of Malaysia, concluded that they could not be considered as "serving as adviser to the delegate to whose nomination objection is taken", within the meaning of Article 26, paragraph 4(c) of the Conference Standing Orders. Their objection was therefore found receivable.

25. Before reaching conclusions on the substance of the objections, the Committee heard the President of MTUC, Mr. Zainal Rampak, at his request. It subsequently heard representatives of the Government, Mr. Dato Anthony Yeo, Secretary-General of the Ministry of Human Resources and Government delegate to the Conference, and Mr. Mohamad Sauffee, Labour Attaché in Geneva. After an exchange of views on the issues raised in the case, the Committee invited the Government to remove the names of the signatories of the objection from MTUC as advisers to the Workers' delegate. The Government representative explained that this was not possible as they had properly been appointed in accordance with a rotation scheme which was still in force and which was a fair system for ensuring that the central trade union organizations each had a chance of taking part in the International Labour Conference. Considering that persons could not validly be regarded as advisers if they had declined to act in that capacity, the Committee concluded that the two signatories of the MTUC objection should not appear as members of

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the Workers' delegation of Malaysia in the List of delegations.

26. On the substance of the objections, the Committee considered that, although governments had a greater discretion when appointing advisers in order to increase the representativity of a non-governmental delegation, the delegate must be chosen in agreement with the most representative organizations. It was not in dispute that MTUC was the most representative Workers' organization in Malaysia. As the Committee had noted on many previous occasions, a rotation system could be a useful means of obtaining agreement between the most representative organizations in a country, but it should in no case be imposed by the Government. The Committee could find no evidence – in the 1982 Declaration of Intent, referred to in the Minister's communication, or in the other documentation submitted – that MTUC had agreed to the rotation system. The Committee noted, however, that MTUC appeared to have acquiesced in the rotation scheme from 1982 until 1992. In connection with the objection that MTUC had lodged in 1992, the Credentials Committee had recalled that governments should always try in so far as is possible to obtain the agreement of the most representative Workers' organizations. The Committee considered however that, in the present case, the Government had taken insufficient action to obtain such agreement, and had then continued to apply a rotation system which MTUC had clearly made known it was no longer prepared to cooperate in. While the Committee did not wish to recommend invalidation of the credentials at the present time, it stressed the need for the Government in future to adopt other means with the aim of ensuring – through *bona fide* discussions between the parties concerned – that the Workers' delegate is chosen in agreement with the most representative organizations of Workers in Malaysia.

Objection concerning the nomination of the Workers' advisers of Lebanon

27. The Committee had before it an objection to the nomination of two advisers to the Workers' delegate of Lebanon, submitted by the "Confédération générale du Travail au Liban (CGTL)" signed by the Workers' delegate and one of his substitutes.

28. The objecting organization maintained that it had not been consulted on the nominations and that one of the two advisers held no trade union function. In addition, the Government had refused to cover the travel and subsistence expenses of the Workers' delegate, substitute delegates and advisers. It requested the deletion of the names of the two advisers and the payment of expenses of the Workers' delegation.

29. After the objection had been communicated to the Government, two representatives of the Government informed the Secretary-General of the Conference on 17 June 1994 that the two persons in question, Mr. Antoine Bechara and Mr. Habib Zeidan, were not included in the Workers' delegation.

30. The Committee noted that the List of delegations would be amended as a consequence and concluded that the objection was now without object.

31. Concerning the allegation of non-payment of expenses, the Committee drew attention to paragraph 16 of its First Report in which it recalled the obligation of Members under article 13, paragraph 2(a) of the Constitution, to pay the travelling and subsistence expenses of delegates and advisers. The Committee considered that compliance with the above-mentioned provision was essential in order to ensure full respect for tripartism.

32. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 18 June 1994

(Signed) T. SPENCER
Chairman

D. FUNES DE RIOJA.

L. TROTMAN.

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Resolutions

Report of the Resolutions Committee

1. The Resolutions Committee, set up by the Conference at its First Sitting on 7 June 1994, was originally composed of 157 voting members (76 Government members, 31 Employers' members and 50 Workers' members). An appropriate weighting system ensured equality of voting strength.

2. The Committee was first moved to elect its officers. On the proposal of Ms. Moehario (Government member, Indonesia) speaking on behalf of the Asian countries, seconded by Mr. Castle (Employers' member, United Kingdom) and Mr. Tapiola (Workers' member, Finland), Mr. Gopalan (Government member, India) was elected to the Chair. In accordance with the Committee's usual practice, the Chairperson was also elected Reporter. The Committee elected as Vice-Chairpersons Mr. Castle (Employers' member, United Kingdom) and Mr. Tapiola (Workers' member, Finland).

3. The Committee had before it ten resolutions submitted in accordance with article 17 of the Standing Orders of the Conference. All ten resolutions were considered receivable in accordance with article 17, paragraph 4, of the Standing Orders.

4. The resolutions were then introduced by one of their authors in accordance with article 17, paragraph 5(a), of the Standing Orders and in the following order: (a) resolution concerning the need to harmonize and improve ILO informatics systems for optimal utilization and accessibility by all States; (b) resolution concerning the commemoration of the 75th anniversary of the International Labour Organization; (c) resolution concerning the 75th anniversary of the ILO and its future orientation; (d) resolution concerning the 75th anniversary of the ILO and the promotion of international labour law; (e) resolution concerning ILO action in preparation for the World Summit for Social Development; (f) resolution concerning the strengthening of tripartism and the universal application of fundamental rights in the face of enterprise networks and economic interdependence; (g) resolution calling upon the ILO to resist the introduction of the social clause in international trade and to review ILO standards; (h) resolution concerning the World Summit for Social Development; (i) resolution concerning the 75th anniversary of the ILO; (j) resolution concerning the role of the ILO in the elimination of child labour.

5. After the introduction of the resolutions and before the vote held in accordance with the procedure laid down in article 17, paragraph 5(a), of the Standing Orders, the following two resolutions were combined by their authors:

the resolution concerning the 75th anniversary of the ILO, submitted by the following Workers' delegates: Ms. Aerenlund (Denmark); Mr. Blondel (France); Mr. Brett (United Kingdom); Ms. Buverud Pedersen (Norway); Mr. Doucouré (Mali); Mr. Douglas (New Zealand); Mr. Edström (Sweden); Ms. Engelen-Kefer (Germany); Mr. Falbr (Czech Republic); Mr. Gray (United States); Mr. Itoh (Japan); Mr. Lettieri (Italy); Mr. Maitland (Australia); Mr. Mendoza (Philippines); Mr. Mukasa (Uganda); Mr. Parrot (Canada); Mr. Sánchez Madariaga (Mexico); Mr. Sibanda (Zimbabwe); Mr. Tapiola (Finland); Ms. Van de Burg (Netherlands); and Mr. Verzetnitsch (Austria); the following Workers' delegates, whose credentials arrived late, also associated themselves with this resolution: Mr. Agyei (Ghana); Mr. Ahmed (Pakistan); and Mr. Trotman (Barbados); and the resolution concerning the 75th anniversary of the ILO and the promotion of international labour law, submitted by the following Workers' delegates: Mr. Ba (Burkina Faso); Mr. Melgarejo (Uruguay); Mr. Ould Brahim (Mauritania); and Mr. Peirens (Belgium). The merged text was entitled Resolution concerning the 75th anniversary of the ILO.

6. The following two resolutions were also combined by their authors: the resolution concerning ILO action in preparation for the World Summit for Social Development, submitted by the following Workers' delegates: Mr. Ba (Burkina Faso); Mr. Melgarejo (Uruguay); Mr. Ould Brahim (Mauritania); and Mr. Peirens (Belgium); and the resolution concerning the World Summit for Social Development, submitted by the following Workers' delagates: Ms. Aerenlund (Denmark); Mr. Blondel (France); Mr. Brett (United Kingdom); Ms. Buverud Pedersen (Norway); Mr. Doucouré (Mali); Mr. Douglas (New Zealand); Mr. Edström (Sweden); Ms. Engelen-Kefer (Germany); Mr. Falbr (Czech Republic); Mr. Gray (United States); Mr. Itoh (Japan); Mr. Krzaklewski (Poland); Mr. Lettieri (Italy); Mr. Maitland (Australia); Mr. Mendoza (Philippines); Mr. Mukasa (Uganda); Mr. Parrot (Canada); Mr. Sánchez Madariaga (Mexico); Mr. Sibanda (Zimbabwe); Mr. Sundaram (Sri Lanka); Mr. Tapiola (Finland); Ms. Van de Burg (Netherlands); and Mr. Verzetnitsch (Austria); the following Workers' delegates, whose credentials arrived late, also associated themselves with this resolution: Mr. Agyei (Ghana); Mr. Ahmed (Pakistan); Mr. Ben Seddik (Morocco); and Mr. Mayaki (Niger); the merged text was entitled Resolution concerning the World Summit for Social Development.

7. In accordance with the procedure laid down in article 17, paragraph 5(a), of the Standing Orders of the Conference and using the traditional system of balloting, the Committee convened at its second sitting to determine the first five resolutions to be considered among the eight remaining before the Committee and their order of priority. Before the ballot, in the name of the Employers' members, Mr. Castle (Employers' member, United Kingdom) withdrew the resolution concerning the commemoration of the 75th anniversary of the International Labour Organization, submitted by the Employers' delegates; likewise, in the name of the Workers' members, Mr. Tapiola (Workers' member, Finland) withdrew the resolution (merged text) concerning the 75th anniversary of the ILO, submitted by the Workers' delegates. The Government member of Canada thanked the two groups for withdrawing these two resolutions and assured them of his support in helping achieve consensus on the remaining resolutions.

8. Owing to a change in the composition of the Committee, there were at the time of voting 179 voting members (88 Government members with 969 votes each; 34 Employers' members with 2,508 votes each; and 57 Workers' members with 1,496 votes each).[1]

9. The first five resolutions and the votes cast for them were as follows:

(1) The 75th anniversary of the ILO and its future orientation: 949,784 (weighted votes);

(2) The World Summit for Social Development: 718,831 (weighted votes);

(3) The role of the ILO in the elimination of child labour: 573,324 (weighted votes);

(4) Resolution calling upon the ILO to resist the introduction of the social clause in international trade and to review ILO standards: 540,206 (weighted votes);

(5) Need to harmonize and improve ILO informatics systems for optimal utilization and accessibility by all States: 502,509 (weighted votes).

10. With only six resolutions, there was no need for the Committee to set up a Working Party to make recommendations as to the ordering of the remaining resolutions.

Resolution concerning the 75th anniversary of the ILO and its future orientation

Presentation of the resolution

11. In presenting the resolution, the Government member of Canada remarked that originally no fewer than four resolutions had been tabled on this subject. He and the other co-sponsors of the present resolution believed that the time and place to raise controversial ideas was not in the Resolutions Committee, and especially not in a resolution on the 75th anniversary of the ILO. Such issues were being addressed in the plenary in the context of the Report of the Director-General and the purpose of the resolution was to ensure that there would be an opportunity to discuss them in the Governing Body or in a future Conference. He concluded by inviting all members to consider giving highest priority to this resolution.

General discussion

12. The Government member of Italy expressed support for the resolution, recalling his delegation's approval of measures proposed by the Director-General and adopted by the Governing Body to make ILO's structures more streamlined and effective. He noted with pleasure the further proposals contained in the Director-General's report to the Conference.

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[1] Subsequently, further changes were made in the composition:
Third sitting on 11.6.94, 175 voting members (88 G, 34 E and 53 W);
Fifth sitting on 14.6.94, 167 voting members (90 G, 33 E and 44 W);
Sixth sitting on 15.6.94, 165 voting members (90 G, 31 E and 44 W);
Seventh sitting on 16.6.94, 158 voting members (90 G, 29 E and 39 W);
Eighth sitting on 17.6.94, 155 voting members (90 G, 29 E and 36 W);
Tenth sitting on 18.6.94, 154 voting members (90 G, 29 E and 35 W).

13. Expressing her satisfaction with the result of the ballot, the Government member of the United Kingdom expressed strong support for the resolution. Her Government approved of recent reforms to modernize the International Labour Organization and felt that the process should continue. A wide range of views on the subject was being discussed in the plenary and it was not for the Resolutions Committee to anticipate the result of the debate. She had no amendments to propose and hoped that amendments from other members would be neither too numerous nor too detailed.

14. The Government member of Malaysia congratulated the sponsors of the resolutions that had been placed first, second and third in the ballot and thanked all those who had voted the ASEAN resolution into fourth place. He noted that the resolution under discussion requested the Governing Body to examine the ideas and proposals of the Director-General. Among these issues, he continued, were the rigidity of international labour standards and the question of the social clause and international trade. On a point of order, the Workers' Vice-Chairman noted that the issues referred to by the speaker were not mentioned in the resolution. The Chairman concurred and reminded the Government member of Malaysia that he had asked for the floor to speak on the resolution. The latter, while taking the view that the subjects he had mentioned were related to the future orientation of the ILO and the Report of the Director-General as referred to in the resolution, said that he would reserve his comments for a later stage in the discussion.

15. The Government member of Mexico felt that the subject of the resolution was also the basic subject of the Conference. While she agreed with the general thrust of the resolution, it was her Government's view that essential characteristics of the ILO such as tripartism and the application of standards had to feature in some way in the text. She intended to formulate amendments accordingly, in consultation with the sponsors of the resolution.

16. The Government member of Cuba expressed support for the resolution, but noted that certain issues needed to be further elaborated. His Government recognized that changes were needed in the ILO and it wanted the Organization to become more dynamic. He intended to propose certain amendments to the resolution.

17. As a co-author of the resolution, the Government member of Germany felt that he did not have a lot to add. The resolution welcomed the proposals contained in the report of the Director-General: although not all of equal weight, these formed a good basis for further discussion. That report covered all the important issues with which the ILO was currently concerned, including employment, standard setting, and the link between standards and international trade. He expressed his delegation's readiness to provide further clarification in order to obtain full support from all three benches for the resolution.

18. The Government member of Argentina expressed satisfaction with the result of the ballot. The importance of the resolution under discussion was indicated by the fact that other texts on the same subject had been tabled by Employers' and Workers' members. He hoped that agreement on the resolution could be reached as quickly as possible.

19. The Government member of Nicaragua noted that the resolution was on the whole rather bland. On the other hand, the Report of the Director-General did cover issues such as the resolution of economic conflicts which raised a number of important legal questions. He agreed with the Government member of Mexico that certain aspects of the resolution required more serious thought and expressed readiness to work together with her on appropriate amendments.

20. The Government member of China supported the resolution for two main reasons: it reflected the concern of the ILO's constituents to make it better adapted to the changing world environment, and its operative part was both reasonable and clear. The resolution in no way prejudged the results of the review of the Organization's activities and would, he believed, command a broad consensus. Finally he announced that he might have some amendments to propose.

21. The Employers' Vice-Chairman stated that his group felt that the 75th anniversary was an appropriate milestone for the ILO to review its activities in order to ensure that they remained relevant and that its structures and methods were still appropriate. Views on these matters were being expressed, sometimes forcibly, in the plenary. He was pleased to note that the resolution, like that which had initially been tabled by the Employers, was concerned with the follow-up to that debate. His group would have no amendments to propose to facilitate and speed up the progress of the work of the Committee.

22. The Government member of Sudan, referring to the values and objectives of the ILO and its fundamental concern with social justice, reminded the Committee of the plight of nations in which poverty was widespread. The 75th anniversary was an appropriate time to remember the suffering which this caused and to strengthen the ILO and the assistance which it can provide to such countries. He fully supported the resolution.

23. The Workers' Vice-Chairman expressed his group's view that a resolution which simply wished the Organization well on its 75th anniversary was not sufficient. Even the text initially proposed by the Employers had, he thought, more substance to it. Nevertheless, the resolution had good potential. His group recognized that it was more procedural than substantive in nature, but wished to see some real issues mentioned. He outlined some principles and relevant facts that could figure in the preamble and announced the intention of the Worker members to propose a limited number of amendments. He looked forward to a sensible and creative discussion.

24. The Government member of the Russian Federation expressed support for the resolution and underlined its importance both as a reaffirmation of the values on which the ILO was based and as a recognition of the need to improve the work of the Organization. Improvements had already been introduced, but these efforts had to be pursued vigorously, in particular by paying greater attention to the problems of economic transition in Eastern Europe.

25. The Workers' member of India recalled that his country was a founder member of the ILO and was happy to participate in the 75th anniversary. As regards the Organization's future orientation referred to in the resolution, it was vital to discuss unemployment as a global problem and its relationship to structural adjustment. He proposed that, in order to respond to the expectations of the working class throughout the world, the ILO should organize a special session to examine this subject.

26. Recalling that the main aim was to adopt a resolution which enjoyed the widest possible support, the Government member of Egypt welcomed the resolution as being both simple and effective and thanked the Employers' members for having withdrawn their own text. He felt, however, that it would be useful if the resolution highlighted certain aspects on which there was general agreement and identified others on which more progress could be made. He announced that he might therefore have some limited amendments to propose.

Consideration of amendments

27. Forty-one amendments, numbered D.5 to D.45, were submitted for examination.

Amendments to the preamble

28. Amendment D.34, submitted by the Workers' group, sought to delete from the title of the resolution the words "and its future orientation".

29. Introducing the amendment, the Workers' Vice-Chairman recalled that the resolution had been presented as essentially procedural and that the proposed change in title reflected the idea expressed by the sponsors of the draft that the resolution should not prejudge any decisions on matters of substance.

30. The Government member of Canada, speaking on behalf of the authors of the resolution, indicated that he could accept the amendment, but various other Government members preferred to retain the existing title. Amendment D.34 was consequently withdrawn.

31. Amendment D.5, submitted by the Government members of Mexico and Nicaragua, sought to add at the end of paragraph 1 the words "and the 50th anniversary of the Declaration of Philadelphia". The Government member of Mexico introduced the amendment which was accepted by the Government member of Canada. Amendment D.5 was adopted.

32. Amendment D.27, submitted by the Government members of India and Tunisia, sought to delete from paragraph 1 the words "milestone of the". Introducing the amendment the Government member of India explained that it was purely a matter of drafting. The Government member of Canada and the Workers' Vice-Chairman indicated their acceptance of the amendment. Amendment D.27 was adopted.

33. Amendment D.6, submitted by the Government members of Mexico and Nicaragua, sought to add, after paragraph 1, a new paragraph 2 worded as follows:

> Reaffirming that the tripartite structure of the ILO's constituency, its principles and purposes, signify that the Organization has a special role to play within the UN system,

34. After the amendment was introduced by the Government member of Mexico, the Workers' Vice-Chairman proposed a subamendment worded as follows:

> Reaffirming that, because of its principles, mandate and tripartite structure, the ILO has a unique role to play within the UN system.

35. The Government member of Canada indicated that he favoured the subamendment, but the Government member of Spain pointed out that the word "principles" featured already in paragraph 2 and was thus an unnecessary repetition.

36. The Employers' Vice-Chairman had no objection to the proposed wording, but proposed that the text should be placed not before but after the existing paragraph 2.

37. The Workers' Vice-Chairman accepted that the word "principles" should be omitted and expressed his agreement with the Employers' Vice-Chairman concerning the location of the proposed text. He further proposed to add the word "also" after "Reaffirming".

38. The Government members of Mexico and Nicaragua both indicated that they accepted the subamendment as reformulated by the Employers' and Workers' Vice-Chairmen. Amendment D.6, as subamended, was adopted.

39. Amendment D.8, submitted by the Government members of Mexico and Nicaragua, sought to add to paragraph 2 after "Reaffirming" the words "that within that scope, the promotion of social justice, as the basis of universal peace, is an intrinsic part of".

40. Following the introduction of the amendment by the Government member of Mexico, the Employers' Vice-Chairman sought clarification as to what the words "within that scope" referred.

41. The Government member of Mexico explained that the amendment had involved a reordering of paragraphs, but if the existing order were retained the words mentioned by the Employers' Vice-Chairman could easily be omitted.

42. A long discussion ensued in which various Government members expressed reservations about the wording of the amendment as well as about the proposal to reorder the paragraphs. The Government member of the United Kingdom proposed a subamendment either to omit the reference to social justice and universal peace altogether or to add at the end of paragraph 2 the words "including the promotion of social justice as the basis of universal peace".

43. After some discussion, the second of the alternative subamendments proposed by the Government member of the United Kingdom was agreed upon.

44. The Government member of Canada proposed a further subamendment to retain the existing ordering of the paragraphs, a proposal which was supported by the Government member of Mexico.

45. Amendment D.8, as subamended by the Government members of Canada and the United Kingdom, was adopted.

46. Amendment D.35, submitted by the Workers' group, was withdrawn by the Workers' Vice-Chairman, in view of the decision to retain the existing order of the paragraphs.

47. Amendment D.7, submitted by the Government members of Mexico and Nicaragua, sought to add, after paragraph 2, a new paragraph worded as follows:

> Stressing the necessity for the continued enhancement of working conditions and better life for workers,

48. The Employers' Vice-Chairman indicated his group's opposition to the inclusion of the new text proposed.

49. The Government member of Canada felt that the mandate of the ILO did not have to be spelled out and that the amendment did not have its place in the resolution. He was supported by the Government member of the United Kingdom who, while agreeing with the sentiment of the amendment, pointed out that the text would become excessively long if such issues were introduced.

50. The Government member of Nicaragua spoke in support of the amendment, referring to the adverse effects which deregulation and liberalization were having on working conditions.

51. The Government member of Norway called for a vote, but the Workers' Vice-Chairman suggested instead that amendment D.7 be withdrawn, on the understanding that a similar text might be proposed at a later stage as a subamendment to amendment D.39.

52. The Government member of Mexico agreed to withdraw amendment D.7 in order to accelerate the Committee's work. The Government member of Malaysia requested that the withdrawal of this amendment should not be regarded as in any way prejudging the Committee's decisions on other amendments seeking to introduce new issues into the resolution.

53. Amendment D.33, submitted by the Government members of India and Tunisia, sought to replace in paragraph 3 the words "anticipating that these will continue" with the words "that these changes will have impacts of different nature and intensity on the entrepreneurial and working classes in the developing countries".

54. In introducing the amendment, the Government member of Tunisia took the view that it was a question of form rather than of substance and that it was more important to refer to the impact of the changes than simply to say that they would continue.

55. The Government member of Canada accepted that the changes did have an impact on entrepreneurs and workers but noted that the original text had focused on the effect of the changes on the ILO. He thus opposed the amendment as it changed the meaning of the paragraph. The Employers' Vice-Chairman supported the Government member of Canada.

56. A long discussion ensued in which the Government member of India explained that it was important to recognize the different impact that social and economic changes were having on developing countries and referred in the connection to paragraph 3 of Article 19 of the ILO Constitution. He was subsequently supported by a number of other Government members.

57. In order to find a wording acceptable to all sides, a number of subamendments were proposed. After a recess, the Workers' Vice-Chairman proposed, as a subamendment, to retain the existing text of paragraph 3 and to add the words "and will have varying effects on different countries". Amendment D.33, as subamended by the Workers' Vice-Chairman, was adopted.

58. Amendment D.9, submitted by the Government members of Mexico and Nicaragua, sought to add in paragraph 4 after the word "considering" the word "also" and to add after the words "from time to time" the words "in order to be strengthened and therefore".

59. Following the introduction of the amendment by the Government member of Mexico, the Employers' Vice-Chairman stated that the addition of "also" was of no consequence, but that the second part of the amendment was quite another matter, as it implied that all institutions and structures should be strengthened, before even reviewing them.

60. The Workers' Vice-Chairman suggested in response to the previous speaker's concern the addition of the words "if necessary". The Employers' Vice-Chairman accordingly proposed a subamendment to add after the words "from time to time" the words "and, where necessary, strengthened". The Government member of Mexico indicated her agreement with the subamendment. Amendment D.9, as subamended, was adopted.

61. As a result, amendment D.36, submitted by the Workers' group, fell.

62. Amendment D.37, submitted by the Workers' group, sought to add after paragraph 4 the following new paragraph:

> Recognizing the key importance of ILO Conventions covering fundamental workers' rights, in particular Conventions Nos. 87, 98, 100, 29 and 105, 111 and 138,

63. Introducing the amendment, the Workers' Vice-Chairman underlined the importance of the text proposed which concerned ILO Conventions dealing with fundamental human rights. The Government member of Canada accepted the wording of the amendment but proposed that it should come before paragraph 3, rather than after paragraph 4, in order to respect the logical progression of the text, as conceived by its authors.

64. The Employers' Vice-Chairman, however, said that he was unaware that there were any key ILO Conventions and expressed the view that there were others which were also very important. The Government member of Mexico pointed out that in fact the proposed text recognized the key importance of ILO conventions bearing on the fundamental rights of workers. The Government member of Nicaragua agreed with the previous speaker, but wondered whether it might not be preferable to refer to ILO Conventions in general, as they all became part of national law once ratified. The Government members of France and the United Kingdom, however, both underlined the special importance of the Conventions referred to in the amendment and suggested respectively that the word "notably" might replace the words "in particular" and that the word "key" might be omitted.

65. The Employers' Vice-Chairman requested a break for consultations, following which the Workers' Vice-Chairman proposed the following subamendment:

> Noting the particular importance of ILO Conventions covering fundamental rights, including Conventions Nos. 87, 98, 100, 29, 105 and 111,

which was supported by the Employers' Vice-Chairman. The Government member of Canada proposed a second subamendment to place the new paragraph just before paragraph 3. Amendment D.37, as subamended, was adopted.

66. Amendment D.38, submitted by the Workers' group, sought to add after paragraph 4 a new paragraph worded as follows:

> Mindful of the fact that challenges of globalization and especially the relationship between workers' rights and international trade will continue to be dealt with by the ILO,

67. The Workers' Vice-Chairman introduced the amendment, stressing its importance in the light of the Workers' group's decision to withdraw its resolution on this subject.

68. The Government member of Malaysia, speaking on behalf of the ASEAN countries and a number of other developing countries, indicated that the amendment could not be accepted. He stated that the ILO's mandate extended only to workers' rights and not to international trade and there was already a supervisory mechanism in the Committee on the Application of Standards to look into improvements in labour standards and their effective application. He was of the opinion that workers' rights and international trade should not be linked since to do so would be tantamount to imposing a new conditionality by denying market access and placing greater obstacles in the way of the economic development of the developing countries which were facing unemployment, poverty and structural adjustment problems. He acknowledged that those who were in favour of linkage were genuinely concerned about workers' rights, but what was most important was to create jobs and increase productivity. If the effect of a linkage or social clause was to push labour costs up to the levels prevalent in industrialized countries, then this would erode whatever comparative advantage the developing countries enjoyed and affect their capacity to sustain economic development and improve living standards.

69. The Workers' Vice-Chairman raised a point of order, arguing that the previous speaker had just made a presentation of the resolution which had been placed fourth in the ballot, instead of speaking on the amendment. In response, the Government member of Malaysia observed that he had simply been explaining why he could not agree to the amendment.

70. The Government member of Canada feared that, with the amendment under discussion, the Committee was entering a minefield. The link between workers' rights and international trade needed above all to be clarified and the original text of the resolution proposed, without referring to it specifically, that issues such as this be placed in the hands of the Governing Body. He therefore appealed to the sponsors of the amendment and to those of amendments D.40, D.18, D.21, D.22 and D.24 which addressed the same subject, to withdraw them.

71. The Government member of Bangladesh fully endorsed the views expressed by the Government member of Malaysia and noted that the problems which he had mentioned were even more acute in the case of the least developed countries, such as his own.

72. The Government member of Mexico asked if the Workers' group might accept a subamendment deleting the reference in their amendment to the relationship between workers' rights and international trade.

73. As a co-sponsor of the resolution, the Government member of Sweden stressed the universality and neutrality which characterized the original text and which would be undermined by amendments either for or against the social clause.

74. The Government members of India and China fully endorsed the statement of the Government member of Malaysia. The former noted that there was general agreement that the issue would be taken up by the Governing Body; this was not the time or place to deal with it. The latter added that the phrase "continue to be dealt with by the ILO" used by the authors of the amendment wrongly assumed that this was the present practice. He concluded that the amendment was about the social clause and was inappropriate in the context of the resolution under discussion.

75. The Workers' Vice-Chairman indicated that his group might consider a possible mutual withdrawal of the amendments as suggested by the Government member of Canada and of the subamendment proposed by the Government member of Mexico. However, so far the sponsors of amendments D.18, D.21, D.22 and D.24 had not reacted to the suggestion of withdrawing their amendments. He requested a brief break for consultations.

76. The Government member of the United Kingdom noted the slow progress being made by the Committee in its consideration of the amendments and appealed either for mutual withdrawal of the relevant amendments or for agreement on a rewording of the amendment acceptable to all sides. Her own Government was not in favour of linking international trade to workers' rights. She concluded by noting that even if a statement on the social clause was adopted, this would make no difference in practice, as decisions on the matter would in any case be taken elsewhere.

77. The Government member of France stated that he could not support the amendment as drafted. France did not wish to see a debate develop in the International Labour Conference between two blocks of countries. Nor did it want to take any position that would inhibit economic development. However the ILO would in due course have to define its position on the matter, since failure to do so would endanger its very survival. The Government member of Germany similarly stressed that the ILO had to pursue the matter, since otherwise it would be handled by the new World Trade Organization alone.

78. The Government member of Pakistan expressed his agreement with the concerns expressed by the Government member of Malaysia concerning proposals to link ILO standards with trade. He suggested to the sponsors of the amendments not to make controversial the resolution concerning the 75th anniversary of the ILO and, in order to make it non-controversial and acceptable to all, that they withdraw their proposed amendments. Thereafter the Workers' Vice-Chairman offered to propose a text based on the subamendment of the Government member of Mexico. However, the Employers' Vice-Chairman objected that almost all of the Government members who had spoken were opposed to the amendment and that this was also the position of his own group. He stated that his group was very firmly opposed to any linkage of international trade with mandatory provisions concerning workers' rights. There was then an exchange on whether or not the discussion of the amendment should continue.

79. In the ensuing discussion the Government members of Egypt and Sudan added their voices to that of the Government member of Malaysia. The Government member of Argentina expressed agreement with the amendment but observed that the only way out would be to stick to the original text of the resolution. The Government members of Guatemala and Nicaragua supported the proposal of the Government member of Mexico to find some new wording that would be acceptable to all. The Government members of Canada, Italy, Norway, the Russian Federation, Spain and the United States appealed for mutual withdrawal of the various amendments relating to the subject of the social clause.

80. The Government member of Mexico proposed the following subamendment:

> Mindful of the fact that the ILO will continue to consider all the aspects of globalization which have an impact on the world of work,

81. The Workers' Vice-Chairman noted that the subamendment rendered the amendment neutral and was acceptable to the Workers' group. He suggested that consideration should now be given to the withdrawal of the other relevant amendments.

82. The Government member of Malaysia, however, proposed an alternative subamendment worded as follows:

> Mindful of the fact that the challenge of globalization and its impact on workers' rights should be discussed by the ILO while issues pertaining to international trade should be discussed by other relevant organizations,

83. The Employers' Vice-Chairman observed that the time had now come for a break for consultations. Following the break, the Workers' Vice-Chairman proposed to withdraw amendments D.38 and D.40, on the understanding that this would lead to the withdrawal of amendments D.18, D.21, D.22 and D.24. The Government member of Malaysia confirmed that this would be an acceptable compromise. All six amendments were thus withdrawn.

84. Amendment D.39, submitted by the Workers' group, sought to add after paragraph 4 the following new paragraph:

> Acknowledging that structural change profoundly affects the world of work which requires the ILO to most efficiently pursue its mandate and objectives concerning social justice, including the promotion of full, freely chosen and productive employment,

85. Introducing the amendment, the Workers' Vice-Chairman indicated that his group would have no objection if a reference to "the continued enhancement of working conditions", previously proposed as amendment D.7 now withdrawn, were to be added as a subamendment. The Government members of Canada and the United Kingdom indicated their acceptance of the amendment and the subamendment, with the latter proposing, for stylistic reasons, to replace the words "to most efficiently pursue" by the words "efficiently to pursue".

86. Following some discussion whether or not to refer also to "a better life for workers", the Government member of Mexico proposed that the substance of withdrawn amendment D.7 be incorporated by adding, as a subamendment, the words "and the continued enhancement of working conditions".

87. The Employers' Vice-Chairman indicated that he would not request a vote but that his group's opposition to the amendment should be placed on record. With that, amendment D.39, as subamended, was adopted.

88. Amendment D.10, submitted by the Government members of Mexico and Nicaragua, sought to replace paragraph 6 by the following paragraph:

> Thanking the Director-General for his Report to the current Conference, entitled *Defending values, promoting change — Social justice in a global economy: An ILO agenda*, and taking note of the ideas and proposals contained therein on future orientations and activities of the ILO,

89. Introducing the amendment, the Government member of Mexico explained that, as the sponsors did not endorse all the ideas expressed by the Director-General, they wished to formulate two separate propositions, namely to thank him for his Report and to note the ideas and proposals which it contained. She observed that if amendment D.10 were adopted, then logically amendments D.28 and D.41 would fall.

90. The Government member of Canada recalled that the word "welcoming" had not in fact been intended by the sponsors to signify agreement with the ideas of the Director-General but he recognized that it was causing difficulties. The sponsors were therefore prepared to accept the amendment. However, the Workers' Vice-Chairman expressed a preference for the proposal in amendments D.28 and D.41 simply to replace the word "welcoming" by the word "noting".

91. The Government member of Malaysia drew the Committee's attention to amendment D.20, suggesting that this might be combined with amendment D.10. The Government member of the United Kingdom expressed reservations about this proposal, noting that amendment D.20 raised a separate issue, namely that of international labour standards. Concerning the drafting of amendment D.10, she proposed that the word "orientations" be replaced by "orientation" in the singular.

92. The Employers' Vice-Chairman appealed to everyone to avoid proposing amendments that were merely cosmetic. In response, various Government members pointed out that the matter under discussion was indeed one of substance, since they did not agree with certain of the ideas and proposals of the Director-General. In the light of these explanations, both the Workers' and the Employers' Vice-Chairmen indicated their support for the amendment. Amendment D.10, as slightly subamended by the Government member of the United Kingdom, was adopted.

93. Amendment D.11, submitted by the Government members of Mexico and Nicaragua, sought to add after paragraph 6 the following new paragraph:

> Aware of the need to invigorate further the above-mentioned improvements of the Governing Body's functions and methods of work,

94. After the Government member of Mexico had introduced the amendment, the Government member of Canada observed that paragraph 5 already referred to the improvements made by the Governing Body and that he did not think it necessary for the resolution to instruct it to make further improvements. He was therefore not in favour of the amendment. The Government member of Mexico agreed to withdraw amendment D.11.

95. Amendment D.17, submitted by the Government members of China, India, Indonesia, Malaysia, Pakistan, Philippines, Singapore and Thailand, sought to add after paragraph 6 the following new paragraph:

> Recognizing the importance of promoting national development through job creation and better employment prospects, particularly for those who have been deprived of opportunities to improve their economic and social well-being,

96. Introducing the amendment, the Government member of Malaysia referred to the grave problems of unemployment and structural adjustment facing the developing countries. He suggested that the ILO had to be seen to be helping these countries to overcome their problems and hoped that the amendment would command general agreement.

97. The Government member of Canada stated that he had no objection to the substance of the amendment, but he did not believe that it belonged in the resolution under discussion. He therefore requested that it be withdrawn. The Workers' Vice-Chairman agreed with the substance of the amendment but observed that it sought to introduce into the resolution text taken from the resolution which had been placed fourth in the ballot. He recalled that at a previous Conference the Committee had ruled against such a procedure. The Employers' Vice-Chairman, expressing the same reservation, indicated that his group could not support the amendment. While not accepting the principle invoked by the Workers' and Employers' Vice-Chairmen, the Government member of India agreed to withdraw amendment D.17.

98. Amendment D.29, submitted by the Government members of India and Tunisia, sought to replace the words "discussion of" in paragraph 7 with the words "current debate in the International Labour Conference".

99. Introducing the amendment, the Government member of India observed that the word "debate" was already to be found in the French text. The Workers' Vice-Chairman observed that the same idea was to be found in amendment D.42 and that the latter had the advantage of not referring to the "current debate". The Government member of Canada agreed that the word "current" would make no sense when the resolution came up for final adoption, but also pointed out that the "discussion" mentioned in the original text was much more than simply the debate in the Conference. He could not support amendment D.29, but found D.42 acceptable.

100. After some discussion, the Government member of India proposed the following subamendment to amendment D.42:

> Further noting with interest the views expressed in the debate at the Conference as well as the recent contributions of several governments and of the social partners in the ILO to the discussion of the ILO's future;

101. The Government member of the United Kingdom proposed a further subamendment, to insert before the word "Conference" the words "81st Session of the International Labour". With these two subamendments, amendment D.42 was adopted.

102. Amendment D.19 submitted by the Government members of China, India, Indonesia, Malaysia, Pakistan, Philippines, Singapore and Thailand, sought to introduce a new paragraph worded as follows:

> Fully taking into account paragraph 3 of article 19 of the ILO Constitution and recognizing that the respect for workers' rights and adherence to labour standards should also take into account flexibility and the different stages of development, local conditions and structural adjustment problems.

103. Introducing amendment D.19 on behalf of the sponsors, the Government member of Malaysia explained that the application of standards in developing countries should take into account adaptability to the needs of a changing environment and the level and pace of development, as these countries could not be expected to apply these in the same way as more advanced countries. Paragraph 3 of article 19 in the ILO Constitution allowed for a more flexible application of standards. The intention of the amendment was to reaffirm this principle at a time when excessive legal rigidity could have contributed to the low rate of ratification in the application of standards and was being reassessed.

104. The Workers' Vice-Chairman observed that at this stage of the Committee's work, rather lengthy introductory statements were not really useful. He observed further that one reference to the ILO Constitution could easily lead to proposals that several other references should also be included. He suggested to the authors the withdrawal of their amendment.

105. The Government member of Canada stressed once more that the purpose of the resolution was precisely to allow these issues to be debated further in appropriate fora, but that there was no need to pursue these points in this Committee.

106. In expressing their support for the amendment, the Government members of India, China and Indonesia pointed out that countries at different stages of development needed to proceed differently in matters pertaining to the application of standards.

107. The Government members of Chile and the United Kingdom indicated their preference for the original text. The substantive debate on the issue raised by the amendment was taking place in the plenary and would be pursued. The Government member of the United Kingdom appealed to the authors to withdraw their amendment.

108. The Employers' Vice-Chairman proposed a compromise subamendment to D.19 worded as follows: "Mindful of the special provisions contained in paragraph 3 of article 19 in the ILO Constitution". The Government member of the United States supported this subamendment.

109. In order to avoid further unnecessary delays, the Workers' Vice-Chairman extended his support to this proposal provided the word "special" would be deleted. The Government member of Mexico expressed her support for this subamendment. With reluctance the Government member of Canada also agreed to the Employers' proposal.

110. The Government member of Malaysia agreed to the proposal, and amendment D.19 as subamended by the Employers' and Workers' Vice-Chairmen was adopted, and proposed that the amendment be placed after paragraph 4.

111. Amendment D.20 was withdrawn by the Government member of Malaysia on behalf of the sponsors as the element concerning the re-evaluation of the relevance of the standards had been taken care of in paragraph 6 by amendment D.10.

112. The preambular part of the resolution, as amended, was adopted.

Amendments to the operative part

113. Introducing amendment D.12 to paragraph 1 on behalf of the Government members of Guatemala and Nicaragua, the Government member of Mexico indicated that the intention was to distinguish clearly between policy-making organs and means of action in two separate paragraphs whilst maintaining the essence of the original text.

114. The Employers' Vice-Chairman indicated that he was not opposed in principle to the splitting into two new paragraphs, but was opposed to the wording "such as the Governing Body and the Conference" which implied that there were other structures besides. The original text referred only to "structure and means of action" which was preferable.

115. The Government member of Canada observed that the amendment did not really introduce any new points, and that as far as possible, unnecessary redrafting should be avoided and the original text retained.

116. The Workers' Vice-Chairman introduced a subamendment to D.12 reading as follows:

> 1. Calls upon member States, and employers' and workers' organizations, to reaffirm their commitment to the principles and fundamental values upon which the ILO was founded and to contribute to a strengthening of its structures of policy-making and implementation.
>
> 2. Encourages also member States, and employers' and workers' organizations, to work together ...

117. Following a debate and a recess for consultations, the Workers' Vice-Chairman introduced a new wording of his subamendment to D.12 as follows:

> 1. Calls upon member States, employers' and workers' organizations to reaffirm the principles and fundamental values upon which the ILO was founded and to contribute to a strengthening, where necessary, of the ILO's policy-making structures.
>
> 2. Encourages also member States, and employers' and workers' organizations to work together with a view to a renewal of the means of action of the ILO, and with a view to improving and optimizing the benefits it offers to its constituents in the light of changes in the world.

Amendment D.12 as subamended was adopted.

118. On the understanding that it could be introduced as a subamendment to amendment D.31, the Government member of Mexico accepted to withdraw amendment D.13 which called for the deletion of paragraph 2 of the operative part, the substance of which was to be found in draft amendments to be examined by the Committee at a later stage.

119. Amendment D.31, submitted by the Government members of India and Tunisia sought to replace paragraph 2 by the following text:

> Requests the Director-General of the International Labour Office to have his Report further deliberated at future sessions of the Governing Body taking into account the debate at the 81st Session of the International Labour Conference.

120. After the Government member of India had introduced the amendment, the Government member of Canada observed that this amendment inappropriately suggested that the Director-General's Report to the Conference be rediscussed in the Governing Body and at the insistence of the Director-General. Nevertheless, the sponsors of the resolution recognized that their original wording had led to some misunderstanding. He therefore introduced a subamendment reading as follows:

> Requests the Director-General, in the light of the views expressed in the debate on his report to the 81st Session of the International Labour Conference to present options to the Governing Body on how it might best ensure follow-up.

121. The Government members of Nicaragua and the United Kingdom both expressed their preference for the original text. The Director-General would no doubt take account of the debate in the Conference and submit to the Governing Body proposals for the future.

122. The Government member of India wished to introduce a further subamendment to the subamendment proposed by the Government member of Canada seeking to replace the words "... present options to the Governing Body on how it might best ensure follow-up", by the words "... facilitate discussion of ideas and proposals on his report at future sessions of the Governing Body". The Government member of Mexico expressed her agreement with the subamendments proposed by the delegations from both Canada and India and recalled that the proper order was from the Conference to the Governing Body and then to the Director-General.

123. The Employers' Vice-Chairman stated he had some problems with the text suggested by the Government member of India and suggested a further subamendment worded as follows: "... to present options to the Governing Body and facilitate how it might best ensure follow-up".

124. The Workers' Vice-Chairman and the Government member of Canada both indicated they could accept the amendment introduced by the Government member of India as subamended by the Employers' Vice-Chairman.

125. The Government member of Egypt, whilst expressing his support for the text proposed by the Government members of Canada and India, observed that it was part of the Director-General's normal duties to facilitate the work of the Governing Body. He further observed that the discussion was far from completed and therefore reference to any follow-up might be somewhat premature.

126. The Employers' Vice-Chairman put the finishing touches to his subamendment with the following wording: "... to present his views on the options available and to facilitate the discussion of these options by the Governing Body".

127. This wording of the subamendment was supported by the Workers' Vice-Chairman and the Government member of Canada speaking on behalf of the 14 co-sponsors of the resolution. Following a last proposal by the Government member of India to substitute "options" with "proposals" which was withdrawn, amendment D.31 as subamended by the Employers' Vice-Chairman, was adopted.

128. Amendment D.14 submitted by the Government members of Mexico and Nicaragua sought to replace paragraph 3 with the following text:

> Invites the Governing Body:
>
> (a) To examine the ideas and proposals contained in the Report of the Director-General, and to take fully into account the contribution and comments made by the Governments and social partners in that respect;
>
> (b) To discuss and revise all possible ways and means of revitalizing the ILO, and adapting its means of action to the changing world environment and increasing its effectiveness;
>
> (c) To examine also the strengthening of the programme on the application of standards, in particular:
>
> (i) the new stages on the elaboration and adoption of Conventions and Recommendations, as well as the possibility to create some more flexible standards;
>
> (ii) the performance of the mechanisms of the application of standards, considering their future consolidation, the need for the enlargement of their responsibilities or the creation of new bodies.

129. The amendment was introduced by the Government member of Mexico, who indicated that it should be read in conjunction with amendment D.31 discussed earlier. She further subamended her proposal by deleting the words "as well as the possibility to create some more flexible standards".

130. The Government member of Canada observed that the amendment in its point (a) simply added that the views of governments and employers' and workers' organizations should be taken into account, a point already covered earlier. In its point (b), he observed that little change to the existing paragraph 3(a) was introduced, whereas its point (c) was entirely new and covered only one aspect of the debate to come. In sum he was of the view that the proposed amendment was not very helpful.

131. The Workers' Vice-Chairman proposed to the authors of the amendment that it be withdrawn on the understanding that their concerns could be introduced when discussing other amendments. Following some discussion, the Government member of Mexico agreed to withdraw amendment D.14, indicating that it was important to distinguish the two stages proposed in subparagraphs (a) and (b).

132. Amendment D.23, submitted by the Government members of China, India, Indonesia, Malaysia, Pakistan, Philippines, Singapore and Thailand, sought to replace paragraph 3(a) by the following text:

> to examine the ideas and proposals in the Director-General's Report with a view to reviewing the role, structures and means of action of the ILO in order to revitalize

it fully taking into consideration the debate at the International Labour Conference;

133. Introducing the amendment, the Government member of India asked the floor to be given to the Workers' Vice-Chairman, who had consulted him on a subamendment to which he had agreed. The amendment, as subamended by the Workers' Vice-Chairman read as follows:

> to examine the ideas and proposals in the Director-General's Report with a view to a renewal, and where appropriate strengthening of the role, structures and means of action of the ILO taking into consideration the debate at the 81st Session of the International Labour Conference;

134. The Government member of Canada indicated that he did not disagree with this amendment but preferred the clearer original text. The Employers' Vice-Chairman disagreed with the deletion of the word "revitalize" which was different from "strengthening".

135. The Government members of Chile and the United Kingdom expressed their preference for the original text.

136. The Workers' Vice-Chairman and the Government member of the United Kingdom suggested the original text could be retained if the word "further" were inserted after the words "to revitalizing" in paragraph 3 (a). The Government member of Canada and the Employers' Vice-Chairman expressed their support for this suggestion.

137. The Government members of Mexico and Nicaragua pointed out that the Spanish translation of this paragraph presented some problems, as the word "revitalize" which did exist in Spanish was not used.

138. Amendment D.23 was not adopted.

139. As a result, amendment D.44 presented by the Workers' group fell.

140. Amendment D.32 submitted by the Government members of India and Tunisia sought to replace paragraph 3 (b) with the words "to keep the Conference informed of the outcome". The amendment was introduced by the Government member of India. The Workers' Vice-Chairman expressed his preference for the original text but was prepared to accept this amendment. Amendment D.32 was adopted.

141. As a result, amendments D.45, D.26, D.15 and D.16 fell.

142. Amendment D.25 submitted by the Government members of China, India, Indonesia, Malaysia, Pakistan, Philippines, Singapore and Thailand, was withdrawn by the authors.

143. The operative part of the resolution was adopted, as amended.

Adoption of the resolution

144. The resolution concerning the 75th anniversary of the ILO and its future orientation was adopted, as amended, by consensus.

Resolution concerning the World Summit for Social Development

Presentation of the two original texts

145. The two resolutions which were later merged in the above resolution were each presented as follows by one of their authors.

146. The Workers' member of Burkina Faso introduced the resolution concerning ILO action in preparation for the World Summit for Social Development on behalf of the co-authors. He stressed that the ILO could and should play an important role not only in the preparation to the Summit but also in the work that would result from it. More than any other international organization, the ILO had a unique contribution to make to this Summit. The resolution sought to secure that governments, employers and workers in all ILO member States, as well as the ILO itself, spared no effort to ensure the success of the Summit. At the time of the presentation he indicated that the authors of the resolution were open to combining their text with that of others.

147. The Workers' member of Morocco introduced the resolution concerning the World Summit for Social Development on behalf of the co-authors. The resolution was first and foremost designed to emphasize the importance all parties attach to this initiative. It called upon the ILO to take an active part at all stages of the Summit, in the preparation, during the Summit itself and in the follow-up work. The social partners should be fully involved in these tasks both at the national level and in the delegations selected to attend. The World Summit on Social Development should mark a turning point in the elimination of poverty, exclusion and unemployment which represent major threats to world peace. At the time of presentation the speaker indicated the authors' openness to possible mergers with similar texts.

General discussion

148. The Workers' Vice-Chairman related this draft merged resolution to the substantive text adopted by the Committee the previous year which provided much of the background and rationale. He recalled the various initiatives taken by the ILO Governing Body and its Working Party on the Summit and by the Office in the preparatory work leading to the World Summit for Social Development. The purpose of this resolution, which was largely procedural, was to underline the position and role of the ILO and its constituents in this process. The operative part stressed that employers' and workers' organizations should be involved in national preparatory work and in national delegations to the Summit. He acknowledged that the Summit was not tripartite, but as it concerned the core mandate of the ILO, the organization should be represented at all stages in keeping with its mandate, including in the follow-up to the Summit.

149. The Employers' Vice-Chairman expressed his support in principle for the resolution which recalled the mission of the ILO, stressed the legitimate role of Employers' and Workers' organizations and encouraged the widest possible participation in preparations for the Summit. It was important to underscore the issues to be addressed by the Summit and the mandate of the ILO in this regard, including in the follow-up work. The draft resolution needed some fine-tuning such as the references to structural change and cooperation with the international lending institutions in the preamble. The success of the Summit rested on addressing both economic growth and social dimensions. The reference to a World Social Charter could not be endorsed by the employers. Some amendments would therefore be proposed along these lines as well as to paragraphs 8, 9 and 11 in the preamble and paragraph 1(e) in the operative part. On the other hand several parts could be readily endorsed by the speaker's group.

150. The Government member of Poland expressed her support for the resolution. She was encouraged by the growing recognition worldwide of the need for a new form of social development. In recent years, profound political and economic changes had not been accompanied by similar progress in social development. Economic adjustment worldwide had been associated with a deteriorating quality of life, growing poverty and unemployment and discontent particularly among young people. The human and social costs of economic reform were particularly important in Central and Eastern Europe and could undermine the reform process itself. The speaker was hopeful that the Summit preparations and the Summit itself would address these issues.

151. The Government member of Italy stated that his delegation looked upon the Summit as a unique opportunity for an evaluation of the world social situation and for a strengthening of the struggle against poverty and unemployment. This required a well coordinated international response. The ILO stood at the forefront of this struggle and its contribution to this high-level meeting was essential. Subject to some remarks on wording, such as the reference to a World Social Charter which might prejudge the outcome of the Summit, his delegation supported this resolution.

152. The Government member of Spain pointed out that the context in which the Summit was taking place required a careful assessment of what the ILO and the UN could reasonably achieve. He saw some convergence in the arguments of the two groups whilst supporting the remarks of the Employers' Vice-Chairman. He indicated that the wording of some of the paragraphs needed some clarification. There was reference to the informal tripartite meeting at ministerial level on employment, the conclusions of which had not yet been communicated. The reference to a World Social Charter should be set within the declaration and programme of action to be adopted. Tripartism needed to be strengthened but such recommendations needed to be as practical as possible. The operative part also needed some specification as to what exactly was sought. Paragraph 2(c) needed to be couched in more general terms. Similarly paragraph 2(d) was too restrictive and needed to address economic growth and social development.

153. The Government member of the United Kingdom indicated her support for the broad intention of the resolution. Her Government favoured a pragmatic approach which would avoid costly new machinery for vetting social policies of governments. The Summit should concentrate on an effective sharing of experience, including that existing in UN agencies. She indicated that the theme of productive employment was critical to the Summit's social objectives and supported the view that detailed solutions to unemployment were best found at the national level. Her delegation would have a number of amendments to offer, mostly of tone and nuance rather than substance. For instance, she preferred to refer to the expansion of productive employment rather than the struggle against unemployment. Some amendments would also be proposed on the role of the social partners. It was not an ILO summit nor was the UN a tripartite organization. Finally the reference to a World Social Charter raised a major problem and it would be safer to leave it out.

154. The Government member of the Philippines considered the resolution both timely and relevant. The resolution would provide useful guidance to the ongoing preparatory work to the Summit. The role of the ILO in preparations for the Summit was central in view of the three main issues to be addressed but also in view of the wealth of experience found in the ILO. There was a pressing need for ILO's constituencies to collectively prepare and actively take part in the Summit.

155. The Government member of Germany expressed the hope that the discussion would proceed rapidly enough to ensure that, within the time available to the Committee, the resolution would be duly adopted.

156. The Government member of Chile recalled the crucial role his country was playing in the Summit. This resolution was complementary to earlier decisions of the Governing Body and preparatory work to the Summit, all of which conveyed a shared desire to design strategies and policy measures for tackling the broad social issues at hand. He supported the resolution.

157. The Government member of the Syrian Arab Republic indicated that human and social resources were critical in all societies. Social problems needed to be addressed in structural adjustment policies. The ILO was to contribute meaningfully to the Summit as well as in the follow-up. Some amendments would be proposed.

158. The Government member of Pakistan supported this resolution which underscored issues of poverty, employment and structural adjustment central to developing countries. He was particularly pleased with paragraphs 1(d) and 2(c) in the operative part which gave the ILO a leading role in the preparatory work for the Summit and in the follow-up. The close association of Employers' and Workers' organizations in the work of the Summit needed to be stressed. The inclusion of their representatives in national delegations should pose no problem.

159. The Government member of Egypt indicated that the three issues to be addressed at the Summit called for an integrated approach to development which should be reflected in the preamble of the resolution. Peace, economic growth and social justice needed to be addressed in a comprehensive manner. Productive employment was a powerful means to reduce poverty and enhance social integration. Development also required effective coordination. The speaker referred to the document prepared by the UN Secretary-General entitled "Agenda for Development" and made available to conference delegates which provided an in-depth analysis of a broad range of social development issues. Finally he felt that it was too early to speak of the outcome of the Summit, particularly with regard to a World Social Charter. Some redrafting of the preamble and the operative part would be suggested along these lines.

160. The Government member of the United States viewed the Summit as an important opportunity to develop a strategy for sustainable human development. Her Government thought the ILO should play a key role, particularly as the issues to be addressed were central to ILO's mandate. She referred to the excellent documentation and outstanding discussion at the informal tripartite meeting at ministerial level on employment and looked forward to receiving the report.

161. The Government member of Senegal acknowledged that the ILO had a central role to play in the preparation for the Summit, during the Summit itself and in the follow-up. He called on the ILO to assist governments confronted with the social consequences of structural adjustment. Likewise, the international community should be encouraged to design and implement a programme of action addressing the world social crisis. He expressed his full support for the resolution.

162. The Government member of Argentina supported the resolution and the active role of the ILO in the Summit. The ILO's tripartite constituents were confronted with a range of social problems which all needed to be addressed. He also mentioned the important role that the Ambassador of Chile, Mr. Somavia, is playing in the preparation for the Summit. The reference to the World Social Charter should be more concrete and specific as mere goodwill rarely sufficed.

163. The Government member of Mexico supported the previous speaker and indicated that the most important thing for her Government was the role and function of the ILO in social development. It was incumbent on all three groups to find solutions to such issues as poverty, unemployment, malnutrition and economic migration. She supported the resolution but wished to see some ambiguities in the text clarified, as well as greater specification of the role of the ILO in the preparations for the Summit , during the Summit and in the aftermath. She also wished to see the conclusions of the informal tripartite meeting at ministerial level on employment before judging them. Nothing prevented governments from including the social partners in national delegations.

164. The Government member of Bulgaria expressed his delegation's full support for the Summit. The resolution reflected a common will to bring new initiatives to social thinking and he supported it in principle. There was some room for improvement in the operative part. In particular the social dimensions of economic development in a period of transition needed more attention. An amendment along these lines would be presented.

165. The Government member of Nicaragua shared the views of the government member of Spain. He had some reservations on paragraph 2(d). The globalization of the economy in which large multinational companies held a prominent position required closer coordination with international financial institutions. Deregulation policies adopted in some countries had not, so far, significantly reduced poverty. The World Social Charter was perhaps utopian but brought in an element of hope. He called for the resolution to be adopted.

166. The Government member of Malaysia expressed his support for the resolution. It was important for the Summit to address problems of unemployment, poverty and productivity, as such problems were no longer found only in developing countries. Human resource development in developing and developed countries were of critical importance. Although it would not be a tripartite Summit, the inputs of the social partners should be included. Any amendments enabling the resolution to be adopted by consensus would receive his delegation's support.

167. The Government member of India noted that poverty, unemployment and social exclusion were morally, socially and economically unacceptable. In resolution 47/92 the General Assembly had recognized that these issues were interlinked and that there could be no peace and international security without sustainable and equitable development. Deliberate measures were required to accelerate the expansion of productive employment. He had some reservations on paragraph 1(c)(ii) and would propose some amendments.

168. The Government member of Finland observed that his Government actively supported the Summit and therefore also supported this resolution. His delegation had no problems with the text of the resolution but remained open to any amendments.

169. The Government member of France welcomed the resolution. He paid tribute to the work already accomplished by the ILO in the preparations for the Summit but felt the ILO's role needed to be further strengthened. His delegation had some reservations on two points of the resolution. The Summit would adopt a declaration but not necessarily a World Social Charter. There was already a European Social Charter as well as the ILO's Philadelphia Declaration. The second point related to tripartite participation in the national delegations and the participation of the ILO itself. This was particularly important in the current preparatory work in which the ILO should be strongly represented since by January 1995 it would be too late to significantly bear on the issues at hand. He urged that no time should be lost as much work still lay ahead.

170. The Government member of Bangladesh supported a comprehensive resolution which would provide clear guidance to the ILO. Much more was required to combat unemployment and poverty in the least developed countries (LDCs) such as Bangladesh. Assistance from developed partners and international organizations was required, as well as debt relief measures. His delegation would propose some amendments to include appropriate references to the LDCs in the preamble and the operative parts of the resolution. He requested information on the working party of the Governing Body on the Summit and on the outcome of the informal tripartite meeting at ministerial level on employment.

171. The Government member of Portugal expressed support for the essential principles of the resolution. He shared the observations made by the Government member of Spain and would propose some amendments.

172. The Workers' Vice-Chairman noted that 22 governments had made supportive statements as had the Employers' group. He observed that despite broad agreement on the resolution, a large number of amendments would be proposed. Some would relate only to drafting points, and he hoped suitable wording could be found. He briefly commented on some of the remarks made in paragraphs 3, 4, 8, 9 and 11 in the preamble. As to the points raised on the operative part, his group was ready to consider these.

173. A representative of the Secretary-General responded to the queries raised by various Committee members. The working party of the Governing Body on the Summit was set up in March 1993 to guide the Organization's inputs to the preparatory work. It was composed of five representatives each of governments, employers and workers. It had adopted a comprehensive statement about the ILO's views on the Summit and had submitted a list of points to be included in the draft declaration and programme of action.

174. As regards the tripartite meeting at ministerial level on employment, it was an informal meeting convened to allow Ministers of Labour as well as Employers' and Workers' representatives to comment on an Office paper prepared at the request of the Summit preparatory committee. This document would now be revised in the light of the rich contributions received. There would be no report nor record of the meeting.

Consideration of amendments

175. Fifty-five amendments, numbered D.47 to D.101, were submitted for examination.

Amendments to the preamble

176. The Committee adopted the title and paragraph 1 of the preamble without amendment.

177. Amendment D.83, submitted by the Government members of China, Egypt and India, sought to add after paragraph 1 the following new paragraph:

> Considering the vital importance of peace, economic growth and social justice as the essential components necessary for development,

178. Introducing the amendment, the Government member of Egypt indicated that equal weight should be given to each of the three elements mentioned. The Workers' Vice-Chairman said that his group had no objections to the amendment. The Government member of Germany, recalling the aims of the World Summit on Social Development, proposed a subamendment to add before the word "development" the word "social". The Employers' Vice-Chairman supported the amendment and the subamendment.

179. The Government member of Malaysia also supported the amendment, but proposed a subamendment to add a fourth element, namely "human resource development". The Government member of Egypt accepted the subamendment proposed by the Government member of Germany, but preferred to hear what other members thought about the inclusion of "human resource development". The Workers' Vice-Chairman pointed out that if this fourth element was to be included, then it would be necessary to add a whole list of other things of commensurate importance. He did however support the subamendment proposed by the Government member of Germany. Amendment D.83 was adopted as subamended by the Government member of Germany.

180. Amendment D.64, submitted by the Government members of Germany and the United States, sought to replace in paragraph 1 the words "of the struggle against unemployment, poverty and social exclusion" by the words "for the expansion of productive employment, reduction of unemployment, reduction and elimination of widespread poverty and promotion of social integration,"

181. Introducing the amendment, the Government member of the United States noted that it did not represent a change of substance, but merely sought to give a more accurate description of the aims of the Summit. The Workers' Vice-Chairman proposed a subamendment to add before the words "productive employment" the words "full, freely chosen and" and to delete the word "widespread". The Government member of Germany and the Employers' Vice-Chairman both indicated their agreement with the subamendment. Amendment D.64 was adopted as subamended.

182. As a result amendment D.53, submitted by the Government members of Canada, the Netherlands and the United Kingdom, fell.

183. Amendment D.68, submitted by the Employers' group, sought to replace in paragraph 3 the words "structural changes which take place in the world economy today have consequences on employment, social exclusion, poverty and migration for economic reasons" with the words "the social and living conditions of people become particularly vulnerable during periods of profound political and economic change,"

184. Introducing the amendment, the Employers' Vice-Chairman recalled that the subject of this paragraph had been discussed in the Committee the previous year in the context of the resolution concerning social protection and the alleviation of unemployment and poverty, and the social dimension of structural adjustment and transition to a market economy. As that resolution had been adopted by consensus, the amendment proposed to use the same formulation. The Workers' Vice-Chairman accepted the amendment in principle but, pointing out that the previous year's resolution had concerned inter alia structural adjustment, to which references in this paragraph now would be deleted, he proposed to replace the words "political and economic" by the word "structural". The Employers' Vice-Chairman agreed to the subamendment. Amendment D.68 was adopted as subamended.

185. As a result, amendment D.84, submitted by the Government members of China, Egypt and India, and amendment D.54, submitted by the Government members of Canada, France, Germany, the Netherlands, the United Kingdom and the United States, both fell.

186. Amendment D.69, submitted by the Employers' group, sought to add after paragraph 3 the following new paragraph:

> Convinced that economic efficiency and growth, and their interaction with adequate social protection, are important prerequisites for successful national development, and that economic reforms should also lead to sustainable social progress,

187. The Employers' Vice-Chairman introduced the amendment, noting that here too the previous year's formulation was a good one and should be used again. The Workers' Vice-Chairman indicated his group's agreement. Amendment D.69 was adopted.

188. Amendment D.55, submitted by the Government members of the United Kingdom and the United States, sought to replace paragraph 4 by the following text:

> Mindful of the need to address social consequences that may arise from structural adjustment policies, including those promoted by the International Monetary Fund and the World Bank,

189. Following the introduction of the amendment by the Government member of the United States, the Workers' Vice-Chairman indicated his group's agreement to it. The Employers' Vice-Chairman, also supporting the amendment, noted that it was important to remember that the International Monetary Fund and the World Bank were not the only financial institutions concerned and that the word "including" was therefore appropriate. Amendment D.55 was adopted.

190. As a result, amendment D.70, submitted by the Employers' group, amendment D.66, submitted by the Government member of Bangladesh, and amendment D.86, submitted by the Government members of China, Egypt and India, all fell.

191. Amendment D.85, submitted by the Government members of China, Egypt and India, sought to add after paragraph 4 the following new paragraph:

> Recognizing the importance of international cooperation to support national efforts to promote social development,

192. After the introduction of the amendment by the Government member of Egypt, the Workers' Vice-Chairman stated that his group had no problem with the proposed text. The Employers' Vice-Chairman also supported the amendment, recalling that this too was an issue that had been discussed the previous year. The Government member of Mexico expressed her support for the amendment, but proposed a subamendment to add after the word "support" the words "or complement". In response to a question from the Employers' Vice-Chairman, she explained that international cooperation was based on the principle that it is necessary not only to support but also to complement national efforts; if only the word "support" were used, this could mean that international cooperation would be called upon to assume the entire burden. The Workers' Vice-Chairman indicated that his group would prefer in that case to say "and complement", a proposal supported by the Employers' Vice-Chairman. Amendment D.85 was adopted as subamended.

193. Amendment D.47, submitted by the Government member of Sweden and seconded by the Government member of the United Kingdom, sought to delete in paragraph 5 the words "and the opportunity that the Summit offers for the preparation of a comprehensive programme of action for the United Nations system,".

194. Introducing the amendment, the Government member of Sweden said that he supported the resolution as drafted and did not feel strongly about the amendment which was linked to another amendment (D.50) concerning the operative part of the resolution. He indicated that alternatively he would be pleased to support amendment D.57. The Workers' Vice-Chairman said that his group would prefer to retain the original text, noting the likelihood that the Summit would indeed adopt a programme of action. The Government member of the United Kingdom proposed a subamendment which would retain the original text but replace the words "the global social crisis" by the words "global social issues" and substitute the word "appropriate" for the word "comprehensive". The Workers' Vice-Chairman said he could agree to the former proposal, if it was slightly reformulated as "global social problems".

195. The Government member of India, supported the subamendment proposed by the Government member of the United Kingdom. However, referring to amendment D.87, he noted that the problems were of both a social and an economic nature and therefore proposed a further subamendment to add before the word "problems" the words "and economic".

196. The Employers' Vice-Chairman said he had initially not been in favour of the phrase which the amendment sought to delete. As regards the subamendment of the Government Member of the United Kingdom, he felt that the word "comprehensive" should be retained in preference to the word "appropriate", as the latter was subjective and left a lot of uncertainty about the nature of the action programme to be adopted and as an economic framework was necessary in order to deal with social problems. The Government member of Germany also supported the idea of retaining the word "comprehensive". The Workers' Vice-Chairman added that the word "comprehensive" had the advantage of helping to meet the concerns expressed earlier by the Government member of India.

197. The Government member of the United Kingdom accepted the phrase "global social problems" and, recalling that an ILO preparatory document for the Summit had stressed the importance of national as well as international action, proposed to refer to a "comprehensive and appropriate" programme of action. The Government member of Sudan stressed that there really was a crisis and proposed the insertion of the word "acute" before the words "social problems". The Government member of India recalled the subamendment which he had earlier proposed, noting that poverty had an important economic dimension. The Workers' Vice-Chairman observed that to add the words "and economic" would go beyond the aims of the Summit. He appreciated the support of certain governments for the word "crisis", but felt that "problems" was not inappropriate as it reflected the fact that the crisis had a number of different aspects. He could not agree to dealing only with "acute" social problems. In response to the Government member of the United Kingdom, he suggested using the words "appropriate comprehensive" to qualify "programme of action".

198. After an intervention from the Government member of Syria stressing the link between social and economic development, the Government member of India agreed to withdraw amendment D.87, submitted by the Government members of China, Egypt and India, seeking to introduce the words "and economic" after the word "social" in paragraph 5. The Government member of Mexico indicated certain inconsistencies in the Spanish translation of amendment D.47.

199. The Government delegate of the United Kingdom suggested the deletion of "the" before "global". With the agreement of the Employers' Vice-Chairman, amendment D.47, as subamended by the Workers' Vice-Chairman, was accordingly adopted.

200. Amendment D.88, submitted by the Government members of China, Egypt and India, sought to introduce a new paragraph 6 worded as follows:

> Recognizing the need to coordinate the activities of organizations and agencies working in development and the need for a clear commitment by each of them to work towards common and compatible goals and objectives,

201. Introducing the amendment, the Government member of Egypt explained that several UN bodies had competence in the field of social development which implied there was a need for coordination to avoid duplication as well as to ensure full coverage.

202. The Workers' Vice-Chairman pointed out that the amendment did not mention the ILO nor did it specify which organizations and agencies it was referring to. He observed that non-governmental organizations could also be construed to be included and wished to avoid implying that their work should be coordinated by any third party. The text as it stood was not appropriate in a tripartite body.

203. The Employers' Vice-Chairman also pointed to the problems of interpretation he faced with this text which did not say who would be coordinating what. The Government member of the United Kingdom, whilst expressing her sympathy with the ideas of the amendment, stated she had similar problems with the wording of the text. She invited the authors to withdraw it. In response to this request the Government member of Egypt withdrew amendment D.88.

204. Amendment D.71, submitted by the Employers' group, sought to introduce five changes of wording to paragraph 6. In introducing the amendment, the Employers' Vice-Chairman apologized for the cumbersome presentation of the changes proposed.

205. The Workers' Vice-Chairman noted that this amendment by implication also amended paragraph 7 addressed in amended D.72, and indicated he could go along with the suggested changes if he could slightly modify the Employers' proposal. He concurred with the deletion of the word "core" before the word "issues" in the first line of paragraph 6, as well as with the addition of the words "and competence" after the word "mandate" in the second line, in accordance with the Employers' proposals. He further proposed that the rest of the paragraph read as follows:

> Accordingly the ILO has a primary responsibility and role to play in preparation and conduct of the Summit and in the consideration and implementation of conclusions which fall within its competence.

206. The Government member of the United Kingdom agreed to the text as proposed in spite of its rather long and complicated nature. She suggested the two parts could be turned into two separate paragraphs. The Workers' Vice-Chairman readily agreed to this suggestion.

207. The Employers' Vice-Chairman concurred with this last suggestion and suggested that the second paragraph just proposed should start with the words "Considering also the ILO has a primary responsibility...". He further suggested the deletion of the article "the" in the first line of paragraph 6 to read "Considering that issues to be examined ...".

208. The Government member of Mexico expressed her support for the changes proposed and pointed to some problems in the interpretation into Spanish. The Government member of Finland suggested the addition of the words "recognizing therefore that" as a way of linking the suggested two new paragraphs. The Workers' Vice-Chairman agreed to start the second new paragraph with the words "Considering therefore that ..."

209. Amendment D.71 was adopted as subamended. The wording of the suggested paragraphs now reads as follows:

> Considering that core issues to be examined by the Summit are central to the mandate and competence of the ILO;
>
> Considering therefore that the ILO has a primary responsibility and role to play in the preparation and conduct of the Summit and in the consideration and implementation of conclusions which fall within its competence.

210. As a result, amendments D.89 and D.58 fell.

211. Amendment D.72 submitted by the Employers' group sought to delete paragraph 7. Introducing the amendment, the Employers' Vice-Chairman explained that with the adoption of amendment D.71 this paragraph became redundant. The Workers' Vice-Chairman concurred and the amendment was accordingly adopted. As a result, amendment D.90 fell.

212. Amendment D.73 submitted by the Employers' group sought to delete the words "and representation" in paragraph 8. Introducing the amendment, the Employers' Vice-Chairman recognized that the Summit was primarily one of governments and that it would be presumptuous to believe that tripartite representation should be imposed at all stages of the Summit. The tripartite input referred to in the paragraph was meant to include participation of representatives of employers' and workers' organizations as advisers in national delegations.

213. The Workers' Vice-Chairman agreed to the suggested change provided the word "input" was interpreted broadly to mean participation, consultation and representation, and written in the plural. The Government member of the United Kingdom agreed to the Workers' proposal and suggested the word "appropriate" be inserted before the word "stages" in the recognition of the fact that it was primarily a government Summit.

214. The Employers' Vice-Chairman thanked the authors for these carefully drafted proposals and suggested the word "appropriate" might best be placed before the words "tripartite inputs". The paragraph would thus read as follows:

> Stressing the need for appropriate tripartite inputs at all stages of the Summit process.

This proposal received wide support and amendment D.73 as subamended was adopted.

215. As a result, amendments D.48, D.91 and D.59 all fell.

216. Amendment D.92, submitted by the Government members of China, Egypt and India, sought to delete paragraph 9. Introducing the amendment, the Government member of Egypt indicated that the sponsors supported tripartism wholeheartedly but that the substance of paragraph 9 was already found in the preceding paragraph. Furthermore, he indicated that the Committee should avoid a lengthy discussion of how to define "balanced standards".

217. The Workers' Vice-Chairman noted the observations of the speaker and proposed that the authors withdraw their amendment on the understanding that amendment D.74 proposing a redraft of this paragraph would be adopted. The Government member of Egypt agreed to this suggestion and withdrew his amendment.

218. Amendment D.74 submitted by the Employers' group suggested a redrafting of paragraph 9 as follows:

> Also stressing the importance of the participation of workers' and employers' organizations, as appropriate, in the development of policies for economic growth and employment generation which will contribute to the strengthening of social protection systems, especially for the most vulnerable groups of the population.

219. Introducing the amendment, the Employers' Vice-Chairman indicated that he also had difficulties with the wording of paragraph 9, and felt a different formulation was required which he drew from the operative paragraph 1(d) of last year's resolution as the basis for this amendment. The Workers' Vice-Chairman concurred with this amendment which was adopted. As a result, amendment D.65 fell.

220. Paragraph 10 was adopted without amendment.

221. Amendment D.49, submitted by the Government member of Sweden and seconded by the Government member of Finland, was withdrawn.

222. Amendment D.93, submitted by the Government members of China, Egypt and India, sought to replace paragraph 11 by the following text:

> Noting also the views expressed during the Informal Tripartite Meeting at the Ministerial Level on Employment on 10 June 1994 in respect of the Summit,

223. After the Government member of Egypt had introduced the amendment, the Employers' Vice-Chairman stated that he had a problem with paragraph 11, as neither he nor most of his group had attended the meeting and as there was no record of what had taken place. The Workers' Vice-Chairman suggested a slightly different formulation linking paragraph 11 to what was said in paragraph 10. The Government member of the United Kingdom shared the concern expressed by the Employers' Vice-Chairman and felt uncomfortable with the compromise tentatively proposed by the Workers' Vice-Chairman. She would prefer simply to note that the meeting had taken place and that the Office and the Director-General would take account of the views expressed. The Government member of Jordan proposed a subamendment merely noting that the informal meeting had taken place. The Government member of France feared that to refer to an informal meeting in the resolution would be to dilute the importance of the ILO and he preferred the proposal of the Government member of Sweden to delete paragraph 11. The Government member of Romania noted the importance of the ILO documentation prepared for the informal meeting and proposed replacing paragraph 11 by adding a reference to this in paragraph 10.

224. As he did not know what the views expressed at the informal meeting were, the Employers' Vice-Chairman stressed the need to avoid expressing any judgement on the meeting. The Government representative of Mexico agreed with the Government member of the United Kingdom that it was not possible to take note of the views expressed in the meeting, but she did feel that the resolution could refer to the meeting and to the ILO preparatory document and suggested a subamendment along those lines. The Government member of the United States said that ideally there would be a corresponding paragraph in the operative part and paragraph 11 would then simply note that the informal meeting had taken place. The Government member of Senegal suggested another subamendment requesting the Director-General to submit to the Summit a report on the informal meeting. The Government member of the United Kingdom recalled that there was as yet no record of the meeting and wondered whether the problem might not be solved by a small addition to paragraph 10.

225. The Workers' Vice-Chairman said that a simple text was required noting that the meeting had taken place, but not passing any judgement on it. In response the Employers' Vice-Chairman proposed the following subamendment:

> Also noting that discussions took place at the Informal Tripartite Meeting at the Ministerial Level on Employment held on 10 June 1994 on issues to be addressed at the Summit,

226. The Government member of France suggested that reference should be made to the preparations for the Summit, as in paragraph 10. In response the Workers' Vice-Chairman pointed out that the formulation proposed by the Employers' Vice-Chairman included both the preparations and the Summit itself. The Employers' Vice-Chairman further proposed to replace the words "at the Summit" by the words "in connection with the Summit". Amendment D.93, as subamended by the Employers' Vice-Chairman, was adopted.

227. Amendment D.75, submitted by the Employers' group, fell.

228. The preamble was adopted as amended.

Amendments to the operative part

229. Amendment D.94, submitted by the Government members of China, Egypt and India, sought to replace paragraph 1(a) by the following text:

> to take the competence, mandate and work of the ILO into consideration in their preparation for the Summit;

230. Introducing the amendment, the Government member of Egypt reminded the Committee that a UN resolution had already invited member States to prepare for the Summit and that it was unnecessary for the ILO to do so again. The Workers' Vice-Chairman felt that the amendment involved little more than a change in the order of the words and expressed his preference for retaining the original. Even though the UN had called on member States to prepare for the Summit, he felt that the ILO should also call on them, as well as on employers' and workers' organizations, to prepare for it taking account of the competence, mandate and work of the ILO. The Employers' Vice-Chairman felt that the amendment was not materially different from the original. The Government member of Egypt agreed to withdraw amendment D.94.

231. Amendment D.95, submitted by the Government members of China, Egypt and India, sought to replace paragraph 1(b) by the following text:

> to adopt and implement a declaration and a programme of action addressing effectively the issues of unemployment, poverty and social exclusion;

232. Introducing the amendment, the Government member of India noted that it simplified the text and deleted the reference to a World Social Charter. The Workers' Vice-Chairman agreed that it was useful to streamline this paragraph and acknowledged that the idea of mentioning at this stage a World Social Charter did not meet with universal approval. He suggested that a subamendment to D.95 might be formulated building, inter alia, on the text of amendment D.52. The Government member of India recalled that a UN resolution had already mentioned that the Summit should adopt a declaration and a programme of action addressed to the three subjects of the Summit and suggested that the present resolution should refer to these three subjects in the same terms. The Government member of Germany said that the position stated by the Government member of India was basically correct, but he would wish to see one addition, namely to refer not just to unemployment, but rather to the expansion of employment and the reduction of unemployment. The Government member of the United Kingdom also felt that it was important to refer to the promotion of employment as well as the alleviation of unemployment. She appreciated the desire expressed by the Government member of India to respect the language of the UN, but felt it was also important to aim at consistency with the language used in other ILO documents. The Government member of India expressed agreement with the proposal of the Government member of Germany.

233. Referring to the suggestion made by the Workers' Vice-Chairman concerning a possible subamendment, the Employers' Vice-Chairman observed that if the wording proposed in amendment D.52 were to be used, then the word "widespread"should be deleted. In response, the Workers' Vice-Chairman agreed to the deletion of "widespread"so that his subamendment would read as follows:

> to adopt and implement a declaration and a programme of action which will address effectively the issues of expansion of productive employment and reduction of unemployment, reduction and elimination of poverty and promotion of social integration;

234. The Employers' Vice-Chairman supported the subamendment, but proposed that the word "will" be replaced by "should". The Government member of India indicated his acceptance of the subamendment and the Workers' Vice-Chairman agreed on the substitution of "should" for "will". Amendment D.95 was adopted as subamended.

235. As a result, amendment D.52, submitted by the Government members of Germany and the United States, amendment D.50, submitted by the Government member of Sweden, amendment D.61, submitted by the Government members of Canada and the United States, amendment D.60, submitted by the Government members of Canada, France, Germany, the United Kingdom and the United States, and amendment D.76, submitted by the Employers' group, all fell.

236. Amendment D.62, submitted by the Government members of Canada, the United Kingdom and the United States, sought to replace paragraph 1(c) by the following text:

to promote actively the appropriate involvement of employers and workers and their organizations in the preparations for, conduct of and follow-up to the Summit;

237. Introducing the amendment, the Government member of the United Kingdom noted that its intention was to tidy up the original text, by saying the same things in a shorter and simpler fashion. In response the Workers' Vice-Chairman observed that there had been a general understanding that the resolution could be prescriptive, if not on substance at least on procedure. Paragraph (c) and its three separate points were of great importance for the resolution as they gave it more real content. He therefore proposed a subamendment as follows:

> to promote the appropriate involvement of employers' and workers' organizations in the preparations for, conduct of, and follow-up to the Summit by:
>
> (i) involving employers' and workers' organizations in the national preparations for the Summit;
>
> (ii) including representatives of employers' and workers' organizations as advisers in the national delegations to the Summit;
>
> (iii) making practical arrangements for substantial active participation by the representatives of employers' and workers' organizations at the Summit;

238. The Government member of the United Kingdom took the view that the text proposed was still very elaborate and added that it was not realistic to expect every member State to follow all the suggestions made in such detail. The Government member of India supported her position, as did the Government members of the Russian Federation and the United States. The latter added that in her country, although employers' and workers' organizations were being involved in the national preparations, no thought had been given to the possibility of including them in the national delegation.

239. The Government member of Finland felt that no harm would be done if the ILO took up the issue of tripartism in the manner suggested in the Workers' Vice-Chairman's amendment. The Government member of Mexico also expressed support for this subamendment. The fact that the Summit would be a UN meeting should not, she observed, prevent member States from structuring their delegations as they thought fit. The Government member of Chile also supported the subamendment, commenting that if the ILO were to be fully realistic, many pages of its Conventions, Recommendations and resolutions could be saved as well as time in discussing them. The Government member of Malaysia, however, thought it was important to be realistic as this was not a tripartite Summit and supported the position taken by his colleagues from India and the United Kingdom.

240. Noting that it would be difficult to reach a compromise solution, the Government member of the United Kingdom inquired what the views of the Employers' group were on the subject. The Employers' Vice-Chairman observed that wherever such a Summit was to take place, employers' and workers' organizations had an interest in the proceedings. The outcome was likely to have implications for employers and people at work. He would like these organizations to be involved in the national preparations, to see their representatives included in national delegations and to have practical arrangements made for their active participation. If they were not included in national delegations, he asked how would it be possible to consult them on issues of concern to them were raised in the debate? Of course, some member States might not respond, but that was no reason for not expressing the wish.

241. Acknowledging that there appeared to be majority support for the Workers' Vice-Chairman's subamendment, the Government member of the United Kingdom suggested that the insertion of the word "considering" at the beginning of subparagraph (ii) would make it easier for some Government members to accept. The Workers' Vice-Chairman observed that he could accept the addition of the word "considering". After a short break for consultations, he explained in detail his subamendment and proposed the following revised text:

> to promote the appropriate involvement of employers' and workers' organizations in the preparations for, conduct of, and follow-up to the Summit by:
>
> (i) involving employers' and workers' organizations in the national preparations for the Summit;
>
> (ii) considering including representatives of employers' and workers' organizations as advisers in the national delegations to the Summit;
>
> (iii) considering the practical arrangements for an active participation by the representatives of employers' and workers' organizations at the Summit;

242. The Government member of the Russian Federation observed that the Workers' Vice-Chairman's explanation had been very useful, but that he could make no commitment about the suggestions in subparagraphs (ii) and (iii). He therefore considered that the text proposed in amendment D.62 was sufficient and asked that his reservations on the subamendment be placed on record. Amendment D.62 was then adopted as subamended by the Workers' Vice-Chairman.

243. As a result, amendment D.96, submitted by the Government members of China, Egypt and India, and amendments D.77, D.78 and D.79, submitted by the Employers' group, all fell.

244. Amendment D.97, submitted by the Government members of China, Egypt and India, sought to replace paragraph 1(d) with the following text:

> to recognize the competence of the ILO regarding the core issues in preparation, conduct and follow-up of the Summit;

245. The Government member of India introduced the amendment by indicating that its intention was simply to replace the word "ensure" with "recognize". The Workers' Vice-Chairman agreed to this relatively minor change, but indicated he would prefer the word "primarily" to be retained as in the original text. The Employers' Vice-Chairman followed suit with the understanding that, as argued by him on an earlier occasion of this text, the words "the core themes" would be changed to "core themes".

246. The Government member of the United Kingdom agreed to these suggestions and added that for drafting consistency the following wording would be preferable: "... in the preparation for, conduct of and follow-up to ...". With these changes, amendment D.97, as subamended, was adopted. The paragraph now reads:

> (d) to recognize the primary competence of the ILO regarding core themes in the preparation for, conduct of, and follow-up to the Summit;

247. Amendment D.98, submitted by the Government members of China, Egypt and India, sought to delete paragraph 1(e). Introducing the amendment, the

Government member of Egypt indicated that the reference to tripartite involvement in national economic and social decision-making in the paragraph raised serious problems for the authors. Moreover, this matter had already been addressed in great detail in the previous paragraph.

248. The Workers' Vice-Chairman suggested that for the sake of the logic of the text, if D.98 could be withdrawn, then amendment D.63 still to be considered could give way to amendment D.80 submitted by the Employers' group and which was built on language agreed upon last year.

249. The Employers' Vice-Chairman was happy to confirm support for his group's amendment D.80, which sought to replace paragraph 1(e) with the following text:

> to strengthen the active participation of workers' and employers' organizations in the formulation of policies and action to deal with the issues arising out of the Summit.

250. In the light of the Workers' Vice-Chairman's suggestion, and on behalf of the co-sponsors, the Government member of the United Kingdom agreed to withdraw amendment D.63 submitted by the Government members of Canada, the United Kingdom and the United States, which sought to replace paragraph 1(e) with a new text. Likewise the Government member of Egypt accepted to withdraw amendment D.98, although he pointed out he still had some problems with the formulation of amendment D.80.

251. Taking these observations into consideration, the Employers' Vice-Chairman suggested a subamendment to his amendment worded as follows: "... in the formulation of follow-up action arising out of the Summit." The Government member of India accepted this formulation and amendment D.80, as subamended, was adopted. As a result, amendment D.51 submitted by the Government member of Sweden, fell.

252. With no amendments to the introductory part of paragraph 2 nor to subparagraph 2(a), these were adopted.

253. Introducing amendment D.99 to paragraph 2(b) submitted by the Government members of China, Egypt and India, the Government member of Egypt explained that the only intention was to replace the words "participation in" by the words "input into".

254. The Workers' Vice-Chairman indicated that the new formulation of paragraph 1(c) facilitated acceptance of this amendment. He nevertheless suggested, as he had done earlier, that the word "input" be used in the plural. With these changes, amendment D.99 was adopted as subamended.

255. Amendment D.67 submitted by the Government member of Bangladesh and seconded by the Government member of the United Kingdom, sought to add the words "keeping in view the special needs of the least developed countries" at the end of paragraph 2(c). Explaining the amendment the Government member of Bangladesh stated that nowhere in the world were social conditions so alarming as in the least developed countries. This was recognized in a recent General Assembly resolution 47/92 which called for special attention to be given to these countries. He expressed the hope that this Committee would support a similar view.

256. The Workers' Vice-Chairman indicated that this amendment presented a problem, not as regards its intention with which he could readily agree, but with regard to its insertion in the text of paragraph 2(c). He suggested the matter could be taken up again when discussing amendment D.82 which raised a similar issue.

257. The Government members of India, the United Kingdom and Sudan expressed their support for the amendment. The Government member of the United Kingdom and the Employers' Vice-Chairman indicated support for the proposed amendment but, like the Workers' Vice-Chairman, asked whether it might not be placed in paragraph 2(d). Following some debate, the Government member of Bangladesh accepted to withdraw his amendment on the understanding that the concern it conveyed would be addressed in the subsequent paragraph.

258. On behalf of the co-sponsors, the Government member of Egypt withdrew amendment D.100. The Government member of India likewise withdrew amendment D.101.

259. Amendment D.82, submitted by the Government member of Bulgaria and seconded by the Government members of Germany, Poland and the Russian Federation, sought to add the words "including programmes of transition to a market economy" at the end of paragraph 2(d). The Government member of Bulgaria presented the amendment by stating that his task was greatly facilitated following the consideration of amendment D.67. He conveyed that the intention of his amendment was simply to call attention, as had been done the previous year, to the structural changes taking place in countries moving to a market economy.

260. The Workers' Vice-Chairman suggested the following reformulation of paragraph 2(d):

> to continue, in this context, to address the social aspects of structural adjustment bearing in mind the problems of countries in transition to a market economy and the particular needs of least developed countries.

261. The Government member of Morocco expressed his support for the subamendment but suggested adding to the end the words "in coordination with international financial institutions". The Government member of Argentina supported the amendments of the Government members of Bangladesh and Bulgaria and suggested for the sake of equity also to include a reference to developing countries in general. The Government members of India and Mexico indicated their support for this suggestion.

262. The Employers' and the Workers' Vice-Chairmen indicated their reservations concerning this latter suggestion. Taking the views expressed into consideration, the Workers' Vice-Chairman suggested a new formulation of his earlier subamendment worded as follows:

> To continue, in this context, to address the social aspects of structural adjustment, bearing in mind the persistent problems of developing countries, and especially the particular needs of least developed countries, as well as the problems of countries in transition to a market economy.

263. This formulation commanded wide support. The earlier suggestion of the Government member of Morocco was not retained. As a result, amendment D.82, as subamended, was adopted. Consequently, amendment D.81, submitted by the Employers' group, fell.

264. The Committee adopted the operative part of the resolution, as amended.

Adoption of the resolution

265. The resolution concerning the World Summit for Social Development was adopted, as amended, by consensus.

Resolution concerning the role of the ILO in the elimination of child labour

Presentation of the resolution

266. On behalf of the sponsoring Workers' delegates, the Workers' member from New Zealand presented the resolution stating that it was the specific responsibility of the ILO to deal with child labour, particularly in this 75th anniversary year. Despite the many social advances recorded since the foundation of the ILO, the exploitation of children continued in many regions of the world. World economic and social change had created a massive impact on working people, but in the debates on this subject children were often forgotten. Growing competition had led to an intensification of low-cost competition, including intensification of child exploitation. The speaker gave two examples of this, first in the growing demand for Australian and New Zealand wool to be used in the manufacture of carpets extensively based on child labour, and second in the expansion of organized tourism in poor countries linked to child prostitution. He recalled the words of the President of the Conference proposing a universal prohibition of labour for children under 14 years and the appropriate regulation of employment of adoloscents aged 14 to 18. He indicated that the resolution aimed to build on the work done by previous ILO conferences and on the initiatives taken by the ILO itself as well as those of other UN agencies. He further stated that the resolution had been sponsored by Workers' delegates from 27 countries and hoped it would command wide support in the Committee.

General discussion

267. The Workers' member from New Zealand explained that the resolution was related to the basic mandate of the ILO. Child workers were not marginalized and discouraged workers. They had never been given proper opportunities nor would many of them ever reach the maturity and physical capacity to be capable of seeking employment as adults. The growth of world trade and of globalization, although not directly linked, had worsened the problem of child labour. The recordable exploitation of under-aged children increased from 56 million in 1979 to 88 million in 1986 and was put at 200 million in the most recent assessment. The speaker asked what could possibly justify this phenomenon? The disaster was of a global nature found in all parts of the world, in both developing and developed countries. He stated that this abuse of the most basic of human rights needed to be energetically opposed through decisive steps towards the final elimination of child labour. The social costs were high as generations were being lost who would not be contributing to their own physical and social development nor to that of their countries. The developed countries needed to accept their share of responsibility. The middle classes were the target market for significant volumes of the products produced by child labour. The speaker explained that the intention of the sponsors was to have a decisive statement by the Conference on this matter on the occasion of the 75th anniversary. He pointed to the main items in the preamble and the operative part of the resolution. Governments were invited to ratify ILO Convention No. 138 as well as actively to discourage the use of child labour. Two new activities were proposed for the ILO beyond those already under way, namely the undertaking of a comprehensive study to identify the extent of the practice and the convening of a world conference on child labour. In concluding he called on all the members of the Committee to lend their support to this resolution.

268. The Employers' Vice-Chairman conveyed the support of his group for the resolution as well as their concern over the issue of child labour. He regretted that the Committee would have no time to discuss it further and hoped there would be another opportunity.

269. On behalf of the IMEC countries, the Government member of the United Kingdom expressed her wholehearted support for this resolution and for the work of the ILO in this field. The resolution called for an end to child bondage and slavery, to child labour in onerous and hazardous conditions and to work by younger children, but was not over-ambitious in its aims in that it had not aimed at an immediate end to all child labour. She noted that, had there been more time to discuss the resolution in detail, it would have been her hope to see it swiftly adopted with only minor amendments. However, as there was no realistic prospect of this, she appealed to the Committee members not to engage in a long debate so that it would be possible to finish the Committee's other urgent business.

270. Speaking for the countries of his region, the Government member of Argentina, whilst conveying his full support for the resolution, doubted whether the Committee would this year be in a position to adopt more than two resolutions.

271. The Government member of India stated that his country was against child labour. India's Constitution called for the protection of children and several labour laws aimed to protect children as well as to achieve the progressive elimination of child labour. However, on the question of the resolution before the Committee, he mentioned that many elements in the resolution caused concern. In this connection, he observed that his Government fully endorsed the 1979 ILC resolution on child labour and this resolution, which spoke about humanizing and regulating child labour with a view to its progressive elimination, was still relevant today. He pointed out that child labour and exploitation were worldwide phenomena, found in varying forms, irrespective of poverty or prosperity, in the developed and developing world. He specifically pointed out the *World Labour Report 1992* in this connection where there were important references to child labour in developed countries. Surprisingly, this aspect was prominently absent in the *World Labour Report 1993*. He went on to add that it was the 1979 resolution that inspired much of the Child Labour (Prohibition and Regulation) Act of 1986 of India. The Government of India had adopted a multidisciplinary approach to address this issue by eliminating child labour in hazardous employments and regulating child labour in other areas with a view to its progressive elimination. He argued that the call for the immediate elimination of child labour was not pragmatic as it would only cause further distress and would move the practice underground beyond the reach of laws and enforcing agencies. In a vast country like India, such laws could not be easily enforced. He questioned whether child labour should be abolished through sanctions on the international trade of goods produced by child labour. The relative volume of such trade was rather small. In his view, massive social problems such as child labour could not be meaningfully addressed by coercion, in trade or otherwise. More positive measures were required such as investments in universal elementary education, particularly when made relevant to the world of work, awareness campaigns among all concerned, and poverty alleviation programmes providing gainful employment. He concluded that child labour required an integrated approach, combining legislative means and development programmes such as the IPEC programme of the ILO from which his country also benefited.

272. The Government member of China stated that his Government was against child labour and was combating it through legislative and practical means. He expressed his support for the resolution and, if time permitted, would hope to suggest some improvements to the text, in particular as regards increased cooperation and assistance.

273. The Government member of Chile indicated his satisfaction with the resolution.

274. The Workers' Vice-Chairman suggested to the Committee that if there would be no amendments, the resolution could be adopted by consensus. If there were only very few amendments to this draft resolution, which seemed to command broad agreement, the Committee would possibly have time to adopt it.

275. Following a short debate, and after several Government members indicated that they would have amendments to propose to the draft resolution, the Committee decided on this occasion not to set a deadline for the submission of amendments since there would not be time for them to be discussed.

Consideration and adoption of the report

Consideration of the report

276. The Committee considered its draft report at its tenth sitting.

277. Corrections to specific paragraphs were submitted by various members for incorporation in the report.

Adoption of the report

278. At its tenth sitting, the Committee unanimously adopted its report subject to a number of changes.

Geneva, 18 June 1994. (signed) Mr. S. Gopalan,
Chairman and Reporter.

Resolutions submitted to the Conference

Resolution concerning the 75th anniversary of the ILO and its future orientation

The General Conference of the International Labour Organization,

On the occasion of the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia,

Reaffirming the principles and fundamental values upon which the ILO was founded and which retain their relevance in the world today, including the promotion of social justice as the basis of universal peace,

Reaffirming also that because of its mandate and tripartite structure, the ILO has a unique rôle to play within the UN system,

Noting the particular importance of ILO Conventions covering fundamental rights, including Conventions Nos. 87, 98, 100, 29 and 105, and 111,

Mindful of the provisions contained in paragraph 3 of article 19 of the ILO Constitution,

Recognizing that the world has undergone considerable social and economic changes in recent years and anticipating that these will continue and will have varying effects on different countries,

Considering also that all institutions and structures need to be reviewed from time to time and where necessary strengthened, in order to ensure that their activities remain relevant to the needs of their members in a changing environment,

Acknowledging that structural change profoundly affects the world of work which requires the ILO efficiently to pursue its mandate and objectives concerning social justice, including the promotion of full, freely chosen and productive employment and the continued enhancement of working conditions,

Noting that the Governing Body of the ILO has already taken steps to improve the functioning of the International Labour Conference and the regional conferences, and to improve its own methods of work,

Thanking the Director-General for his Report to the current Conference entitled *Defending values, promoting change — Social justice in a global economy: An ILO agenda*, and taking note of the ideas and proposals it contains on the ILO's future orientation and activities of the ILO,

Further noting with interest the views expressed in the debate at the 81st Session of the International Labour Conference, as well as the recent contributions of several governments and of the social partners in the ILO to the discussion of the ILO's future;

1. Calls upon member States, and employers' and workers' organizations to reaffirm the principles and fundamental values upon which the ILO was founded and to contribute to a strengthening, where necessary, of the ILO's policy-making structures.
2. Encourages also member States, and employers' and workers' organizations, to work together with a view to a renewal of the means of action of the ILO, and with a view to improving and optimizing the benefits it offers to its constituents in the light of changes in the world.

3. Requests the Director-General, in the light of the views expressed in the debate on his report to the 81st Session of the International Labour Conference, to present his views on the options available and to facilitate the discussion of these options by the Governing Body.

4. Requests the Governing Body of the International Labour Office:

   (a) to examine the ideas and proposals of the Director-General with a view to revitalizing further the ILO, adapting its means of action to the changing world environment and increasing its effectiveness;

   (b) to keep the Conference informed of the outcome.

Resolution concerning the World Summit for Social Development

The General Conference of the International Labour Organization,

Welcoming the convening by the United Nations General Assembly of the World Summit for Social Development in Denmark in 1995,

Considering the vital importance of peace, economic growth and social justice as the essential components necessary for social development,

Underlining the critical importance for the expansion of full, freely chosen and productive employment, reduction of unemployment, reduction and elimination of poverty and promotion of social integration, which have been chosen as the Summit's core issues,

Considering that the social and living conditions of people become particularly vulnerable during periods of profound structural change,

Convinced that economic efficiency and growth, and their interaction with adequate social protection, are important prerequisites for successful national development, and that economic reforms should also lead to sustainable social progress,

Mindful of the need to address the social consequences that may arise from structural adjustment policies including those promoted by the International Monetary Fund and the World Bank,

Recognizing the importance of international cooperation to support and complement national efforts to promote social development,

Recognizing the urgent need for a major initiative by the international community to tackle global social problems, and the opportunity that the Summit offers for the preparation of an appropriate comprehensive programme of action for the United Nations system,

Considering that issues to be examined by the Summit are central to the mandate and the competence of the ILO,

Considering therefore that the ILO has a primary responsibility and role to play in the preparation and conduct of the Summit and in the consideration and implementation of the conclusions which fall within its competence,

Stressing the need for appropriate tripartite inputs at all stages of the Summit process,

Also stressing the importance of the participation of workers' and employers' organizations, as appropriate, in the development of policies for economic growth and employment generation which will contribute to the strengthening of social protection systems, especially for the most vulnerable groups of the populations,

Noting the work of the Governing Body Working Party on the World Summit for Social Development and the inputs by the ILO Secretariat to the Summit preparation,

Also noting that discussions took place at the Informal Tripartite Meeting at the Ministerial Level on Employment held on 10 June 1994 on issues to be addressed in connection with the Summit;

1. Invites all member States, and where appropriate, workers' and employers' organizations:
   - (a) to prepare for the World Summit for Social Development taking into consideration the competence, mandate and work of the ILO;
   - (b) to adopt and implement a declaration and a programme of action which should effectively address the issues of expansion of productive employment and reduction of unemployment, reduction and elimination of poverty and promotion of social integration;
   - (c) to promote the appropriate involvement of employers' and workers' organizations in the preparations for, conduct of, and follow-up to the Summit by:
     - (i) involving employers' and workers' organizations in the national preparations for the Summit;
     - (ii) considering including representatives of employers' and workers' organizations as advisers in the national delegations to the Summit;
     - (iii) considering the practical arrangements for an active participation by the representatives of employers' and workers' organizations at the Summit;
   - (d) to recognize the primary competence of the ILO regarding core themes in the preparation for, conduct of and follow-up to the Summit;
   - (e) to strengthen the active participation of workers' and employers' organizations in the formulation of follow-up action to deal with the issues arising out of the Summit.
2. Invites the Governing Body of the International Labour Office to instruct the Director-General:
   - (a) to continue to make the necessary provisions for a full ILO input to the Summit process;
   - (b) to take all opportunities to promote tripartite inputs to that process;
   - (c) to take fully into account the need for the ILO to play a leading role in the follow-up to the Summit when preparing the programme and budget proposals for 1996-97 and in convening the second High-Level Meeting on Employment and Structural Adjustment;
   - (d) to continue, in this context, to address the problems of structural adjustment, bearing in mind the persistent problems of developing countries, and especially the particular needs of the least developed countries, as well as the problems of countries in transition to a market economy.

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International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

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Twentieth sitting

Monday, 20 June 1994, 10 a.m.

Presidents: Mr. Gray, Mr. Ould Sidi

FIRST REPORT OF THE FINANCE COMMITTEE OF GOVERNMENT REPRESENTATIVES: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT – The first item on our agenda is the first report of the Finance Committee of Government Representatives, contained in *Provisional Record* No. 15.

I call upon Mrs. Zhang, Government adviser, China, Chairperson and Reporter of the Finance Committee, to submit the report.

Mrs. ZHANG *(Government adviser, China; Chairperson and Reporter of the Finance Committee of Government Representatives)* – I have the honour to submit to the Conference the first report of the Finance Committee of Government Representatives. This report, circulated as *Provisional Record* No. 15, contains the Committee's discussion on all the matters it considered, and the resolutions recommended for adoption by the Conference appear just before the Appendices at the end of the report.

The first item before the Committee was an information paper showing the status of collection of member States' contributions at the end of May. The Treasurer informed the Committee that, with the addition of amounts received since then, the total for 1994 contributions received at 14 June 1994 was just over 144 million Swiss francs.

The second and third items were considered together. The first dealt with the rates of assessment of a number of new member States: Georgia, Tajikistan, Turkmenistan, Eritrea, the former Yugoslav Republic of Macedonia, Oman and South Africa; while the second proposed a scale of assessments for member States' contributions for 1995. Resolutions concerning both these matters were adopted by the Committee for submission to the Conference.

The fourth and fifth items dealt with by the Committee concerned arrangements for amounts due from Viet Nam and Albania. The resolutions submitted to the Conference are required because of the amendment to the Financial Regulations, which was approved by the Conference in 1993.

The Committee also considered the Financial Report and Audited Financial Statements for 1992-93 and recommends them to the Conference for adoption.

The next question was the treatment of the 1992-93 cash surplus. The Committee agreed to the recommendations of the Governing Body concerning the appropriations from this surplus described in Appendix II. This will still leave a refund to member States of the remainder of the cash surplus, amounting to just over 2.5 million Swiss francs.

The next matter considered by the Committee concerned an amount received from a company contracted to carry out maintenance work on the ILO headquarters building. The resolution adopted for submission to the Conference proposes that this amount be paid into the Building and Accommodation Fund for the maintenance of technical installations in the headquarters building.

The Committee also adopted for submission to the Conference a resolution concerning the terms of office of the three judges of the Administrative Tribunal of the International Labour Organization. This was the last item of business for the Committee.

To conclude, I would like to express my thanks to the Vice-Chairman of the Committee, Mr. Samuel Randiga, Government delegate of Kenya, to all members of the Committee for their attendance and active participation in our work, and to the members of the secretariat; all of them helped me greatly in my task as Chairman.

I would commend all these resolutions to the Conference for adoption, and I hope you will give them your unanimous support.

The PRESIDENT – The report is now open for discussion.

Miss MACKIE *(Employers' delegate, United Kingdom)* – I first wish to extend my congratulations and my support to the President and his Vice-Presidents.

Concerning the programme and budget and other financial questions, this agenda item does not often give rise to much discussion and yet the International Labour Conference is the final authority of the ILO and must be ultimately responsible for all its work, its structures and its reputation. We have two financial reports before us.

I have the honour to act as spokesperson for the Employers' group on the Programme, Financial and Administrative Committee of the Governing Body. Before I go any further, I should like to state very clearly that although I have some criticisms to make, none relates in any way to the integrity, motivation or, indeed, hard work of the Director-General or any of his staff, with whom I have, and hope to maintain, a working relationship in which they have been unfailingly patient and helpful.

Concerning the financial report and audited financial statements, apart from a recommendation that it should be adopted, there are no comments from the Governing Body, whose procedures currently do not permit discussion of reports made by its own committees. However, it is an important report and in particular the value and significance of the work done and the recommendations made by the External Auditor and his staff should not be overlooked. We have suggested that a small group might be set up for this purpose.

Concerning the treatment of the 1992-93 cash surplus, the Employers' group of the Governing Body supported the proposal now being made to the Conference on this matter, but remains concerned about a number of issues which arise from it, including the continued applicability of article 18 of the Financial Regulations. We hope that the Governing Body will return to these issues.

Concerning "zero real growth budgets", the governments of member States deserve a clear message of appreciation from this Conference for the strength of their financial support to the ILO. They have continued, for the past four biennia, to accept "zero real growth" budgeting. Any industrial or commercial organization which was able to count on such a commitment, especially during these past years of economic troubles, would have recognized that it was outstandingly fortunate and few public or private organizations of any kind can have experienced such stability.

However, the Director-General has referred to zero growth, critically, twice in circumstances reported in Report II now before us. On page 36, referring to proposals omitted from the budget of 1992-93, I quote: "However, the constraints of zero growth did not enable us to maintain them in the budget at that time. But it is obvious that by dint of concentrating the bulk of our resources on meeting the requests of member States, we have been forced to delay spending on certain maintenance and renovation costs which must imperatively be incurred, if we are not to witness a deterioration of the working tool of the Office."

Later, on page 43, I quote again: "The constraint of zero real growth over the last four biennia, coupled with repeated programme reduction exercises, has hindered the renovation of ILO external offices and the modernization of their stock of equipment and furniture."

It is not for the Governing Body to become involved with the detailed management of the Office. However, I am left with some real anxieties. We all rely upon the existence of the ILO offices, efficiently maintained with reasonably up-to-date technical equipment. Only on that assumption can programme priorities be sensibly discussed.

When the Director-General implies that fundamental needs are being disregarded in order to comply with the requests of member States, it is alarming. Perhaps it would not be, had the Programme, Financial and Administrative Committee been regularly made aware of any significant expenditure which the Director-General had felt obliged to defer in response to budgetary constraints. I hope he will provide such information in future, and that he will in any event feel encouraged to advise the Governing Body very strongly against the adoption of such programme priorities when, in his judgement, the result would be a deterioration, such as he referred to in the first passage I quoted.

The other course which we would most strongly recommend is that the ILO should follow the example, painful though it may be, of so many of its constituent members, and undertake a programme of streamlining procedures, cutting administrative costs and increasing productivity. I hear in the corridors that a varied range of steps has already been taken in this direction, but it does not seem entirely appropriate for the Programme, Financial and Administrative Committee to suspend its critical faculties on the basis of such unofficial information. If indeed action has been taken, there is ample evidence that there is scope for more. It is unacceptable that the Governing Body and the Conference should be constrained and limited in a cost-saving exercise while the Office retains staffing levels and personnel policies more suitable for the days of its founding 75 years ago.

I complimented the member States a few minutes ago, but unfortunately not all subscriptions are paid when they are due: that is a different issue. The Employers' group has for many years argued that a penalty should be imposed for late payment, a practice by no means unknown in international bodies. The present incentive bonus scheme has now been given a reasonable trial, and experience to date seems to indicate that its advantages are small and outweighed by its costs.

Let me turn now to the work of the governing body and the conference. As you know, following a review of the work of the Governing Body and the programme of the Conference itself, both have embarked on a trial period of reduced meetings, mainly to reduce costs. It is much too early to assess this trial, and I mention it now only to remind delegates that it is a trial and that their experience of it should be part of the evaluation which the Governing Body will be making at a later date.

I want to turn now to consideration and approval of the Programme and Budget, and I hope that the Governing Body will not wait for its financial evaluation of the changes before deciding that it should also consider the Programme, Financial and Administrative Committee and the extent to which it is currently able to do effective work.

Next year, this Conference will have the proposed Programme and Budget for 1996-97 before it. That document will represent months of work for every department and office in the ILO, but when the Governing Body receives a report on it from its Programme, Financial and Administrative Committee, that Committee will have had some difficulty finding an appropriate time to discuss it.

Part of the problem is unique to this year. The Preliminary Consultation Paper on the 1996-97 Programme and Budget was presented during the March Governing Body meeting, but clearly the special nature of the debate on the Director-General's Report in this anniversary year meant that the Governing Body's discussion of that paper would inevitably be overtaken by the Conference debate.

However, assuming that the proposed changes have come to stay, it should be noted that we must adapt further in order to make things work effectively. In non-budget years the report of the March session of the Governing Body on its discussion of the Preliminary Consultation on the Budget must somehow be approved so that it can come to the Conference in June. In budget years the March session of the Governing Body will need adequate time to discuss the Programme and Budget proposals, but that discussion will also have to take place early enough for any proposed changes and for the report on the discussion to be incorporated in the final documents which are due to be sent to member

States in the first week of April. There may be a cost-effective solution to be found in the use of some form of small working group, but that has yet to be discussed.

All of this amounts to an indigestible amount of procedural detail, for which I apologize to the President and to anyone else who is still listening. My excuse is very simple. I personally believe wholeheartedly in the value of the ILO and the work it does. It is needed, and it must do its work efficiently, democratically, and in accordance with its own Constitution and its various rules and procedures. A Governing Body which meets twice a year cannot provide the Director-General with the guidance and leadership which he is entitled to expect, but it must nevertheless take full responsibility for the results. No doubt various methods of solving this problem will be tried; thank you for allowing me to try the method of raising some unusually detailed issues here, under the second item of the Conference agenda.

The **PRESIDENT** – If there are no further requests for the floor, we shall move on to the adoption of the report.

The adoption of the report entails the adoption of the report itself, that is paragraphs 1 to 24, as well as the resolutions appended to it, namely the resolutions concerning the assessment of contributions of new member States, the resolution concerning the scale of assessment of contributions for 1995, the resolution concerning an arrangement for the settlement of amounts due by Viet Nam, the resolution concerning an arrangement for the settlement of amounts due by Albania, the resolution concerning the Financial Report and Audited Financial Statements for 1992-93, the resolution concerning the treatment of the 1992-93 cash surplus, the resolution concerning the treatment of the amount received from the Compagnie Générale de Climatisation et de Maintenance, and the resolution concerning the composition of the Administrative Tribunal of the International Labour Organization.

If there are no objections, may I take it that the report and the eight resolutions are adopted?

(The report and the eight resolutions are adopted.)

The **PRESIDENT** – I would like to thank the Chairman, the Vice-Chairmen and the other members of the Committee and the secretariat for the excellent work they have done.

SECOND REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

The **PRESIDENT** – We shall now move on to consider the second report of the Credentials Committee. I give the floor to Mr. Spencer, Government delegate, Trinidad and Tobago, Chairman of the Committee, to submit the report to the Conference.

Mr. **SPENCER** *(Government delegate, Trinidad and Tobago; Chairman of the Credentials Committee)* – The second report of the Credentials Committee is published at the end of *Provisional Record* No. 14. It contains the Committee's conclusions and three objections, lodged in accordance with article 26 of the Standing Orders of the Conference. They were in each case against the nomination of the Workers' delegate of the country concerned. In one case, the Committee found the objection not to be receivable as its author later accepted nomination as adviser in the Workers' delegation, and advisers cannot object to the credentials of the delegate to whom they are attached.

Another case concerned the action to be taken by Governments when the most representative organizations cannot agree on the composition of the delegations to the Conference. Two meetings had been arranged between the organizations, and different proposals were made. The Government acted on one of them. The Committee did not uphold the objection, but felt that more could perhaps have been done to obtain full agreement. Where a government receives different proposals, a decision should normally be made in favour of the proposal that comes from the most representative organization or organizations. The problem in this case is that the Government did not have the necessary data for assessing the representative character of the organizations.

This was also the main problem in the third case considered. On the absence of information of representative character, the Committee did not uphold the objection.

The Committee also discussed the questions concerning credentials in general and the appointment of substitute delegates. There was a difference of opinion in the Committee as to whether or not too many advisers were being appointed as substitute delegates. It was, however, felt that the forms for credentials that are sent to governments could be made clearer with respect to substitute delegates.

Finally, the Committee had to take a decision on a matter that had been dealt with at length by the Credentials Committee last year. A communication setting out the composition of the delegation of Zaire was received on behalf of the "*Gouvernement de Transition*". For the reasons given last year, the Committee was unable to treat this communication as credentials.

I should like to draw special attention to the list annexed to the Committee's report. It gives the numbers of delegates and advisers who are registered and still present at the Conference at the time the report was established, last Thursday. This list is not just for the information of delegations. I would suggest that each delegation look at the entry relating to itself and bring any discrepancies to the attention of the secretariat of the Credentials Committee. In this way, account can be taken of departures that have not been notified to the secretariat, as well as certain cases in which a delegate or other person entitled to vote does not yet appear in the database. Errors in quorum or voting rights can thus be avoided.

The **PRESIDENT** – Since this report was adopted unanimously by the Credentials Committee, I invite the Conference to take note of it.

(The report is noted).

The **PRESIDENT** – I should like to thank the Chairman and the Officers of the Committee for the excellent report they have presented to us.

The PRESIDENT – We will now resume our discussion of the Reports of the Governing Body and of the Director-General.

Mr. AGYEI *(Workers' delegate, Ghana)* – May I join all previous speakers in congratulating the President, on his election to the Chair of this important and memorable session which marks the 75th anniversary of the founding of this Organization and the 50th anniversary of the Declaration of Philadelphia.

I also bring to you, and to the whole Conference in session, the fraternal greetings and best wishes of the Executive Board of the Ghana Trades Union Congress on this historic and memorable occasion, and reaffirm the belief of the working people of Ghana in social justice as one of the fundamental values of the International Labour Organization and its determination to further its cause.

The last 75 years have witnessed the birth and sustained growth of the International Labour Organization with its enormous changes following the political and economic transformation in the world.

The Director-General in his Report to this 81st Session states that a great deal of progress and stability in various fields have been achieved over the past 75 years. While agreeing that the ILO in its 75 years of existence can recount some significant successes in the pursuit of its mandate of promoting social justice and better working conditions, a lot more remains to be done in the area of upholding and strengthening international labour standards.

It is becoming increasingly evident that globalization and a policy of ultra-liberalization of economies of the Third World are posing great threats to the relevance of international labour standards. In this regard, it is pertinent to caution that the soft-law approach, as envisaged in the Director-General's Report, will have a negative effect on the application of these standards, thus rendering new standard-setting activities of the ILO insignificant to the detriment of the world of work.

To workers in the developing countries, I have to exhort you that no price is too much to pay and no sacrifices too much to make for the achievement of universality of international labour standards.

We recognize the enormous responsibility of the International Labour Organization in its work for the attainment of its lofty ideals and pray that it continues with its fight for regulation of hours of work; achievement of full employment and raising standards of living; provision of relevant minimum wage to all; recognition of the principle of equal remuneration for work of equal value; recognition of the principle of freedom of association and the right to collective bargaining; provision of child welfare and maternity protection; protection of the interests of workers employed in countries other than their own; and the organization of vocational and technical education in conditions of equal opportunity.

The tripartite structure of the International Labour Organization is unique in the United Nations family. This tripartism must be reinforced everywhere and its scope expanded to serve as a forum for consultation on all social and economic issues. It is imperative for all social partners to act together in order to strengthen and sustain the practice of tripartism at international and national levels. In my country, the tripartite forum is helping to promote an enabling industrial atmosphere, which is a prerequisite for our economic recovery effort, even though there is considerable room for improvement.

We believe that dialogue and negotiations are the best means of bringing about the consensus that the social partners need in the promotion and sustenance of free collective bargaining and other related issues.

Tripartism, which has been tried and found effective in many countries of the North, at both local, regional and national levels, should be encouraged and strengthened in the South. In this respect, the ILO's strengthening of its field structures and of the multidisciplinary advisory teams which have been established should have, as its main thrust, educational programmes geared towards providing training and practical experience in the techniques of social dialogue and negotiations.

The Ghana Trades Union Congress dedicated its May Day celebrations to the ILO and the good work of its founding fathers. The theme of our celebrations was "International labour standards – Basis for socio-economic growth". During the period, focus was concentrated on the International Labour Organization and its impact on Ghanaian workers. This brought to the fore the shortcomings of our economic programme, especially the social dimensions of the Structural Adjustment Programme of the Government of Ghana.

The past years saw evidence of the onslaught on workers' rights in our country. Without our collective zeal, many of our retrenched members would have been denied their just entitlements. There are other labour issues pending, to be addressed by the Government of Ghana, and it is our hope that it will be guided by the vision of the founding people of this Organization, to enable Ghana to maintain and defend the values workers have achieved over the years with the aim of promoting change for peace and good governance.

I submit that governments must move away from merely lamenting the scale of poverty, disease and squalor to which peoples of developing countries are exposed, and begin to formulate and implement positive policies which will alleviate these dehumanizing conditions.

The Declaration of Philadelphia, whose 50th anniversary we are celebrating, should be a constant reminder to the privileged in society that time is not on their side; therefore, public authorities should take the initiative and act decisively to remove the danger which our continued poverty poses to their prosperity.

Finally, let me once again, on behalf of the working people of Ghana, congratulate the ILO on this occasion, and wish it many happy anniversaries in the years ahead.

Original Arabic: Mr. ABDOUN *(Workers' delegate, Sudan)* – In the name of God, the Merciful, the Compassionate! I wish to extend warm congratulations to the President and his Officers on their election to conduct the proceedings of this Conference, in particular the President, who comes from the workers' ranks and, despite the fact that we tend to hold divergent views, is a member of the working class and comes from a country replete with resources and skills. He himself is among the most competent representatives of the workers of the world and secured the unanimous confidence of the Conference.

I should first like to compliment the people of South Africa on their victory over apartheid and I wish them success in their choice of non-racist democracy. I pray God to assist the people of Palestine in recovering their land and establishing their independent State with its capital in the Holy City of Jerusalem.

We are celebrating the 75th anniversary of the founding of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia at this 81st Session of the International Labour Conference in the year 1994. On my own behalf and on behalf of the Sudan Workers Trade Union Federation, I have pleasure in extending warm congratulations to you all on this happy occasion. I wish to thank the Director-General for his Report to this session entitled *Defending values, promoting change*. I shall focus my discussion on a passage in the Report, which reads as follows: "In addition, we are now witnessing a drastic acceleration in the globalization of the economy. This process, which is a source of hope for some and of distress for others, a positive development for some and a dangerous drift for others, is calling a number of concepts and fixed ideas into question. Let us not delude ourselves into thinking that our Organization can avoid making a thorough analysis of such a transformation."

We must reassert the urgent need for the continued existence of the International Labour Organization to defend employment and workers' rights, to bring about social peace and amicable understanding between the three social partners in the interests of stability in every country of the world, to establish justice and tranquillity between the different sectors of society and to prevent war so that the world can live in unruffled peace. The ILO could play a full and effective role if it could free itself from the stranglehold of the imperialist countries. We say this because of a practice that makes us apprehensive that our Organization, on which we have pinned our hopes and which was created by our predecessors to protect us from the evils of war and destruction, is slipping away from us. Our experience with the ILO in Sudan gives us the impression that it has fallen under the control of the great powers, losing the qualities of neutrality, professionalism and expertise that enabled it to rise above the mentality of the powerful and evil. We, the workers of Sudan, hope that the ILO will cast off the political influence of the colonialist States and reassert its independence, drawing on its principles to pursue the goals for which it was established along the right and just path.

For the ILO, any discussion of values and promoting change should imply refusing double standards based on the interests of the rich countries, which control both politics and the economy and impose their will by political, economic and military force without concern for peoples' sovereignty over their own countries and their freedom of choice. We want the ILO to support the poor countries against the rich, who are responsible for their oppressive burden of debt based on injustice and on inhumane policies associated with the crisis and the imbalance between the exports of the poor countries and the imports of the rich. We want it to resist the adverse impact of the so-called market economy and structural adjustment, a capitalist trend that ignores social rights, and to urge the international financial institutions to refrain from imposing harsh conditions that are incompatible with the principles of social justice. We urge it to avoid aligning itself with theories of so-called economic liberalism, which lead to economic and social chaos in the Third World, making the rich richer and the poor poorer and exacerbating unemployment, deprivation and oppression. The ILO should remind the rich colonialist countries that it was they who exploited the resources of the countries that are now demanding cancellation of their debt.

With regard to international labour standards, the workers of Sudan adhere to existing international labour instruments and demand the implementation of freedom of association in the framework of a united regional trade union movement, warning against the danger of trade union pluralism, which has turned into political opportunism. We say to those who advocate trade union pluralism as a form of freedom that it is really a form of division. The unity to which we aspire under the protection of international labour standards is not liable to fall under the control of autocratic national political regimes. What we want is a united national trade union movement that is free and independent, not of its countries but in terms of its national and democratic practice and behaviour. As far as we are concerned, we continue to defend values and encourage change for the well-being of humanity. The ILO should begin now to make available its technical assistance, without discrimination or racism, to those who deserve it, for example the continent of Africa, which needs it most urgently of all.

In conclusion, I should like to pay tribute to the Director-General of the ILO, Mr. Michel Hansenne, and to the Governing Body and to the staff for their devotion to the service of the community of labour and workers. Although there are certain shortcomings to which we wished to draw attention, we admit that perfection lies with Almighty God alone. It was this year's Report that encouraged us to make our views known in the hope that God will help us to find the right path towards the welfare of humanity.

Original German: Mr. HESOUN *(Federal Minister of Labour and Social Affairs, Austria)* – On 10 May of this year in Vienna, in a worthy setting and in the presence of the federal Government and representatives of workers and employers, we celebrated the anniversary of the International Labour Organization.

On this occasion, the Federal Chancellor, Mr. Franz Vranitzky, reminded us that Austria, by its social legislation and the changes made in the status of workers within the undertaking, was one of the very first countries to give effect to the basic principles of the ILO. Firstly, we have recognized the fact that economic development and social progress are not contradictory, but complementary and interdependent. Secondly, everybody recognizes that cooperation has to take priority over conflict and must be used as a means to a better future.

In applying these principles the ILO did all countries a truly invaluable service. The ILO is a body which demonstrates that tripartism (i.e. employers, workers and governments together) in social policy, and can lead to success. With no great recourse to publicity or advertising, it has contributed to the success of Austrian social and economic policy.

The ILO rightly uses its internationally recognized status to point to the roots of dangerous economic and social trends. Today, at a time when the international contradictions appear in new and unexpected forms, this task is more topical, relevant and more important than ever before. In Austria, we have steadily improved our social policy. We have to persevere in this, so as to maintain awareness of solidarity in society and in politics. Thus, in the field of social security as well as in the broader field of labour market policy, we have managed to produce higher and, at the same time, more flexible standards. Thus, for instance, we can react swiftly and efficiently to structural changes in the European labour market.

Our budgetary resources are allocated above all to the improvement of workers' qualifications. Experience has shown, and international tendencies bear this out, that social security – also in the labour market – can only be ensured if each individual is given the opportunity to use his own initiative in a context of greater flexibility.

Our active labour market policy follows this principle and has done so with great success. We have managed to enable a high percentage of problem groups – long-term unemployed, older workers and unemployed young people – to enter or re-enter the labour market. Our basic principle is that there should be greater self-determination in the social field, for we strive to ensure that proper values should be given to the individual who must not be treated as a commodity. Social policy should not be just a piece of welfare machinery, but a partner with human beings in the world of labour, which is in the process of radical change.

Our active labour market policy, which has been stepped up in the last few years, has led to an unemployment rate of 4.5 per cent, which is the second lowest in the whole of Europe. In the last few years, we have given special importance to the needs and aspirations of the older workers. Thus, since last year we have had a medical care allowance, financed equally by workers and employers. This joint financing ensures a dignified and independent existence for some 400,000 people in need of care. We are continually being told – and this has been confirmed – what a pioneering job we have done with this legislation. Through a major pension reform, standardizing existing social security systems and taking the entire working life into account in the calculation of benefits we have ensured a more just provision for old age. Financing for this guaranteed well beyond the year 2000.

Conscious of our pioneering position in Europe, we have recently enacted a worker protection law with a new set of safety standards and a broad occupational health coverage of the most advanced type. These major achievements in the last few years enable us to look with confidence to a united European future.

Original Spanish: Mr. GUTIERREZ *(Workers' delegate, El Salvador)* – Since the signing of the peace agreement, the trade union movement of El Salvador has had high hopes for its continued development and for progress in the attainment and defence of trade union rights, labour rights and economic and social rights for the working class. The unions had to bear their share of the sacrifices during the civil war which lasted more than 12 years, and trusted that the peace agreement would finally help create and strengthen working methods conducive to social peace and harmony.

With this vision, we insisted that the Economic and Social Concertation Forum begin its work and have an effect in the interests of a civil society which previously had to face militarism and a lack of democracy and social justice.

More than two years after the signing of the peace agreement, our working class is struggling for its survival. Instead of strengthening the economic and social development of our people and taking into account the workers, the economic and social policies that are being pursued seek to divide the trade union movement, or worse, to eliminate it.

These neo-liberal economic policies which have been (and are still being) applied in our country have hit the working class hard. It has defended its interests, seeking the equity and social justice which it lacked in the past. Their absence led to the war. But the efforts of the working class have been insufficient. The gap has widened between the ideal of common welfare and the wealth of a privileged few to the detriment of many.

I would now like to speak about the present situation of the workers in El Salvador. The Economic and Social Concertation Forum, which was established by the peace agreement, did not result in equity for workers. The most progress it made in more than a year of existence was to discuss a working agenda and a framework agreement of principles and commitments. These did not result in more positive elements in practice. It also discussed international standards. Since our country is one of the country which have ratified the lowest number of Conventions – a total of six – the workers submitted for discussion approximately 30 Conventions, which have still not been ratified by the Government of El Salvador.

We also discussed the revision of our labour legislation. Since no significant progress was being made, it was suggested that an ILO expert should stimulate the discussion. Mr. Arturo Bronstein drew up a proposal, which left the forum deadlocked. The Government chose unilaterally to proceed with a reform directly in the legislative assembly. This reform has to this day caused disagreement among the parties concerned. As for the situation as it now stands, the forum has not met since December 1993 as the employers unilaterally decided to stop it from meeting because of the recent elections.

In our country trade union rights continue to be neglected. The employers and the Government do not wish to give broad recognition to the right to organize or to permit public sector employees to unionize or negotiate collectively. I may refer to the fact that the reforms to articles 47 and 221 of the El Salvadorian Constitution were not carried out, thus restricting the agenda for discussion.

Workers continue to be dismissed when they try to organize trade unions in enterprises or industries. The organization of trade unions is not allowed in production companies in export processing zones.

The right to collective bargaining is still violated, giving rise to anti-trade union measures and a loss of job security. The conciliation cases brought by or before the Ministry of Labour to seek fair solutions to the problem of the violation of trade union rights continue to be dismissed out of hand by the employers' sector.

"Solidarista" organizations are still being set up with a view to dividing the trade union movement. This is a latent threat to international standards, to the rights of trade unions and to freedom of association. The structural adjustment programmes which have been imposed have compounded the problem, as the trade unions are the main obstacle to the implementation of their economic measures and to privatization. That is why the neo-liberalists have declared war on trade unionism, and that is also why we in the trade unions will do everything necessary to block the application of policies which will lead to more poverty for our people.

In the light of the marginalization of the working class, which prevents it from acting in favour of concertation and negotiation in the various economic, labour and social interests of the workers, we should like clearly to call for the ILO to concentrate on maintaining the basic mandate of the ILO, which is to promote social justice, to strengthen the rights of the workers and to improve their working conditions, and to defend the mandate from attempts to depart from it.

We reject any attempt to undermine or detract from tripartism in the ILO's structures through the incorporation of other social actors.

We reaffirm the importance of the role of international standards and of the supervisory machinery as fundamental activities of the ILO to achieve its fundamental objectives.

We request renewed initiative of the ILO to promote the social development of our peoples. Development strategies must include the participation of the workers and must be committed to meeting the basic needs of the population and to bringing about full employment as a priority objective of economic and social policy.

The ILO should promote mechanisms which establish a direct relationship between trade privileges and the respect of workers' rights so that workers fully share the benefits of the expansion of trade and economic growth, and so that their living conditions improve.

Finally, we believe that the presence and participation of workers' representatives here today reflects a democratic choice made in accordance with the standards of the ILO. May genuine tripartism, with legitimate representation of each of the parties, take hold in El Salvador as well.

Original German: Mr. THIEL *(representative, International Social Security Association)* – I am particularly honoured to be addressing this 81st Session of the International Labour Conference, as representative of the International Social Security Association (ISSA), when the ILO is commemorating its 75th anniversary.

Allow me to offer a few reflections on the occasion of this anniversary.

Seventy-five years are a very long time; and these particular 75 years have been marked by quite extraordinary events and changes. When we consider the whole of human history, this period appears quite differently. Long periods of time appear exceedingly short: if we assume that human history started 24 hours ago Socrates lived just a fraction of a second, two minutes before the end of these 24 hours. The motor car was invented three seconds before midnight.

Since these developments, only fractions of a second have elapsed. But what extraordinary developments and changes we have witnessed in that time!

In the last few years we have witnessed the most dramatic, political and economic changes. At the same time Chernobyl and other catastrophes have made us dramatically aware that prevention must be the most important feature of our future action.

These catastrophes have had dramatic repercussions for local people, for the people of the country concerned, for neighbouring countries and for the entire world; and they know no national frontiers, they are international. Furthermore, the only factor differentiating catastrophes and accidents is the extent of their effects. At times, whole regions and, indeed, continents may be affected; at other times, the damages may be purely local. But all these events affect the life and health of people. Hence prevention is of vital importance for the future health of our world and its inhabitants.

Prevention is also the reason for the existence and continued existence of the ISSA: it was born out of necessity and will continue to be needed in the future. The ISSA is proud and also grateful that the ILO was and remains ready to offer it accommodation, thus providing it with a base for its successful activities. Hence, in this anniversary year, we should like to thank the ILO for its past assistance, and we pledge to continue striving for our objectives, which also coincide with the ILO's aims in the future. A few short steps have to be taken which can only be completed in common and at the international level.

The ISSA has many strings to its bow. It has a network of more than 300 member organizations in more than 120 countries throughout the world. A large number of highly specialized experts are assembled in ten standing expert committees, to meet the demands of our time for better social security and protection at international level. Numerous working groups within these expert committees are currently tackling topical problems and devising concrete and practical solutions – and indeed instructions for putting them into effect.

The ever-increasing pace of technical development has resulted in our world, although big, becoming very small. Nevertheless, it remains fragile. Our world and its population must be protected by these technical achievements. We therefore need to provide prevention in the widest sense – and this can only be achieved by international coordination and regulated by international action. No country in the world can, because of time and financial constraints, take up this challenge in isolation.

Hence, we must not go back and try to reinvent the wheel. Existing achievements must be made use of and new ideas supported.

In this connection, I should like, on behalf of the ISSA, to congratulate Mr. Hansenne, the Director-General, on his outstanding Report on the theme *Defending values, promoting change*. He comprehensively analyses the future action we need to take. On behalf of the ISSA, I should like to say that we fully support his ideas; and now allow me briefly to mention what measures we in the ISSA are proposing to take.

Under the President of the ISSA, Mr. Sherman, who is strongly supported by the Secretary-General, Mr. Hoskins, we are planning to make prevention the main item on our agenda over the next few years. In drawing up a programme, of course, the experience acquired in this field by member States will certainly be an essential point of departure. Thanks to decades of work by the respective institutions, the accident rate in enterprises has sharply declined.

The distribution of accidents has changed alongside changes in economic and social trends. Out of 100 accidents, only seven occur at the workplace; whereas 37 occur in traffic accidents and 56 in the home and during leisure time. Thus, activities concerned with accident prevention at the workplace must also – as I already said for financial reasons and because of time constraints – involve prevention during workers' transport to and from work and during their leisure time.

Apart from these specific areas, the ISSA will turn its attention increasingly to regional problems of prevention. The active support of individual countries and regions must be improved still further. Of particular significance are world congresses – jointly organized with the ILO – as well as workshops, seminars and round tables. They allow us to define actual problems and swiftly reach appropriate solutions. This work will continue to be important in the future.

Allow me, finally, to refer briefly to the economic components of prevention. International studies have clearly shown that an investment in safety is repaid three times over by economic gains. Thus, US$1 invested in safety today means a gain of US$3 tomorrow.

An anniversary such as this always gives us an opportunity to draw up a balance sheet and think of the future. From the point of view of the ISSA, the balance sheet is very positive; but consider it of the utmost importance for the future to coordinate prevention in all branches at international level. This must be our major concern.

I would like to end by referring to Schopenhauer who believed that health and safety were not everything, but without them we did not have anything at all.

Original French: Mr. CAMARA *(Government delegate, Guinea)* – First of all I should like to express the sincere congratulations of my delegation to the President as well as his Vice-Presidents upon their election within our Conference.

On behalf of the Government of the Republic of Guinea I should also like to warmly welcome all delegations present at this historic session which commemorates at the same time the 75th anniversary of our Organization, the 50th anniversary of the Declaration of Philadelphia and the readmission of the Republic of South Africa.

Finally, I should like to congratulate and thank the Director-General of the ILO for his excellent Report entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda*, a report which calls upon the ILO constituents to reflect upon the future of their Organization.

My delegation fully shares the ideas contained in this Report and would like to emphasize the absolute necessity to fight for more solidarity and justice in international economic relations.

The world in which we live is characterized by a rocketing acceleration in trade promoted by technical and technological innovation as well as unprecedented growth in communications.

This world is unfortunately also characterized by a lack of equality in development, with the powerful economies becoming ever stronger and the others going through increasingly difficult situations and becoming increasingly precarious.

These inequalities between countries are growing so quickly that they are rapidly marginalizing entire countries within the international economic system, and more and more people within these countries.

My delegation also remains convinced that this competition between economies of unequal strength will inevitably widen the gap separating the rick from the poor countries unless true concertation is established among partners to form a framework for implementation of the GATT agreements.

The African region more particularly is going through an unnerving period which has virtually relegated it to the sidelines of trade expansion; weak links between very restricted national markets, a slow-down in the inflow of capital and foreign investments, the burden of foreign debt, a deficit in the terms of trade etc., against a background of natural disasters, unforeseeable variations in climate and social and political strife.

However, this dramatic situation in the African region must be solved by joint efforts between Africans themselves and the international community acting with greater solidarity in illustration of the statement from the Declaration of Philadelphia that "poverty anywhere constitutes a danger to prosperity everywhere".

In our opinion, the search for global solutions to unequal development must come through a realization of the real interdependence between nations and, for Africa, by implementing a series of measures including solving the debt problem, making due allowance for human and social factors in structural adjustment programmes, and an increase in raw material prices.

Better still would be to devise and launch a new Marshall Plan modelled on the programme applied to Western Europe after the Second World War and the programme set up for the former communist countries of Eastern Europe. To us, this seems the way to provide African countries with the capabilities they need to better participate in economic and social development.

My delegation remains convinced that our Organization, with its tripartite structure and its long and rich experience, can and must undertake action in this sphere to reduce poverty by making even wiser use of the whole range of its activities and, in particular, those related to training and employment, on the one hand, and by the preparation of ever-more appropriate international standards, on the other.

In the meantime, my delegation is pleased to inform this august assembly that Guinea, while improving the legal framework of its liberal law-respecting State, continues its development efforts and the creation of democratic institutions and consultative bodies so as to promote and accelerate harmonious social and economic development: this has been done, to start with, by the organization of its first democratic presidential elections in December

1993 and the preparation of legislative elections for the second half of this year.

At the same time, in economics, private enterprise has been freed up and encouraged to operate in all socio-economic fields, on an individual basis in conjunction with economic agents, organizations or in partnership with local committees so as to raise the standards of infrastructure and services and thus enhance the lives and working conditions of the population: expansion of the paved road network, intensive construction of rural tracks, extension and modernization of educational, water-treatment and water-supply infrastructures in urban centres combined with a programme to install water-standpipes in villages and rural districts, etc.

At the same time, dialogue and continued negotiations with workers' organizations in undertakings in urban areas have proved successful in limiting tensions and conflicts that may occur.

These elements of real progress against a background of social peace and a calm political climate justify the move to more democratic dialogue and the participation of all social and political agents in efforts to augment the overall positive results of economic reform measures and to prepare more equitable distribution of resources.

We should also mention the precious use made of ILO standards in the socio-professional sphere. Guinea has already ratified some 50 of these and continues to support the preparation of new standards, their wider dissemination and, where necessary, the updating of existing standards.

The preparation and strengthening of rules of social justice – which is a characteristic feature of the ILO – should be maintained and developed, especially in these times of deregulation, in order to guarantee our Organization a leading position among international decision-making bodies where it can keep a constant watch on human social capital.

With this end in view, the ILO should acquire the operating rules and human resources it needs to promote equality and development opportunities in all regions represented by its Members. In doing so, it must remain attentive to the needs of its constituents and their peoples.

In conclusion I should like to congratulate the Republic of South Africa for having succeeded in its democratic transition with the setting up of a non-racial government, and I should like to welcome its return to the United Nations in general and the ILO in particular. The ILO should be thanked and congratulated for its efforts and the action it has taken in ensuring the return of freedom and democracy to South Africa.

My country hopes that our Organization will continue to support this young democracy, with all the resources it is able to mobilize.

I would like to repeat my wishes for long life and success to the Organization which watches over social peace and the improvement of workers' living and working conditions and the welfare of their families.

Mr. SALIMIAN *(Workers' delegate, Islamic Republic of Iran)* – In the name of God the Merciful, the Compassionate! I wish to take this opportunity to join the earlier speakers and extend our congratulations to the President on his election to chair the 81st Session of the International Labour Conference. This session of the Conference is an auspicious occasion as it coincides with such an important event as the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. I also congratulate the Government of the brave people of South Africa on resumption of their membership. I would like to congratulate the Director-General, Mr. Hansenne, and all his staff on the work which they have accomplished over the past year.

Proud to represent the workers of the Islamic Republic of Iran, I wish to express my views, as well as the views of my colleagues and workers' organizations of my country, regarding the Director-General's Report to the 81st Session. I hope that this session of the Conference will lead to the adoption of measures which will enable the ILO to fulfil its mandate and secure the progress of social justice in the world of today and tomorrow.

The theme of the Director-General's Report, *Defending values, promoting change*, covers a vast subject and it would not be possible to touch upon each area within this limited period of time. So I would restrict myself to only a few areas, which are of particular importance to us.

Islam has placed utmost importance on the subject of social justice. As indicated in the Holy Quran "Surely God bids to justice and good-doing and good-giving to kinsmen".

Elsewhere the Holy Quran emphasizes social justice again, saying "Oh believers, be you securers of justice, witnesses for God. Let not detestation for a people move you not to be equitable; be equitable – that is nearer to godfearing. And fear God; surely God is aware of the things you do".

Irrespective of the good and positive intentions of the founders of the ILO, tripartism, right from the beginning, because of the dominant role of government at the international and national levels, and due to the coordination of employers and governments at most of the levels, has resulted in new tyrannies and the oppression of workers.

The collapse of the socialist system has further strengthened this thought that the employers and governments would try their best to reduce the standards which are socially oriented. They have even officially demanded the non-implementation of some of these Conventions and standards. In this regard, we would refer to the final resolution issued by the last Asian Ministerial Meeting.

Therefore, to strengthen social justice, the role of workers' organizations and their representatives must be extensively supported. In this respect, I propose that the government and workers have equal rights in tripartism. We are talking about social justice when one-third of the world's population – nearly 2 billion people – is below the age of 15 and facing an uncertain future, because of structural unemployment and widespread poverty.

In the developing countries, where 95 per cent of the world's population growth comes from, an improbable 38 million jobs will need to be created each year just to keep pace with the growing number of people reaching working age.

An estimated 1 billion people of the world's current population of 5-7 billion are living in poverty. Asia accounts for more than 660 million people, considered to be living below the bare subsistence level. The wealthy minority of about 25 per cent of the world population consumes three-fourths of the resources of the planet.

The Asian Development Bank has warned against swift and dirty growth in member States. The industrial revolution in Asia and the Pacific region has been both swift and dirty. Asia, with half of the world's population, is still the home of two-thirds of its poor. The ADB estimates that more than 700 million Asians are trapped in poverty.

The workers' organizations and trade unions have been misrepresented as opposing structural adjustment programmes. The fact is that we are not opposed to it, but are strongly critical of the way these programmes are carried out. We are of the opinion that these programmes should be formulated in full consultation with the social partners and with full consideration to the social repercussions.

The ILO has an accepted responsibility in respect to the social impacts of it, which was recognized by the November 1987 High-Level Meeting on Employment and Structural Adjustment. It is really quite unfortunate that the ILO has not been able to influence the process of adjustment in these regards or the approaches of the IMF and World Bank. The Director-General has admitted this fact – and I quote – "The ILO has, of course, repeatedly expressed its preoccupation with these problems, especially with respect to structural adjustment programmes, but has its voice really been heard?"

The IMF and World Bank are both well known as not being very socially oriented. Up till now the ILO has not succeeded in-depth fruitful negotiations with these financial institutions. The ILO should use more of its weight, authority and mandate and try to solve these various problems.

The structural adjustment programmes monitored by the said financial institutions have not achieved the desired result as per their own narrowly defined criteria. According to IMF statistics, the total developing countries' debt came to $1,472.2 billion in 1992, up from $846.6 billion a decade earlier.

The resolution adopted by the last session of the International Labour Conference concerning social protection, and the alleviation of unemployment and poverty, and the social dimension of structural adjustment and transition to a market economy, called on the ILO to develop, intensify and institutionalize close cooperation with the IMF. Therefore, the ILO must give urgent attention to this need to institutionalize its relations with other agencies and hence to systematize its place in the formulation of application of structural adjustment programmes. The results should be a formal memorandum of cooperation setting out the role of each agency and the mechanism through which they are to be realized.

In Farsi there is a saying that right is not given – it has to be sought. The second High-Level Meeting on Employment and Structural Adjustment in 1994 and the 1995 World Summit for Social Development provides an opportunity to the ILO to make an utmost effort to advance its agenda in these areas, and should not miss this golden opportunity. Besides that, the ILO, as per its past practices can offer clarification of the issue, and publish frank analysis on this social issue of structural adjustment and its related repercussions.

The Director-General in his Report asks whether the ILO, which was set up to contribute to world peace by promoting social peace still fulfil its mission. I think that the ILO has failed in its mission with special reference to the people and workers of Bosnia and Herzegovina.

The arrogant of the world have always followed a double-standard policy. On the one hand, after aggression in another region, the United Nations immediately condemns it and issues a mandate to wage a war and asks other countries for money and forces. But on the other hand, the global arrogant are collaborating with the Serbs in victimizing the Muslims of Bosnia and Herzegovina. They have now been forced to admit that the Bosnians, on the charges of being Muslims, should be deprived of aid and donations. The fact is that the ignominious despotic system ruling over the world cannot tolerate the existence of a Muslim State in the heart of Europe. We propose that next year the ILO should have a special sitting on the situation in Bosnia and Herzegovina and the crimes committed against the Bosnians. This would be in accordance with the normal practice of the ILO as it has a special sitting on the situation in the occupied Arab territory – Palestine.

We agree with the idea put forward by the Director-General for the preparation of a major annual report, containing an authoritative analysis on the situation of employment and incomes in the world and the impact of economic and financial policies in them.

Although the ILO has always been criticized for its delay and slow response to the request for policy advice and assistance, we hope that it will fulfil the promises made to our workers' organization, especially the holding of a seminar on structural adjustment in Teheran in the near future.

Peace be upon us and the true followers of Allah.

Original Italian: Mr. BECCARI *(Workers' adviser, San Marino)* – I would like first of all to congratulate the President on his election. I am sure that he will be most successful in guiding the deliberations of this Conference.

The 75th anniversary of the ILO, aside from the solemnity of the occasion, has a special importance. It is taking place at a time of historic importance for the whole world, at a time when, for good or ill, a number of events are occurring that are changing the course of our lives.

The Report presented by the Director-General, Mr. Michel Hansenne, and in particular the first part, has hit the nail on the head. We fully endorse it. It reflects once again the ability and experience of the Director-General as seen over the past years.

I would like to mention some pertinent ideas which, in my opinion, are in line with the spirit of Mr. Hansenne's Report. The first point relates to solidarity, particularly in the world of work, towards those countries which still suffer from social differentiation of a form that leads either directly or indirectly to the involvement of more industrialized countries. For instance, we are seeing an increase in emigration, particularly towards Europe, with the consequences of which we are all aware.

Solidarity, commitment and cooperation with countries which need our help are fundamental in order to attenuate the negative effects of a situation which, if it is allowed to continue unabated without providing any alternatives to emigration, will lead to an aggravation of social conflict.

Indeed, the economic situation in Europe is far from stable: unemployment is growing and the relevant figures are disturbing. There is, therefore, a need for solidarity and commitment to be undertaken by governments, but trade union organizations must also play their part – everyone should participate, and we will too.

Even in a small republic such as San Marino, and in a small trade union organization such as the one which I have the honour of representing, a great deal can be done. We have set up a solidarity fund which was recently approved and which will provide assistance to trade union organizations in countries which are in difficulty. We shall carry out small projects aimed at achieving results in the shortest possible time. Helping the trade union organizations of developing countries is essential for social and economic growth.

We must try to achieve an increase in the number of trade union organizations, the expansion of tripartite cooperation, the emergence of a new mentality which gives preference to dialogue over conflict and which creates a common front whenever this is possible and whenever it does not contradict the interests of those represented in each party, in order to achieve the objectives of economic stability, widespread well-being for the people, for the workers and for our countries.

To achieve this end we must endeavour to promote interest in agreements on social relations between all the parties to ensure that the new spirit and mentality prevail over the old antagonism-based logic whereby conflict is the only way of solving contractual problems.

In our country we have tried this approach, we have confronted difficulties within the trade union movement itself, we have overcome hesitation from various quarters, we have overcome, in particular, with our employer counterparts, a mutual feeling of distrust that goes back a long time. We have succeeded in a very important bargaining phase; it was difficult, but through cooperation and with the positive results we achieved, we were gradually able to overcome this distrust.

Not everything has been solved, not everything has become easy and we must not delude ourselves. The objectives of reaching agreement on social relations, of understanding the needs of the parties and of clearing the way of unnecessary hurdles, must be constantly pursued, without lowering one's guard, without losing one's own identity, and without forgetting one's role. I would like, and I say this without any presumptuousness, our experience to become an experience common to all, and for the ideal conditions to flourish to build a new relationship between the parties all over the world.

This will not be easy, because everywhere in the world, even in Europe, and unfortunately in some other industrialized countries too, fundamental rights such as the full development of trade union activities are still under discussion; opposition and legal traps abound to impede the workers being represented in a democratic and civil manner.

This is not a generalized phenomenon, but when a country is experiencing economic difficulties, trade unions become public enemy number one, the obstacle to restrictions. This is affecting workers more and more frequently. Freedom of association, the freedom of workers to freely and democratically associate themselves with the trade union associations they consider to be most representative, must be firmly established: through the wealth of ideas, freedom of thought, the multiplicity of social and trade union organizations, workers and citizens can grow and can make their country grow.

Let us all remember that social and economic well-being always leads to social peace, cultural growth and the progressive elimination of social barriers.

Through tripartism, the ILO's fundamental concept, this great institution, as the Director-General says in his Report, must ensure that no party gets the upper hand, so that social justice prevails, and so that mutual understanding, the ability to negotiate, and the ability to identify and select common goals, picking out those of a conflictual nature and dealing with them separately, win the day.

It is clear that the ideas and principles of the parties are not open to negotiation, which is equally true for individuals, but even when opinions and the view of the world are diametrically opposed there are common areas, there is the possibility of reaching an understanding which must be made to prevail over conflict. We must try to also admit to ourselves that we often lose sight of the real objectives in our useless and disastrous collisions between different principles and values. It is a huge effort, but it is an effort we must all make. I wish you every success at this Conference.

(Mr. Ould Sidi takes the Chair.)

Original French: Mr. DECOSTERD *(Employers' delegate, Switzerland)* – On attaining the venerable age of 75, one tends to look back with some complacency on one's past. The directive organs of the ILO have avoided this mistake and this year we shall be called upon to ponder over the future of the ILO. So much the better.

There are two reasons why I wish to fuel this debate by offering a few personal reflections. Firstly, I wish to persuade the active employers' world, which is not widely represented here, and which questions the usefulness of this Organization, to not throw out the baby with the bath water.

The second reason is that I am preparing to put an end to an activity pursued with interest and hope for nearly 20 years at various levels and in various sectors of the ILO. I therefore feel I know what I am talking about.

In fact, the moment has come to undertake necessary reforms if we wish to put the ILO in tune with the end of the century. In the face of persistent economic sterility, it seems to be now generally recognized that by wishing to legislate more and more and tie up enterprise in a web of regulations and directives, we destroy the substance that encourages the development of a nation, namely the creation of wealth. One way of attenuating the acute problem of endemic unemployment is to do everything we can to stimulate the creation of small enterprises.

There is no lack of ideas but, as always and everywhere, we see in the Report of the Director-General, the difficulty is that of making the right decisions and above all implementing them. Why is this?

Because, like any other major organization, the ILO has got stuck in the past; because we are not aware of the basic difference between a dying industrial society and the new society which supersedes it; because employers and workers continue to fight about obsolete systems instead of supporting the new world of labour which is more in conformity with new forms of organization and life in general.

Very cleverly and no doubt conscious of the brakes which operate in all spheres of the ILO, the Director-General has placed the ball in its constituents' court. Very rightly, because these are in the last resort, responsible for the shortcomings mentioned, and it is they too who must give the necessary impulse to any reform or structural adaptation.

The Report before us contains more than 20 specific proposals; the time-limit having been imposed with some parsimony I shall, to my great regret, confine myself to what I consider to be the most important ideas, if we wish to ensure the future of the ILO.

Taking my inspiration from the title of the Report which is before us, I would first of all like to insist on three essential values to be defended: democracy, the dignity of the worker, and tripartism.

Only democracy can ensure the freedom of the individual, for any despot can force his slaves to sing hymns to freedom. We have known such persons and tolerated several of them in the ILO. Their presence perverts the action of tripartism. Therefore, let us be more rigorous in our respect for this fragile institution which is democracy. Democracy must be born and develop from the base to the summit, from the citizen to the authorities. It grants rights, but it also involves duties. Civic sense is one of them which is in its way a process of collective permanent bargaining, which extends from the village to the federal government.

The dignity of the working man is not only, as believed by the ILO, the protection of the worker. First and foremost, it involves teaching him an occupation of which he will be proud, enabling him to do a satisfying job and to give him a certain amount of freedom as to the choice of his time and his way of work – a freedom which he can regain with the end of our industrial society.

Finally, tripartism is a value to which the social partners must be especially attentive. But let us not be hypocritical. It must be an authentic tripartism which will guarantee the freedom of action and of decision of the various members of each delegation and which puts them on an equal footing throughout their mission. Must I remind you here that in 1992, to quote only one example, no fewer than 34 governments did not fulfil their material obligations allowing their Employer delegates to come to Geneva.

Let us look at the changes to be undertaken. It is essential to do this in a logical order, beginning by reaching agreement on a common vision for the future of the ILO. We cannot think of envisaging any major change if we do not first define what its purpose is to be, what we want to become. This is called "vision", a "project" or a "mission".

Seneca said: "There is no good wind for him who does not know his port." The ILO has realized this since 1919. It readapted it in 1944 by the Declaration of Philadelphia. In a few words, we have to contribute to worldwide lasting peace by promoting and developing social justice.

Is this vision realistic, in view of the means available to the ILO? No. It is excessive and vague, if we are not to be content with hot air. It has become common to several other specialized organizations of the United Nations which did not exist in 1944, and to non-governmental organizations and institutions of the European Union.

Here, the Director-General's Report is disconcerting. Having excellently explained that the world is experiencing a radical change, that the economy is becoming worldwide and the social links are breaking up, he adds that the course set 75 years ago remains adequate. So we want to change while keeping on the same course. That is frankly impossible. We cannot construct a new house with the plans of the old one.

The time has come for the ILO to show some originality, so that it may speak loud and clear among the other international organizations.

As an instance, I propose a vision that may seem too simple in the eyes of those content with social myths: improve the lot of the worker and contribute to the creation of jobs. At least this vision has the virtue of being specific, ambitious but realistic, and above all specific.

Allow me to insist by reminding you that, without prior agreement on a vision which would underlie our common action with a view to the future, the efforts made to bring about significant change will be in vain.

On the other hand, once this vision is adopted, specific priorities and special strategies can be envisaged, and it will be the right moment to examine a number of interesting proposals made in the Report of which I would like briefly to remind you: to adapt the Organization and the secretariat to the accelerated evolution of the world; to rename the Organization the International Employment and Labour Organization – IELO; to do fewer things, but do them better; to have more research programmes; to achieve greater flexibility in programmes and budgets; to get the ILO to express ideas and opinions instead of reports which are neutral, prudent and purely descriptive; to modernize and rationalize the Organization's meetings so as to arrive at conclusions and action instead of getting bogged down in the ritual of *meetingitis*.

All this could be done and would improve the credibility of the ILO, because then we would be acting in the spirit of the new vision and thus ensuring coherence with the various changes.

On the other hand, the idea of collective bargaining at a worldwide level should be rejected. Interventionism has proved that it is ineffective at the level of nations. Would it have more success at world-wide level? The same applies to the suggestion to negotiate international agreements between employers and workers of various industries and to create multinational works councils.

To the objections already known in this field, I would like to add one which is less known – collective bargaining is justified and practicable at a level characterized by a certain economic homogeneity, that is to say, the factory, the undertaking, the region or the national sector of industry. It is problematical even at the national level; we have seen this. It becomes inappropriate and harmful to the market economy at the international level.

The moment has come to conclude. Let us work in the spirit of a new vision which will consist in improving the lot of the worker and contributing to the creation of jobs. Let us link wages to productivity rather than to the indexation of prices, thus avoiding the collapse of the European economy. Let us set up areas of freedom by greater flexibility in working practices, and let us think up new solutions to settle work disputes. Let us stimulate the workers' motivation by improving personnel management. These are but a few examples.

But let us not forget that the first priority of our Organization must be to grant men and women the right to employment, as Mr. Hansenne repeats in his Report. The worst possible thing for a human being is to feel useless.

Original Arabic: Mr. MATAR *(Employers' delegation, United Arab Emirates)* – May the peace and mercy and the blessings of God be upon you! I should first like to congratulate the President and his Officers on their election to conduct the proceedings of this important session of the International Labour Conference. I also have pleasure in conveying to your Conference the greetings and best wishes of the Federation of Chambers of Commerce and Industry in the United Arab Emirates and in expressing the appreciation of employers in our country for the pertinent issues raised by the International Labour Conference at its annual sessions, issues of relevance to international labour at a time of rapid world change and the emergence of new factors and standards that will have a major impact on the organization of labour relations on a realistic and modern basis that serves and reconciles the interests of the three social partners. These circumstances make it essential for the ILO to review its structure, policies and effectiveness in order to keep pace with developments in international economic relations, the process of transition to a market economy and the growth in the number of member States of GATT, which will have an immediate impact on the entire world economy and on trade between most countries of the world, including the countries of our region, affecting the employment situation, wage levels, labour mobility and the creation of employment opportunities by modern enterprises. It will also create a need for training programmes to enhance the productivity and improve the performance of the business community and of workers.

This session of the Conference is of exceptional importance inasmuch as it coincides with two major events: the first event is the 75th anniversary of the founding of the ILO and the 50th anniversary of the Declaration of Philadelphia, which set forth the basic principles underlying the goals of the International Labour Organization.

The Director-General incorporated the peaceful concepts underlying these two important anniversaries and the new departure required to come to grips with the future in his Report to the Conference entitled *Defending values, promoting change.*

The second event is the ending of the era of oppression in South Africa that lasted for 350 years and the election of Nelson Mandela as a symbol of the victory of civilization over apartheid, laying the foundations of a trend toward peaceful coexistence based on humanitarian principles instead of racism. I take this opportunity to convey the best wishes of the Chambers of Commerce and Industry of the United Arab Emirates to the tripartite delegation of South Africa, representing the Government, workers and employers. We trust that it will play an active and constructive role in the international community.

Our Federation also has pleasure in welcoming our friends from the Sultanate of Oman to the International Labour Conference and to membership of the ILO together with the other new member States of the Organization.

The Director-General's Report reviewed the values and goals of the ILO and examined the challenges facing it, putting forward a number of proposals and ideas for future activities. Three important questions call for special attention. The first concerns the Organization's mandate and its relations with other international organization and institutions. We consider that the ILO was set up to address labour questions and relevant social issues and should continue to pursue those tasks without either going beyond its own fields of competence or allowing another organization to encroach on them.

We consider that the relations between specialized international organizations should be one of cooperation and coordination and we are therefore against the ILO playing any role in the field of international trade. Moreover, we see no connection between international trade and international labour standards and no justification for introducing protective measures against the exports of developing countries provided that international labour standards are respected.

The second matter concerns international labour standards and the Organization's role in establishing such standards. The lapse of 75 years since the founding of the ILO with all the changes and development that have occurred during that period make it essential to review and appraise international labour standards, including the way in which they are adopted and ratified, the machinery for monitoring their implementation, the status of current standards and what needs to be done in the future in that area.

The third matter concerns technical cooperation. We consider that the Organization should strengthen such activities in the light of countries' need for its services in that area. The scope of technical cooperation projects should be widened, funds for that purpose should be increased and its distribution should be rationalized so that it is shared equally between employers, workers and labour authorities.

Part II of the Director-General's Report covers the ILO's achievements in 1993 and a number of important questions are included in the agenda of this Conference. We should like to mention in particular the role of private employment agencies in the functioning of labour markets. The International Labour Conference should give this matter the attention it deserves, studying it carefully and looking into the possibility of adopting an international instrument regulating such agencies and specifying their aims and legal framework.

The United Arab Emirates have succeeded in establishing a clear basis for labour relations and the organization of employment. Our Labour Code is a comprehensive one consistent with the most modern internationally recognized standards. It provides for benefits after a period of employment, for example the right to a bonus after continuous employment for a period of one year or more. A worker may opt for this bonus system and social security or retirement benefit, whichever seems more advantageous. The Code also provides for treatment and compensation for industrial accidents and occupational illness and allows workers to invest their income within the country or abroad without any restrictions or conditions.

These advantages and the general conditions provided under the Labour Code have made the United Arab Emirates a strong magnet for workers from neighbouring and friendly countries. All these workers live in harmony, enjoying the protection of the State and the benefits provided by its constituents bodies.

The Federation of Chambers of Commerce and Industry of the United Arab Emirates, which represents a united front of the business community in my country, remains eager to continue its cooperation with the ILO in the interests of well-being, generosity and the improvement of labour relations in accordance with modern principles.

In conclusion, I should like to wish this Conference every success.

Mr. MOHAMED *(Workers' delegate, Malaysia)* – Allow me to offer my congratulations to the President on his election to chair this session of the Conference. The election of a Worker representative as President on the occasion of this 75th anniversary of the ILO is indeed a testimony to the important role played by the workers in the ILO's efforts to promote peace based on social justice.

Let me now turn to the Director-General's Report entitled *Defending values, promoting change*. The workers in Malaysia welcome the opportunity this Report gives to reflect on the past as well as to consider the future. In this regard, the workers in Malaysia believe that in charting the future direction it is important that the ILO reaffirms its pledge that lasting peace can only be achieved through social justice.

Malaysia has reached full employment and in most parts of the country the wages have risen. Inflation has been kept under control and the cost of living has been kept low in spite of growth rates of about 8 per cent in the last seven years through prudent fiscal policies. The prospects of continuity of employment opportunities is good and living standards are expected to rise further. Fair living standards for the workers can only be achieved through sound labour policies and genuine consultation among the social partners. While we credit the Government of Malaysia for the overall economic growth in the country, we, as a labour movement, still believe that much more needs to be done to enable organized labour to be an effective social partner in development processes. As we move into the twenty-first century, workers' expectations will increase and there is a need to ensure that labour policies will be further enhanced to ensure trade union growth and bring about a greater measure of social justice in the country.

The Congress of Union of Employees in the Public and Civil Services (CUEPACS) has been instrumental in enhancing the quality of life of public sector workers in the country. We have secured wage reviews and revisions regularly in the last three decades. With the liberalization of the economy and the innovations made in the public sector to improve quality and accountability, CUEPACS is of the view that public sector workers should be also brought within the ambit of collective bargaining, like workers in the private sector. In these regards, we would like to thank the ILO mission to Malaysia in March-April 1993 to provide technical advice in this area. We believe that the enhancement of collective bargaining rights will motivate and improve further the efficiency of the public sector in Malaysia.

ASEAN governments and employers have expressed strong opposition to the social clause contending that it will affect employment growth and development opportunities in our countries. This is something we will want to discuss with our social partners in Malaysia and study the implications carefully.

The main labour issue that has preoccupied workers, employers and governments attending this Conference, which marks the 75th anniversary, seems to be the social clause. Some ask, what has trade to do with labour rights? We heard and, in fact, entertained fears that self-interest groups in the West are trying to impose the social clause as a means to bring about global minimum wages and other forms of pressure under the pretext of human rights in the face of competition from developing countries to impede the current investment climate and fast economic development taking place in the developing countries.

What the labour movement must do is to ensure that the social clause is not used to reduce the competitive advantage developing countries have in lower wages or to create an international minimum wage. It is also the labour view that the social clause should not be used as an artificial equalization of labour standards between the rich and the developing countries. Developing countries must be given time to develop and overcome their structural adjustment problems, unemployment and poverty alleviation agenda. At the same time, there is a need to give workers in the developing countries a fair chance to better their living standards and labour rights over time. We feel strongly that gains made through investments in developing countries must be also equitably distributed amongst its population.

The labour movement in Malaysia also believe that international labour standards are important to ensure equitable benefits to workers and it requires those countries who have ratified the relevant ILO Conventions to ensure effective implementation. While every effort is being made by the ILO to have those Conventions ratified by others, the ILO should ensure that these standards are not violated. The Director-General, in his Report, has also stated that the ratification rate is low. There is therefore a need to study and update these standards further so that they reflect the realities of the situation in developing countries.

For humanitarian reasons it is important for the ILO to address the enormous problem of child labour. Technical assistance should be a central element in ILO activity, and in this regard I would strongly urge the ILO to devote sufficient resources for trade union education for both public and private-sector workers. My labour organization also supports that the ILO should provide tripartite input to the World Summit for Social Development to be held in March 1995 in Copenhagen. This Summit comes at a time when the many developing countries are deeply concerned with economic gloom, unemployment and debt.

This brings me to what I believe should be the ILO's top priority in the coming decades. According to the latest *World Labour Report* by the ILO, an average of 43 million jobseekers enter the labour market each year. In the OECD countries alone, about 36 million potential workers are unemployed. However, in the East Asian economies many countries are in full employment because they are pursuing policies that do not encourage rigid labour markets and inflexible wages. In these countries active labour market policies have led to high skill, high wage jobs. About 13 years ago, when our Prime Minister, Dr. Mahathir Mohamad, told our nation to look East, particularly at labour-market policies, few people were convinced. Today the World Bank has described this phenomena as the "East Asian miracle".

I am strongly convinced that the ILO, with its mandate to uplift the working conditions of workers through freely chosen and productive employment, can learn from the examples of these countries. I am also strongly convinced that the ILO will continue to promote social justice that will place more emphasis on the human face of development, and thus help to set up a new blueprint for the future.

With this, I conclude my address with the hope that the ILO will continue to strive to work towards labour's cause.

Original French: Mr. GLELE *(Employers' delegate, Benin)* – I would like to extend the very warmest congratulations of the employers of Benin to the President. We are happy to see him presiding over this year's historic session of the Conference.

It is an historic session because we are celebrating two anniversaries, the 75th anniversary of the founding of the ILO and the 50th anniversary of the Declaration of Philadelphia. His fervent advocacy of the cause of workers together with his great experience in trade union matters bode well for the success of this session. We also congratulate the Vice-Presidents, whose qualities will stand them in good stead to assist the President with efficiency.

We also present our sincerest congratulations to the Director-General of the International Labour Office on the high standards of the document he has submitted to us for discussion. We would like to thank him for this useful tool.

This 81st Session of our Conference coincides, as I already said, with two major events: the 75th anniversary of the founding of the ILO and the 50th anniversary of the Declaration of Philadelphia. These two events have left their mark this year on the Director-General's Report. Indeed, the Report reviews and analyses the past. It also studies the present, and at the same time it paves the way for the future of our Organization by providing certain ideas.

Since any such review calls for critical examination, permit me, Mr. Director-General, to express a few thoughts on your Report before making some proposals. The innovations which the Report mentions as regards the tripartite system will make the system more cumbersome. It is already a somewhat costly and problematic system for African governments. They are not always ready and willing to pay for all the partners, and in particular for the employers. The other members of the population to which the tripartite system is to be opened, i.e. civil society, are already involved in non-governmental bodies which, with the governments, are members of the tripartite structure. The employers are those who produce the wealth in all activities of national life, including rural life. The workers represent all the other sectors of society, including those who are self-employed. That being so, in our humble opinion there is no need to extend this structure in any way. To do so would only make the system more unwieldy and costly. Into which category would these social actors from civil society fall if they do not fit into tripartism as it has stood since the ILO was formed?

Who are these actors?

Would tripartism still be tripartism if it included a fourth component which necessarily reinforced one of the links in the chain? In our humble opinion, tripartism as we know it – the tripartism that works – would inevitably disappear if we changed its current composition. The main thing for the International Labour Office is to continue unswervingly to fight for it to be respected and put into practice by all the member States of the ILO, because there is no other machinery or structure where the interests and concerns of the various parts of the nation are better dealt with and taken into account. Free employers' and workers' organizations should thus be promoted, developed and strengthened. They require constant logistic support and training in order for them to play their roles effectively.

As regards the standard-setting policy of the Organization, the Office should at first prepare a study to take stock of the standards approved so far. The study should identify the reasons for problems or unwillingness in the ratification of certain standards by the States. Standards that have not been ratified lack legal backing and are in no way binding on States which decide to turn a blind eye to them. The application of these standards should be the first and foremost mission of the ILO. Therefore, we should see what is blocking their ratification and envisage a new approach for the future as regards the standard-setting policy of the ILO.

I should now like to address what is currently the major concern of all the States of the globe, the question of employment.

Here too, changing the initials of the Organization of the ILO to IOEL, thus including the word "employment" in the name as suggested on page 31 of the Report, would, in our opinion, provide no new and effective solution to this crucial problem. We believe in Benin that the solution to employment problems resides in improving the economies of our countries.

How can we get the economy back on track? How can we improve the conditions for this recovery? That should be the focus of our attention. There can be no employment without economic development.

How can we create jobs when there is no solution to the debt crisis? This crisis is even worsening in French-speaking countries owing to the recent devaluation of the CFA franc?

How can we create jobs without industrializing our economies and without processing our own raw materials?

Have we any say in fixing the prices of our raw materials?

How can we have lasting development of the economies based on the establishment of small and medium-sized enterprises when there are no financial development institutions in our countries?

How can we speak of job creation when all the measures that have been taken favour staff cutbacks?

These are some of the questions which are of increasing concern to us, because the world's unemployment is a veritable time bomb just waiting to go off unless it is somehow defused before it is too late.

This is why the employers' recommend to the ILO to help us draw up a genuine strategy for productive employment and a real rural employment policy covering all parts of rural life. This is the only way in which people living in rural areas will be encouraged to stay on their land. The ILO must continue to promote and support the productive activities of the informal sector, integrating it progressively in the world economy.

We welcome the World Summit for Social Development to be held in Copenhagen. It will take into consideration all aspects of the problem, including its repercussions for social factors.

We are counting on the Director-General of the International Labour Office to express our concern to his opposite numbers from the other specialized agencies of the United Nations, and especially the IMF and the World Bank.

These were the comments and ideas that the Director-General's Report prompted in the National Employers' Organization of Benin. It gave us the opportunity to discuss the future of the ILO as the Organization celebrates its 75th birthday and the 50th anniversary of the Declaration of Philadelphia.

We would like again to thank the Director-General for having given us this opportunity to make our modest contribution to the work of the Conference.

Original Spanish: Mr. HUEMBES *(Workers' delegate, Nicaragua)* – On behalf of the workers of the Workers' Federation of Nicaragua, I wish to offer our brotherly greetings and congratulations to the President on his election. We are sure that his experience is a guarantee for the success of this Conference.

This is a proper moment to congratulate the ILO on having completed 75 years of historical existence in the defence of workers' welfare and at the same time, we celebrate the 50th anniversary of the Declaration of Philadelphia.

I have read with great interest the Report of the Director-General, and I can only express my gratitude for its contents, particularly since we all know that the enemies of tripartism and consultation do not support institutions which, like the ILO, are trying to maintain the balance and peace essential for social justice.

Looking at the political history of Nicaragua dating back to the country's independence in 1821, it should be pointed out that in 1990 a Government was for the first time elected by popular vote. Since ours is a Government of transition, the workers are making every effort to ensure that this profoundly imperfect and unjust democracy is consolidated and improved for the greater good of the nation's workers and of humanity as a whole.

In reality, it would be highly irresponsible if, because of today's errors we would return to our past of dictatorship and mistakes which plunged our population into poverty and pain.

The neo-liberal policies which are being applied in the world in light of structural adjustments, are harming the majority of mankind, and their effects are being felt in particular by the poorest sections of the population. Pragmatic capitalism, spurred on by the fall of the Berlin Wall and the failure of other models of society may be leading mankind to far more dangerous phenomena and political events than anything we have seen already.

In reality, it is a source of grave concern that certain sectors, attracted by the prospect of speculation and illicit riches are now attempting to reject such important organizations as the ILO, insisting on the need to make standards more flexible and to dismantle the supervisory machinery. In doing so, they employ the erroneous argument that it is now important to have an internationalized economy, greater flexibility, a market economy, overlooking that over and beyond the laws of the market, abuse and speculation, there are the rights of the people.

Allow me to quote two simple examples of what has happened in Nicaragua to illustrate my point.

The "Candelaria" banana plantation, in the Department of Chinandega, has, over the past 12 months illegally dismissed more than 600 workers. Even though this action was illegal, the Ministry of Labour and the first and second instance tribunals have been unable to obtain their reinstatement. Also, for a year, orders have been made for payment of unpaid wages. In spite of this, the employer has remained intransigent and has disregarded the ruling of the Minister and the courts. However, what is even more serious and reprehensible is that the employer has, on three occasions, made use of paramilitary forces, and given orders to open fire on the workers. The last time this happened was on 10 June. The owner of this estate is none other than the President of the Supreme Council for Private Enterprise (COSEP), whom I regret to say was once was a deputy Employers' delegate in the Governing Body of International Labour Organization.

Also in the poultry industry, at the "La Estrella" farm in the Department of Managua, Mr. José Castillo has once again refused collective bargaining and is still threatening his workers with dismissal when any attempt at collective bargaining is made. These threats of dismissal have even been put before the highest labour authorities. Nevertheless, this gentleman has been decorated at the Central American level for his production efficiency by the Central American Association of Poultry Producers. This distinction has been obtained at the cost of the exploitation, poverty and tears of the workers of the "La Estrella" farm.

The ILO Committee on Freedom of Association is aware of these cases and I am grateful for the part which it has played in this connection. I take this opportunity to congratulate the Committee of Experts on the Application of Conventions and Recommendations on its magnificent contribution to the 81st Session of the International Labour Conference, especially on its excellent document entitled *Freedom of association and collective bargaining*. This text offers us a mine of useful information in our ongoing daily struggle for justice.

Apart from the above-mentioned brakes systematically applied to trade union freedoms, the employers possess yet another instrument for defeating Nicaraguan trade unionism. I refer to the employers' associations which hamper or eliminate any form of trade union organization.

This, of course, is an assault on freedom of association and a torpedo launched against democracy. It is an attempt to sidestep trade union action, the authentic defence of the workers.

The workers of Nicaragua support the objectives set forth by the Director-General of the ILO in trying to give fresh weight to the values which led to the setting up of the ILO, particularly those in respect of the systematic struggle for equity and social justice.

If present-day society lacks anything, it is surely justice and solidarity and hence we greet with great hope the message delivered to this assembly by Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations, in referring to the celebration of the World Summit for Social Development.

We look forward to that Summit and have high hopes for it, and we are sure that on that occasion the ILO will represent and defend the objectives and interests of the workers of the world.

I repeat the best wishes of Nicaraguan workers for the 75th anniversary of the ILO and we undertake to make every contribution we can to make the ILO more efficient, functional and effective and ready to offer its help in meeting the needs of the poorest classes, and able to take part in the excellent tripartism which, despite the problems which confront us daily, has been a most important advantage for workers, governments and employers.

Mr. MAKEKA *(Employers' delegate, Lesotho)* – I feel honoured and indeed privileged to address this 81st Session of the International Labour Conference, a session that marks the 75th anniversary of the founding of the Organization and the 50th anniversary of the Declaration of Philadelphia.

Permit me, though, at the very outset to express my delegation's congratulations to the President, on his historic and well-deserved unanimous election, as a Workers' delegate of his great country, to chair this session of the Conference. May I also extend the same sentiments to the Vice-Presidents. We are confident that together they will guide the deliberations of this Conference to a fruitful conclusion.

Anniversaries are occasions for celebrations and making merry. They are also occasions to take stock, look back and plan for the future. We should therefore take this opportunity to reaffirm and rededicate ourselves to the lofty ideals and principles that have guided the letter and spirit of this Organization during the past 75 years. We are gratified that the Organization made it over these years because of the vision and flexibility of those who stewarded this Organization. They deserve our congratulations for a job well done.

We all agree that the successes of the past are no reason for complacency. It is time to look at and review the Organization with a critical eye, to make it relevant and responsive to the needs and concerns that it will be facing in the twenty-first century. The Director-General has already given us the benefit of his views and vision of what this Organization should be in the years that lie ahead. It is only fair that we should all state our views as this can only be of benefit to the future of this Organization. The Office and all constituents of the International Labour Organization are very familiar with the position of the Employers' group on this issue, and the leadership of the group has restated that position from this very rostrum. There is therefore no need for me to belabour the issues, particularly in the light of the constraint of time at our disposal.

The employers of Lesotho believe that whatever reform or restructuring that we may embark upon, it must strengthen the Organization and not destroy or even weaken it. We have to acknowledge that this Organization in its uniqueness provides the only forum where governments, workers and employers can meet, discuss and exchange views on economic and social issues that are very vital for any meaningful economic growth and development. We all agree that the ILO should adjust to the realities of the changing world if it is to remain relevant and responsive to the needs and concerns of its constituents. The world is changing very fast with market-oriented economies spreading like wildfire and, if the ILO is to stay on board, it must adopt a private-sector thinking, outlook and posture.

Unemployment and poverty continue to be the most serious problems facing most member countries of this Organization. Therefore, job-creation and poverty alleviation must be the primary concern of this Organization, because it is only through collaboration between the three social partners that jobs may be created, and it is only through job creation that poverty can be tackled head on. The Organization must take a lead in this necessary collaboration by, inter alia, accepting that employers are equal partners in this tripartite Organization and must be treated as such in all its operations and structures. The equal partnership between workers and employers as constituents of the Office must be established, nourished and strengthened. It is therefore inappropriate at this stage to talk about opening up the Organization to the so-called other interest groups. To do so would do harm to what is already a non-parity situation between the social partners referred to above. The strength of this Organization is in its tripartism. This tripartism must permeate all ILO operations and structures, right from the Office itself, where employers are disproportionately underrepresented, down to member States, where governments have yet to institutionalize consultations with the social partners in the design, planning and implementation of economic and social programmes.

Within each social group there are differences in that some are economically advanced, others are termed developing, while others like Lesotho are underdeveloped. Underdevelopment is characterized by, inter alia, massive unemployment and underemployment. To us unemployment is the number one problem and it is thus our quest to attract investors to our country to help create the much needed jobs while producing goods and services matching international standards and quality. It is a fact that investors are motivated by two factors only, namely the profit margin and the cost factor. It is also a fact that most investors tend to come from developed countries where major markets of their products abound. In our view, free cross-border movement of investments and of goods and services is what world trade is all about. It is the very essence of globalization of the world economy.

A few years back I had an opportunity to address this Conference about the serious concerns of employers of Lesotho about ILO standards. I stated then and I reiterate now that we all accept that there are basic standards, like freedom of association, which must be universal in character and application. However, standards on conditions and terms of employment must be left to each member State to determine, as this is the only way peculiar circumstances and levels of economic development and activity of a particular country may be taken into account. I made it clear then that international labour standards are being used to make our economies less competitive vis-à-vis those of the developed countries. We cautioned against the perennial adoption of ever-increasing standards which are too onerous for the capacities of some of our countries, both in quantity and quality, to comply with. It is becoming more and more difficult for many of our countries to ratify these Conventions. Indeed, even those that had ratified Conventions as a matter of habit are either denouncing them or simply putting them on the shelves to gather dust. It is thus unrealistic to make ILO technical cooperation conditional on observance and compliance with labour standards.

As if the above-stated problem is not enough, we are now told that compliance with the so-called "social clause" should be a condition for countries to engage in international trade and have access to world markets. We had heard about the social clause in the context of the European Union. However, at the recent conclusion of the Uruguay round of multilateral trade negotiations, an attempt was made to globalize the clause as part and parcel of the new economic trade order. At the beginning of this Conference, we were interestingly surprised when the Director-General unilaterally plunged this Organization right into the centre of this ongoing debate. The developing countries rejected this proposed linkage in Marrakesh and there is no reason to believe that it will be acceptable here at the ILO.

It is interesting to find out whether workers in the developing countries will be the beneficiaries of these conditionalities. What is sure is that the workers in the country that is alleged not to be in compliance are the ones who will ultimately lose their very scarce and much needed jobs. I stated earlier in my remarks that an investor in country A will only move to country B if the cost factor and the profit margin warrant the move. The net effect of this so-called social clause is to make the move of investors uneconomic because the labour costs in country B will be too expensive to warrant a move. Last but not least, our workers have had association with the ILO for many years now, and we want to believe that they are perfectly capable of defending their rights and interests. Yet, the condescending and patronizing attitude continues unabated with the social clause being a new weapon supposedly used to protect the workers from us.

In conclusion, allow me to congratulate the new Members of our Organization and in particular the readmission of South Africa into the fold of the community of nations. It is particularly pleasing to us in Lesotho because, as South Africa is our only close neighbour, we too felt the wrath of apartheid. The road to freedom was not easy and the leaders of South Africa deserve our praise and congratulations for their courage, wisdom and foresight in resolving their differences through negotiations and democratic elections. The road ahead may prove to be very difficult but good foundations have been laid down for a peaceful and prosperous South Africa. There is no doubt that this will be beneficial to Lesotho and other countries in the region. We particularly welcome our employer brothers from South Africa with their new organization, Business South Africa, and look forward to closer and more fruitful cooperation with them.

Mr. THORPE *(representative of the International Federation of Chemical, Energy and General Workers' Unions)* – The Report of the Director-General, which is the starting-point of our debate, speaks vividly – and in my view accurately – of the globalization of economic decision-making and of the resulting weakening of the ability of the Nation-State to control its own economic and social destiny.

It is clear, for example, that investment by multinational companies has now become a greater economic force than world trade between nations. According to the United Nations World Investment Report for 1993, sales generated by the subsidiaries of multinationally operating companies outside their countries of origin totalled $5.5 trillion, while the total value of world exports amounted to only $4 trillion.

Between 1983 and 1990 foreign investment grew three times faster than world trade and four times faster than world output.

But these statistics still vastly understate the real power of the leading corporations. It is these same corporations that dominate the development of new technology and the flow of investment capital. Through thousands of joint ventures, cross-licensing deals and market-sharing arrangements, a dense corporate network has been constructed that derides any discussion of free trade or competition.

Behind the headlines that speak of inter-regional trade rivalries and free market competition, there is more actual cooperation, more planning of the global economy and more interlinking between interests than ever before in the history of mankind. But this cooperation does not take place in the public arena. It is not subject to democratic oversight. It takes place in the private and secretive boardrooms of the multinational companies.

The truth is that the national political process has lost control over the real world of economics.

The galloping advance of privatization across all types of political, economic and social systems is only the most blatant evidence of the resulting abdication of policy-making from the democratic public arena to the private corporate boardroom. The leading companies have escaped from the previous social consensus. National or regional production bases are seen as available resources among many others – not as a commitment; above all, they no longer have a commitment to create jobs and a balanced national economy.

If we accept that real economic change is brought about not by governments nor by obscure market forces but by very tangible and globally operating companies, then we stand challenged to ensure that the necessary structures are empowered to meet these prevailing economic entities on their own ground. In short, global corporate institutions need to be balanced by competent global civic institutions representing the interests of people – as workers, as citizens and as decision-makers – in shaping their own futures.

After 75 years of existence, the ILO would seem to be more necessary to the next phase of human development than ever before – if it can rise to the challenge. Indeed, if the ILO did not exist, we would have to invent it.

Yet, while the international organs of trade and investment – the GATT, the International Monetary Fund and the World Bank – are creating widespread misery in their efforts to deregulate and to readjust national economies to ensure a so-called "level playing field" for capital across the globe, we see no countervailing strong advocacy of similar common rights for world labour from the international institutions. Instead we see a tendency to diminish the importance and application of international labour Conventions that have been won through hard years of struggle and debate. And at this anniversary Conference that should reinforce the defence of labour rights, we have seen the attack upon existing rights of working people that is a stark reflection on the daily experience of our trade union members in every land.

International organizations of workers, such as the industrial federation that I represent, do not intend to allow the interests of their members and the structures of their trade unions to be undermined by the creeping process of corporatization that has affected other international agencies. In order for labour to remain within the social consensus it will be necessary to ensure that progress on labour rights keeps pace with the rising power of capital. That was the unequivocal task of the ILO at its foundation and it is even more profoundly its obligation at the present time.

To lessen its pursuit of this goal – or even to divert its energies from the firm and universal application of labour rights to the simple servicing of employment information needs – would turn the ILO's objective of social justice into a hollow sham. The results of such a reversal would be the collapse of tripartism and a return to the situation of social warfare that the ILO was created to prevent.

Of course, there are many who see a return to worldwide economic and social anarchy as an opportunity for capital – much as it was perceived during the Industrial Revolution that transformed the old economies during the last century. The world trade union movement itself is no stranger to social warfare – indeed, its proud history is a history of struggle against injustice during those times. But a return to economic and social Darwinism – this time on a global scale and under the guise of market freedom – will benefit no one. The present-day global economy is so interdependent that such a scenario would plunge the world into a descending spiral of conflict that would endanger the survival of humanity itself.

To avoid this prospect there needs to be a revival of the social consensus, not a weakening of resolve. The central role of the ILO in the defence of civic values has to be strengthened, not undermined in the service of corporate interests. New and stronger measures have to be developed to confront governments which do not subscribe to common standards of human decency in the treatment of their citizens at work – not so-called "flexibilities" fabricated to excuse child labour and the incarceration and murder of trade unionists.

I say again, if the ILO did not exist, we would need to invent it. But it does exist and we need to defend it, to strengthen it and to extend its remit to deal with the new realities of the global repression now bearing down upon working people. To that end, the world's industrial workers commit themselves.

Original Spanish: Mr. MELGAREJO GARCÍA *(Workers' delegate, Uruguay)* – We greet this double anniversary this year, the creation of the ILO 75 years ago and the 50th anniversary of the Declaration of Philadelphia, which constituted a stepping stone in modern social concepts. The ILO was the response to more than a century of poverty and the exploitation of the workers starting in the Industrial Revolution.

Now, as before, capital has joined forces with technology, being used to make vassals of the workers, diminishing their standards of living and work and promoting unemployment. Today this instrument, namely neo-liberalism, is responsible for a long-lasting recession with a marked fall in workers' quality of life.

I will now refer to the Director-General's Report. This is a document which examines in depth the present state of the ILO and its prospects for the future. As with all such analyses, some aspects in it can be supported and others not.

One of the central points made in this document is economic globalization. We are told that changes are so radical that we may now talk about the decline and demise of the nation States. It is true that States are no longer masters of their own fate, and are subject to international financial bodies, such as the World Bank, the International Monetary Fund and so on. We are told that they cannot keep a check on investments and that multinational enterprises have grown to such an extent that the 37,000 such non-financial enterprises operating at the beginning of 1990, as against the 7,000 registered 20 years ago, now control something like one-third of the production of the private sector throughout the world.

As the Director-General says, it is difficult to imagine that these forces will desist from trying to increase their share in the market. He adds that States can no longer monitor investments since, as it suits them, the transnational relocate their work, moving from one country to another whenever they are most likely to make a profit.

This description and this diagnosis which we agree with, has competition as the springboard of success – we have to sell more and more to get the necessary hard currency to meet national needs and to this end we have to reduce costs, amongst them, neo-liberalism includes labour costs, although this means impoverishment for the workers therein as a whole.

But what is being attempted? To bring wages into line with those of the workers in countries which so far have no labour protection or social security? Is it ethical to destroy all the workers have obtained over the centuries? We think that this is the intention of the employers and of many politicians who advocate total deregulation of the labour market, stating that labour flexibility is essential to achieve an upturn in the economy. We see this doctrine as leading inexorably towards a levelling down of conditions of work.

We are convinced that workers must radically confront this policy in its struggle for social justice, allowing a degree of labour flexibility as we adopt to new technology, but ensuring that such technology is always responsibly applied with an eye to social welfare.

Hence we cannot accept the proposal made by the Director-General as to the expediency of accepting a "soft law" which would include standards less legally binding than those of international Conventions. We are convinced of the need to insist on reinforcement of the ILO's standard-setting activities and we reject the attitude of the International Organization of the

Employers as regards the need to limit standard-setting activities. This work was behind the creation of the ILO and the story of its life is far from over.

With reference to standards, we cannot but express our misgivings about the lack of implementation – total or partial – on the part of member States. Let us give the example of our own country, where there has yet to be enacted a standard which would protect trade union activists against arbitrary action by the employers; it has thus ignored the obligation of member States to protect their workers by ratifying the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

One specific case amongst the many which I could mention concerns INDUNOR, a branch of General Electric, which dismissed part of its staff after 82 days of strike, including all the trade union leaders. As my country has failed to adopt the above-mentioned Convention, it is impossible – from a legal standpoint – to call for the reinstatement of those dismissed.

Continuing with this analysis, we agree that technical cooperation should also be reinforced; but this should be subject to two conditions. First, it must comply with the new guidelines issued by the ILO; and second, all programmes must have, as one of their objectives, the promotion and implementation of international conventions which have been adopted.

We agree with the proposal in the Report about the need to institute a mechanism to control international trade. It is essential that its terms of reference should be limited to implementing the fundamental rights of the exporting countries; but beyond that we have to ensure that such a mechanism does not provide inacceptable protection for the trade of the industrialized countries. But we have to accept it in countries in which human rights are respected.

We would also like to refer to structural adjustment policies. As we have said on numerous occasions, we cannot agree that the rescheduling of the external debt should be attained at the cost of the misery and lack of protection of the underdeveloped countries. Mr. Delors, President of the Commission of the European Communities and Mr. Camdessus, Managing Director of the International Monetary Fund, have given their support to those defending workers' rights, by stressing the need for social questions to be included in the formulation of structural adjustment policies. This role unquestionably is one for the ILO to undertake; and until this objective is achieved, it must extend its tripartite efforts.

We also have certain reservations as to the Director-General's concern with regard to the organic participation of private companies within the ILO. We think that the present tripartite structure must be preserved at all costs and therefore we cannot accept such a suggestion.

I cannot end without speaking out in protest against the violence to which certain countries are submitted; and I would quote for example Colombia and our fellow workers there. Incredibly, on the threshold of the twenty-first century, torture, injustice, prison and the murder of trade unionists are commonplace.

At the same time we abhor the misery and suffering, endured by countries subjected to an economic blockade. There are often justifiable only on political grounds, which in many cases have very little or nothing to do with the case in point.

(The Conference adjourned at 1 p.m.)

Twenty-first sitting

Monday, 20 June, 3 p.m.

President: Mr. Mendoza

Reports of the Governing Body and of the Director-General: Discussion *(cont.)*

The PRESIDENT (Mr. MENDOZA) – We shall now continue the discussion of the Reports of the Governing Body and of the Director-General.

Original Spanish: Mr. GOMEZ ESGUERRA *(representative of the Latin American Central of Workers)* – First of all, we should like to join the preceding speakers in congratulating the President on his election.

We are celebrating the 75th anniversary of the only organization of the United Nations system which is tripartite. It is the only one in which we the workers are able to find a platform to discuss and debate alternative solutions to international, regional and national problems which affect the development of our people within an invaluable and essential framework of peace, democracy and freedom based on social justice.

We fully agree with the Director-General when he states in his Report that: "the ILO must be careful not to be caught up in any ideology or fashion that leads to a juridical vacuum and, inevitably, to a return to the law of the junglea; that would only take us back to the situation that prevailed in the early years of the Industrial Revolution, and to the unfortunate social consequences which our Organization was created to address".

We believe that this is the crucial problem we must face and solve, and that the best way of celebrating the 75th anniversary would be to look beyond our differences and realize the need to preserve and deepen a shared legal framework which is coherent and effective – one which avoids the excesses of a mercantile cannibalism which undermines the essence and existence of millions of human beings at the mercy of humiliating living and working conditions.

It pains us to witness that quite clearly profit takes precedence over life, and productivity and competitiveness over social justice. Possessing more takes precedence over being more, in an economic, political and social climate where people are measured by their profitability and their capacity to consume, rather than by their very nature and their human dignity.

We also share the Director-General's views in his analysis when he says that: "... given the new and more aggressive forms of international competition, neither the developing nor the developed countries are inclined to reinforce – or even to maintain – a level of social protection that might discourage foreign investment or provoke the relocation of production". With all due respect we must admonish not the countries, but the governments for their dangerous, incoherent and genocidal attitude because this attitude, and we affirm it with full conviction, does not tally with the feelings, needs and aspirations of our peoples.

In increasingly numerous situations, we are getting closer and closer to the "law of the jungle". In fact, many times we live in the jungle already and we are surrounded by torture. Because there is no greater torture and violence than hunger, misery, injustice and social exclusion which lead to the untold suffering of people and families – a true personal and collective torture which degrades human beings. These scourges also undermine the dignity of people, corrupt our majorities and lead to despair; they lead to generalized forms of violence and a growing violation of human rights and human freedoms which are enshrined in innumerable international agreements – especially the Conventions and Recommendations of the ILO.

More than 30 per cent of the Latin American population is lacking in drinking-water – and more than one-third does not have access to health services. In one year (1992-1993) the minimum urban wage index in real terms fell from 67.6 to 66.8; in other words, it fell below the subsistence level and was lower than the minimum wage index for 1980.

At the same time the consumer price index increased from 7.9 to 10.2; in other words by almost 50 per cent.

More than 50 per cent of the Latin American population consume calorie levels far lower than the normal minimum level. Fifteen per cent of all the children between one and 60 months of age are suffering from serious malnutrition and, at the same time, there is a 2 per cent reduction in the production of food every year in this particular region.

Between 1992 and 1993 there was an almost 10 per cent cut in national budgets as far as education was concerned, and millions of children cannot complete their primary education. And health expenditure in a single year (1992-1993) – and this was the most alarming trend – was reduced from 22.5 per cent to 9.6 per cent; in other words it was cut to less than half.

In the Latin American region, where many of our countries have embarked upon the process of democracy and development, we have one doctor for 1,777 inhabitants and two hospital beds for each 1,000 inhabitants. We have an alarming infant mortality and illiteracy rate. At the same time, more money is given over to security, defence and the purchase of arms and more funds are given over to servicing the foreign debt than to housing, education, health and nutrition.

If there was any moment in the history of the ILO when it was necessary to preserve and deepen the legal framework of standards – the only means our workers have to defend their rights against the greed of governments and enterprises – it is the present moment.

It is quite clear that international labour standards can only be effective to the extent that the member States agree by ratifying the instruments. But the fact remains that these same States are violating these standards or tacitly tolerating the violation of these rights in the private sector.

We are living in a terrible climate of social explosion – the product of poverty and social marginalization affecting the majority of our people: this jeopardizes the process of democracy and the very future of the Latin American region. From Chiapas to Santiago del Estero, via Caracas, Bogota and Lima, we can see a reality which does not tally with the political speeches our governments make on the stability and social and political development of our countries.

Many are speaking about the preparation of the World Summit for Social Development, but they reject any form of social consultation and dialogue on the crucial matter for our future – the "social component".

Dialogue and consultation are a prerequisite for peaceful and democratic co-existence in our nations. Consequently, in preparation for this historic meeting, CLAT proposes that Latin America, as a region, should make specific plans for this World Summit. Therefore, we have called for a Latin American Social Summit in December this year, to show our concern for the maze of problems that specifically affect us.

Finally, we cannot turn away from the challenge the Director-General has put before us in his Report, *Defending values, promoting change.*

From our point of view, as Latin American workers, we believe we have to promote change to preserve values; and we have to reject those who speak of the inevitable adjustment to "reality" as if there were only one interpretation of this reality, thus refusing to recognize the need for change and opening the door to those with an unscrupulous appetite for profit and power.

For they want to confuse development with growth and, above all, to justify the underdevelopment of the masses by the prosperity of the few. They tell us about the need to create a climate of freedom, flexibility, promotion, and individual initiative – but reality shows us that freedom is a privilege of the few, flexibility is simply directed at the elimination of fundamental human rights and individual initiative is limited to the private benefit of financial capital to the detriment of human capital.

Today, more than ever before, we need a change; a change to the terrible structural adjustment policies which have been imposed on us; a change which brings out the creativity and responsibility of governments and people; a change which provides for dialogue and consensus; a change which taps the potential of our people; and a change which enables us to regain our dignity and gives hope to all men and women so that they can look forward into the future together.

Original Russian: Mr. NEYKOV *(Workers' delegate, Bulgaria)* – I should first like to congratulate the President on his election.

For four years now we have been endeavouring in Bulgaria to reform the post-Communist system and to move to a market economy.

We should like to voice our unambiguous approval of the conclusion reached by the Director-General, Mr. Hansenne, in his Report to the effect that the market economy has received massive support because it has brought hope for a better life, while making it possible to end interference by the State in the economy and in industrial relations.

Despite painful measures, the Bulgarian people have kept their patience and preserved social peace in the hope that reform will eventually fulfil its promises. However, our people have had to pay an exceptionally high social price. We have the highest rates of impoverishment in Central and Eastern Europe: in the period 1991-93 real incomes dropped by 60 per cent. We have the highest rate of unemployment in Eastern Europe: 21 per cent and over 60 per cent in regions populated by mixed ethnic communities. We have lost markets and means of livelihood due to international embargoes, crises, war, etc. As a result of the embargo against Yugoslavia alone, Bulgaria lost US$2,500 million. Bulgarian agriculture cannot feed the country any more. Hospitals, schools, universities, research and cultural establishments are on the brink of collapse. Dozens of municipalities, especially those inhabited by gypsy and Turkish populations, receive no social benefits.

Politicians and international financial institutions assure us that other nations which have been through all this have attained material prosperity and built up a competitive national economy. In our case, however, quite the opposite is true. There has been a continuous drop in production of over 40 per cent in the period 1991-93. There has been a drastic devaluation of the national currency – from 16 leva to the dollar in 1991 to 28 leva in 1993 and 57 leva in May 1994. There has been an upsurge in financial and price profiteering, benefiting no more than 10 per cent of the population. Nearly two-thirds of the population live under the poverty line. In the first four months of 1994 alone, inflation exceeded 40 per cent and the population became a further 30 per cent poorer. Mass closures of enterprises and new mass lay-offs, etc., are also being prepared. All these so-called rehabilitation measures are not accompanied by any programmes for even a minimum of social protection. Under these circumstances, it is not surprising that social support for the chosen model of reform is rapidly diminishing. Nearly 70 per cent of the population believe that the path chosen is not the right one.

The trade unions believe that there is no alternative to the "opening" of the Bulgarian economy and its integration into world economic structures. However, history has shown that the internationalization of economic life and the integration of countries at a different level of socio-economic development may have dubious consequences. What are the chances for combining economic growth with social progress within the framework of the monetary programmes recommended by the IMF?

Is the inflow of foreign investment linked automatically to national economic prosperity? How are we to cushion the dire social consequences of this painful process of integration of a collapsed economy into the world economy? In his Report, the Director-General very rightly noted the sharp acceleration in the process of globalization, a process that basically leads to a reformulation of the functions of the national State and to its weakening. But where is the borderline beyond which a State may become a tool in the hands of foreign economic interests? These are some of the difficult questions to be answered today by us as trade unions. Given the early stage of reform in the country, it would be too hasty to try to summarize the possible consequences of the policy of the international financial institutions. We can, however, try to outline some of the problems caused by the approaches adopted by these institutions. Monetary policy is based on the logical assumption that economic growth leads naturally to social prosperity. This thesis has not passed the test of history, which shows that the link between these two phenomena is not at all definite. Without reliable economic mechanisms, economic prosperity is more often than not the prerogative of a handful of people thriving on the impoverishment of considerable masses of the population. In Bulgaria the trade unions have proved to be practically the only barrier against absolute impoverishment and social exclusion. This is probably why trade unions have so far been systematically eliminated from negotiations between the different governments and the international financial institutions. These negotiations have been conducted within a narrow circle of high-ranking state administrators and technocrats blindly following the recommendations. This approach can count on the support of narrow socio-economic strata. Taking account of the processes of impoverishment and introducing systematic consultations with the trade unions would enhance the efficiency of the programmes implemented in the country.

The trade unions have done their best to improve the chances of success of the economic reform while checking the progressive impoverishment of the population. Several times in 1991, 1993 and 1994 we accepted strategic compromises for the sake of a constructive approach and for social and civil peace. Our ability to maintain this balance has already been exhausted because the main resource, the patience of the Bulgarian people, has come to an end. The trade unions are now compelled to act under conditions of growing pressure for change from their members and the overwhelming part of the population.

We are in favour of a reform centred on a real economy and backed by suitable social and political measures. We are for active investment, credit and privatization policy to make the Bulgarian economy competitive on world markets.

The present reform model is doomed to failure, for its depends only on monetary measures that have proved inappropriate for the post-Communist economy. Bulgaria can only be stabilized through a change in the priorities of reform.

The solution of the harsh problems facing Bulgaria and some other countries in the region today cannot be isolated from their joint efforts in collective and coordinated action. This calls for the support of such an authoritative international organization as the ILO.

The election of the representative of the Bulgarian Government as a Vice-President of this session might be viewed as an expression of such support. We have already stated officially our opinion on that issue, but I feel obliged to say that the Bulgarian workers require the Bulgarian Government to have the same attitude towards the ILO and tripartism as the ILO has towards the Bulgarian Government. Unfortunately, Bulgarian governments do not take their obligations under the ILO Constitution seriously. Since 1989 only two countries in Central and Eastern Europe have failed to ratify a single ILO Convention and Bulgaria is one of them. The interruption of the tripartite dialogue several months ago because of the policy of the Bulgarian Government definitely shows that the Government applies double standards in tripartism: one for Geneva and another for the social partners in Bulgaria.

In conclusion, I would like to say that, on the one hand, greater ILO involvement in the formulation of the world's economic and financial policy would contribute to the success of the reforms in Eastern Europe. The ILO could contribute to a change in the relations between East and West by seeking trade liberalization and financial and technical assistance from the developed countries. On the other hand, we believe it is necessary to develop and strengthen the mechanisms of control binding ILO standards and national legislation together.

On behalf of the members of my organization and on my own behalf, I should like to express my appreciation to the ILO and its team for Central and Eastern Europe in Budapest for the steady and consistent support they have given us in these difficult conditions.

Original French: Mr. TSOMAMBET *(Minister of Labour, Social Security and Solidarity, Congo)* – Allow me on behalf of the Government of the Republic of Congo, of the delegation which I have the honour to lead and on my own behalf to join those who spoke before me in order to congratulate the President most sincerely on the occasion of his brilliant election to the presidency of the 81st Session of the Conference. I hope that he and all those who are working hand in hand with him will be successful in their task. I am convinced that he will be able, through his wisdom, through his experience, to guide our work to important and positive conclusions.

I should also like to thank the Director-General of the ILO for his Report on the status of our Organization since its foundation and for the outline of the perspectives for its future development beyond its 75th anniversary. This Report is a remarkable and decisive contribution to the review we are jointly required to carry out with a view to adapting our Organization to meet the new needs and requirements brought about by the ever-increasing and diversifying demands placed on it.

I should like to take this opportunity to express my satisfaction at the fall of the iniquitous apartheid regime in South Africa after so many joint efforts within the body of this Organization. I warmly greet the return of this country to the large family of the ILO and, at the same time, I offer my support for every effort made by the authorities of that country in extending and consolidating pluralist democracy in a multi-ethnic and multiracial South Africa.

Our Organization is celebrating today the 75th anniversary of its existence in a world full of changes and upheavals. It is an age of maturity, or rather of wisdom, since on the human life scale it is man's third and last period of its existence. The ILO is now a senior citizen. It is therefore a good time to do some in-depth thinking, draw the lessons from what has been achieved on its *raison d'être*, the principles of its action and the adaptations it needs to make so that it can respond with renewed efficacy to tomorrow's missions and challenges. The ILO was set up to guarantee social justice worldwide. There is no doubt that what it has achieved in 75 years is important; however, this will not be continued into the future unless it absorbs the numerous and important upheavals currently taking place.

The changes that occurred at the beginning of the 1990s are at least as, if not more important than, those which took place after the Second World War, particularly if we consider the political upheavals in Eastern Europe and in Africa. The efforts of the United Nations system since the end of the war have not produced the results hoped for because poverty and misery have not given much ground – in fact they have even progressed in some countries of the Third World. This is the case in Africa where the situation is still under the impact of the recession, the rise in unemployment and the fall in gross national product.

The brutal acceleration of the process of economic globalization, the generalization of structural adjustment programmes imposed by international financial organizations have aggravated the impoverishment of the population and social misery. In this context, the Congo approves the new "active partnership policy" instituted by the ILO; this should give pride of place to offering Africans and their technical services the expertise they need to devote themselves usefully to the essential tasks of promoting legislative reforms and an active and concrete programme of employment promotion accompanied by short- and medium-term training programmes. To this end, the multidisciplinary teams which will soon be fanning out through our continent should be made up of highly experienced specialists more interested in local concerns than in acting as "missionaries" responsible for imposing the ideas of the headquarters.

These multidisciplinary teams will be effective only if they concentrate their action on the concrete concerns of our States, employers and workers. They should aid African States to plan, and to avoid and eliminate the negative consequences of structural adjustment measures on our populations – and in particular to the most vulnerable segments.

In this connection, the emphasis should be placed upon the training of national agents to be involved in the design, implementation and evaluation of projects.

Tripartism is one of the ILO's major strengths and constitutes an original mechanism for defining and implementing social policies. We are very happy that this mechanism has now become established in Africa. After several years of procrastination, the Labour Commission of the Organization of African Unity, where governments previously had monopoly representation, was in 1992 converted into a tripartite body in the image of the ILO.

But tripartism has its requirements, and can be effective only if the workers' and in particular employers' representatives have the knowledge and training needed to discuss with government representatives on an equal footing.

In African countries in general and in the Congo in particular, the matter is of key importance since steps must be taken so that both trade union representatives and labour administration staff can be brought up to date and given general training about the new rules regulating the operation of a market economy. ILO cooperation and technical assistance programmes should make due allowance for these requirements and grant them priority.

Finally, although tripartism is a precious institution, my Government shares the analysis linking in the new social actors closer to the economic problems and stakes at play. It is within this framework, that a special place should be reserved for the informal sector, cooperatives and mutual benefit societies in the implementation of social dialogue and collective bargaining.

The preparation of international standards has been a cornerstone of the ILO's activities since its creation.

This standard setting will attain its objective of social justice only if these standards take into account the diversity of the local situation and the potential of member States. The material and administrative difficulties that, for example, African States have in implementing their obligations under these standards are a perfect illustration of this need. We greet in this connection the ILO's efforts over the years, in grassroots missions, to reduce and solve by dialogue the difficulties encountered.

As to the structures of the ILO, my Government supports fully the reforms that have been taken over the years. Nevertheless, the ILO can be actually considered as the world's "social conscience" and an organization at the service of its constituents only if all its member States feel themselves fully involved in its operation.

In this connection, we encourage the Director-General and exhort him to seek ways and means to rejuvenate the ILO, and to strengthen the representivity and the responsibility of African management in its top structures.

The Congo, in the same way as other States, wishes to make its modest contribution to the celebration of this 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

The vast programme of legislative reform undertaken over the past few months was directed not only at adapting our legal arsenal to the new liberal context but also – with ILO and UNDP support – to harmonize our legislation with the relevant provisions of international labour standards.

A series of instruments adopted by the ILO – many of which deal with freedom and fundamental human rights – are currently passing through the submission procedure prior to examination by Parliament. Once this procedure has been concluded our country will be able to mark the 75th anniversary of the ILO in its own way by doubling the number of ratified Conventions. In our opinion, there is no more significant way for us to engrave such an event in the collective consciousness of our people.

Our Organization has already provided proof of its ability to adapt to the numerous changes and upheavals which have occurred in the world since its creation.

On the eve of the third millennium and in a world seeking a new balance between the State, the market and social society, the work of the ILO should more than ever be permanently striving for and promoting social justice throughout the world.

It is in this way, and with the support of all its constituents that the ILO will be able to take up the numerous challenges of the future that can be seen on the horizon.

Long live international cooperation! Long live the 75th anniversary of the ILO! Long live the 50th anniversary of the Declaration of Philadelphia!

Original Russian: Mr. SHMAKOV *(Workers' delegate, Russian Federation)* – First of all, let me congratulate the President on his election to such high office, which is even more important because this is an anniversary session. This is a tribute to his achievements and guarantees that we will make a valuable contribution to the work of this session of the Conference.

We agree with the conclusion contained in the Report of the Director-General of the ILO, Mr. Michel Hansenne, to the effect that the scale and intensity of geo-political developments in today's world render it necessary "to make a new overall assessment of the ILO's aims and means of action".

The Federation of Independent Trade Unions of Russia agrees with the Director-General that as the ILO celebrates its 75th anniversary, it should, together with the whole international community, affirm "its belief in social justice as one of its fundamental values and its determination to further this cause" and "its confidence in active tripartism as a motivating force".

We feel that to give practical content to these hopes and aspirations we need, inter alia, an objective analysis of the situation at the national level in all sections of the Organization.

The globalization of the economy, which has rightly been given a prominent place in the Report, is accompanied by the globalization of the significance of standards and criteria of the ILO, "a convergence between the basic principles of democratic societies and the values espoused by the ILO". But we have to see the reverse side of these processes – the globalization of world problems linked through "the triumph of the market economy", to use the terms in the Report.

The transition to the market economy and changes in forms of property are accompanied by a rapid growth in social disparities. The world is facing serious distortions in the sphere of labour and alarming changes in labour relationships.

According to the new Constitution in my country, Russia is a social State. Many organizations, including our trade union federation, have signed a national agreement on consensus. The principles of tripartism are extolled from many high tribunes. We can but welcome this, but we are deeply concerned at what is happening against this seemingly favourable background.

Production continues to fall sharply. Last year all branches and services were affected, with the fall reaching 16.2 per cent in industry. The number of unemployed or partially employed totalled almost 8 million which is over 10 per cent of the active population. According to forecasts, in 1994, the total number of fully or partially unemployed will rise to 12.1 million people, some 16 per cent of the economically active population.

The sharp growth in unemployment could activate a process leading to an additional cumulative reduction in business activity. The most rapidly emerging phenomenon is what is known as "macroeconomic hysteresis". In other words, in addition to the basic reason for the growth of unemployment – the pressure of consumer and investment demand – its growth will be determined by the dynamics of unemployment of preceding periods. As a result, unemployment will become self-perpetuating and cause a second slump, generated by unemployment as a result of stagnation.

Having noted the complexity and importance of this problem, we support the specific and far-reaching proposals of the Director-General of the ILO on how it can cooperate at the world level to solve employment problems. In particular, we look forward to the publication of an annual report on employment and incomes and support the holding of regular meetings of the Governing Body on employment and the inclusion on the agenda of the International Labour Conference of a standing item on this issue.

Social stratification has taken hold as never before. The difference in income between the 10 per cent of the richest and the poorest sectors of the population is twenty-sevenfold. At every third enterprise there are delays in payment of wages. Debt in areas financed from federal funds are one-and-a-half times higher than the total monthly wage fund for the country. Consumer prices have risen by 10 per cent. Working conditions and occupational safety and health have declined radically – every year approximately 400,000 people are injured at work, and 8,000 of those injuries are fatal. In our opinion it is intolerable that deals to generate more employment should be made at the expense of workers' protection.

If we extrapolate this further, to the problem of employment, we are pleased to note that the ILO, as the Director-General pointed out, has always supported the connection between job creation and basic labour legislation. We consider that it is unacceptable to strike a deal whereby there are more jobs but there is less protection for the workers.

We do not want to confine ourselves merely to drawing up "check lists" of the social and economic problems of Russia. But if we are to protect social values, and if we aspire to achieve the change, to which the Director-General refers in his Report, then we have to be clear, realistic and responsible in our approach.

Yes, Russian trade unions support a market economy. But they support a market economy that enables everyone to provide, using their own hands and their own thoughts, for a life of dignity for themselves and for their families.

We have no intention to sit idly by as new social foundations are established, nor do we plan on playing the role of detractors. We are going to play our proper part as trade unions and protect the rights of people at work.

In so doing, we face many difficulties. Certain powerful interests are trying to limit the rights of workers, overturn social guarantees and weaken the trade unions. We can see this in attempts to emasculate labour legislation, to cut off the social insurance fund, to put the ratification of ILO Conventions on hold or to observe ratified Conventions in a selective manner.

To be quite frank, we do not believe that the universality and effectiveness of the ILO will stand to gain if its supervisory machinery is weakened or if it adopts so-called "soft laws". Of course, if the ILO takes this path, it could become the abstract "social conscience" of the United Nations. But it will certainly not in that case be an authoritative and objective arbiter in the settlement of labour disputes. And if it is not, the well-being and the very lives of millions of destitute people will be in danger as this world becomes more integrated. Optional or selective implementation of freely assumed obligations could well undermine the foundations of international law. Putting the perpetrators and the victims of social injustices in the same boat in an attempt at absolute universality is certainly not an appropriate way to replace the struggle against communism from which the ILO drew its energy all these years.

We interpret the universality of the ILO not as a desire to include everyone without distinction, but as the universality of its ideals and principles, shared by all who voluntarily take part in the Organization. Our trade union federation has proposed to the President of Russia to give priority to the ratification of 17 ILO Conventions. We are pleased that Mr. Yeltsin has indicated that preparations are under way for the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

The growth of international trade raises the question of the relationship between trade and the observance of labour standards. International competition must not take place based on the over-exploitation of workers. We agree that there should be closer coordination between the ILO and the GATT and we favour the adoption of a new ILO Convention to ensure that the opening of markets and liberalization of trade go hand in hand with improving conditions of life and work. This could be considered at the World Summit for Social Development and also as part of the future cooperation between the ILO and the newly-created World Trade Organization.

In conclusion, I would like to express the conviction that the growth of confidence in the ILO and strengthening of its influence in the world community will be based on an equitable interaction between its constituents, the social partners in each country.

Original French: Mr. TODORAN *(Workers' delegate, Romania)* – First of all, I would like to congratulate the President, on behalf of the Romanian trade union movement and on my own behalf, on his election to this highly responsible position. We wish him every success in his work at this session of the International Labour Conference, to which millions of workers look with great hope and trust.

In fact, the work of the Conference was started at a time when, as is mentioned in the Report of the Director-General, values and achievements must not only be preserved, but above all be adapted to the standard-setting activities, to the needs and to the very *raison d'être* of an organization such as the ILO.

In this commemorative year, at a time when we are celebrating the 75th anniversary of the ILO, we have the possibility of remembering that this Organization is the only international forum where representatives of workers, governments and employers meet on an equal footing.

That is why it has an even more important role to play in finding ways and means of eliminating poverty, extending the protection of workers and creating jobs which are covered by international labour standards.

Of course, we workers, together with employers and government representatives meeting at the ILO, have to think in a serious and forward-looking fashion and try to outline the way in which we see our societies tomorrow, so as the better to adjust our policies and demands, as well as our activities at national and international level.

In an economy which is becoming more globalized now that totalitarianism has receded throughout the world, leading to many disorders and uncertainties, as the Director-General brilliantly outlined in his Report, we see with concern the difficult situation of trade unionism, and if we do not direct our thinking, together with the other two partners, towards trade unionism of a kind that the new type of globalized economy needs, we shall, perhaps, find ourselves in a situation where the very role of the ILO is questioned in a society of communication and information. That is why we must raise our voices and prepare ourselves for a commitment at this time, on the occasion of this anniversary, to give the ILO a new role to play in the international community.

In changing societies, where changes are becoming more and more numerous on the part of governments and employers, the trade unions must take the initiative and not forget that they are certainly the forces of contention and opposition but, at the same time, they have the force to propose and to strike a new balance in our new societies.

The economics in transition in Eastern and Central Europe are now in a very difficult situation, with a considerable growth of inequalities in income which is not softened by other growths. There is a rapid drop in production, massive unemployment, and a great increase in the level of poverty.

Romania has not been spared by this process and, unfortunately, the social and economic situation since the last session has not been encouraging.

Every day the gap between the declared objectives of economic reform, approved at the beginning by the majority of our trade unions, and the practical results of its implementation, is growing.

Increasing unemployment, the impoverishment of a considerable part of the population, and the economic and financial freezes, lead, amongst other things, to mounting discontent and a loss of credibility of those in power today.

The increasing social tensions are due to the fact that in theory we have many rights, such as social protection rights, which are even enshrined in legal texts. But, in practice, even those who get these social benefits get derisory sums, and even the minimum salary cannot ensure for the Romanian worker a decent standard of living to which he has a right: in most cases he is living below the subsistence level.

I can tell you that the minimum salary covers only 26 per cent of subsistence needs. It is true that amongst the rights legally guaranteed in Romania we have a Law which proclaims freedom of negotiation, but national legislation – especially wage legislation – is limited by the amendment which allows the Government to adopt measures to moderate the salary increase during certain limited periods.

We are now in a strange situation where the freedom of salary and wage negotiation is limited by government decision, whereas the freed prices are not restricted in any way.

Although there is an indexation committee which should, in principle, monitor the relationship between wages and purchasing power, there is no system of coordinating the indexation.

That is why, as responsible social partners, we are unhappy about the methods of implementation of government programmes which have led to very high social costs, and which are soon going to become unacceptable.

We would like, from this rostrum, to express our discontent at the very poor results that our Government has been able to achieve in respect of implementing the tripartite system: namely, the setting up of an economic and social council, which could perhaps lower tensions in an official framework or on the basis of democratic tripartite consultation systems, and which could also promote the instruments necessary for social progress.

We have to denounce the fact that, for example, the modifications and the amendments mentioned by our Minister of Labour in his statement on the Unemployment Act were made without consulting the social partners.

It is quite clear that we need time, but we should not confuse this idea with a procrastination policy, which continually postpones the establishment of institutions to accelerate the privatization process, create new jobs by redeploying workers, eliminate all forms of exploitation and improve the working conditions of the workers.

In this context the trade unions have shown that they can play an active role through their initiatives and specific solutions, but only if the legal framework becomes more flexible and capable of transforming these solutions into law.

Therefore we have to work together, we the workers' organizations, so that the process of profound and progressive change can take place rapidly. It is quite clear that in taking up this challenge we shall still need to recreate solidarity the better to defend our interests and regain our dynamism and our authority.

It is in this context that we should understand the affirmation made by the Director-General in the conclusions to his Report, namely, that "it will be difficult to promote social justice if we do not very quickly identify ways and means of regulating the world economy". This can help us in our future dialogue with our social partners. Allow me to say that I fully agree with the diagnosis and with the complex and apposite way of discussing new viable strategies which can easily be adapted to the specific condition of the new globalized economy, which we are entering now.

Mr. OWUOR *(representative, Pan-African Employers' Confederation)* – May I congratulate the President and Vice-Presidents on their unanimous election. I am confident that under their wise guidance this Conference will achieve its desired results. The Pan-African Employers' Confederation extends its warmest congratulations to the ILO on the occasion of its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia.

May I also at the outset congratulate the Director-General on his bold Report which gives his vision of the future of the ILO. Although one may not entirely agree with some of his conclusions, one cannot help but admire the clarity of his thought and the honesty of his analysis.

It was the Employers' group of the Governing Body that first drew the Director-General's attention to the need for a thorough reform of the ILO, so as to enable it to meet the growing demands of its constituents in a rapidly changing world. It is therefore gratifying to note that in his Report, the Director-General has placed before this Conference a breathtaking agenda for change. The dual mandate of the ILO is to contribute to the promotion of universal and lasting peace through social justice and to wage a relentless war against poverty. The ILO tries to achieve these objectives through research and information, direct contacts, meetings, standards and technical cooperation.

The ILO has emerged as a reputable international centre of excellence for social research. Thus, the proposal by the Director-General to supplement its current publications with analyses that would assist policy-makers in dealing with difficult social questions deserves careful consideration. Countries undergoing structural adjustment as a result of the debt crisis desperately require studies on specific country programmes of action to militate against the social effects of structural adjustment, conflict resolutions, and the harmonization of ILO standards with employment creation. Also, judging from the excellent outcome of the Informal Tripartite Meeting at the Ministerial Level on Employment, held on 10 June 1994, it is worthwhile for the Conference to give support to the Director-General's proposal to organize high-powered annual informal meetings on broad social policy issues, with the participation of the representatives of Bretton Woods institutions and other donor agencies.

The Confederation welcomes the requirement that all United Nations agencies should now concentrate on providing technical guidance and policy advice within their areas of competence and relative competitive advantage, thereby placing project execution in the hands of national bodies. In this regard, the ILO can still play a significant role in providing the social partners with technical assistance in the preparation of project proposals, monitoring and evaluation.

The Confederation shares the Director-General's optimism that his active partnership policy, supplemented with the establishment of multidisciplinary teams, will result in greater concentration of efforts and resources, greater emphasis on strengthening national capacity and greater coherence amongst the different forms of ILO action. However, for this policy to succeed, the Director-General will need to allow for increased flexibility in the exchange of staff from one multidisciplinary team to the other and from Headquarters to the sub-regions, and the Director-General will need to ensure that all areas of ILO activities are represented in the multidisciplinary teams. The Confederation, however, notes with concern that whereas nationals of some regions are generously represented in Africa, there appear to be no more than one or two Africans represented in the multidisciplinary teams or area offices in other regions. As the Director-General notes, "the ILO cannot be a schizophrenic organization. It cannot affirm certain principles and then turn around and ignore those principles in its practical action."

The Confederation would like to see the principle of non-discrimination in deployment of ILO field staff observed in practice. There is also a need to correct the current imbalance of African representation, especially in senior positions within the Office. The Confederation appreciates the laudable efforts by the Director-General in increasing ILO assistance to employers' organizations in Africa. The ILO assistance has enabled these organizations to develop their institutional capacities, especially in the fields of public policy and social dialogue as well as in strengthening their service delivery systems to their members. African employers will continue to need increased assistance in the fields of professional leadership, research, entrepreneurship development, productivity improvement, human resource development and managing the effects of trade liberalization and privatization programmes.

The Director-General should be thanked for acknowledging in his Report on the activities of the ILO in 1992-93 that employers have a right to be recognized as equal partners with governments and workers in a world of ever-accelerating social and economic change, since the employers are the leading engine for change. However, we do not share his pessimism that the end of communism has exacerbated confrontations between employers and workers. If anything, there appears to be a greater active mutual respect between the two social partners.

Granted that the ILO technical programmes have met some of the employers' concerns in the field, these interests would better be served by placing all employers, and enterprise activities within one unified command so as to facilitate better coordination of these activities. The Confederation, therefore, looks forward to the appointment of a senior officer to oversee these activities in the Office.

The Director-General's Report has toyed with the idea of the ILO enforcing economic and political sanctions against those countries which fail to comply with those Conventions which they have ratified, under the so-called "social clause". Making access of exporting countries' products to international markets conditional upon compliance by these countries with certain basic ILO standards, is contrary to the principles of free trade and constitutes an attempt to deny, especially developing countries, access to the markets of industrialized countries. It is my opinion that improvements in labour conditions would depend on freer movements of goods rather than on introducing measures which are in restraint of trade. Apart from suffering the trap of an unbearable debt burden, a low technological base, inadequate infrastructure and low productivity, most developing countries suffer also from wildly fluctuating earnings from their primary products. Even with the best of intentions, therefore, they cannot provide the same kind of conditions of service or guarantee the same minimum standard of incomes or social protection as pertains to industrialized countries.

Just as the ILO may not have been justified in withdrawing technical assistance from countries that violate its standards, thus punishing the guilty governments and the victims alike, the Director-General is equally unjustified in trying to popularize social clause agreements in international trade whose most spectacular achievement would be to impoverish further the developing world's poor peasants and farm workers. In this case, the ILO would be unwittingly spreading poverty throughout the developing world instead of combating it. The ILO's strength must rely on moral persuasion rather than on controversial coercive measures such as boycotts of goods.

The Director-General proposes the possibility of the ILO's structure being tinkered with to seek the representation of or collaboration with NGOs and other groups that are currently engaged in promoting social justice. The ILO already provides some of these groups with observer status and they have an opportunity to address the Conference. To confer upon them the same status as that which is conferred upon the current ILO constituents, is to question the very *raison d'être* of the ILO and to discredit its tripartite pillars.

Given these far-reaching and somewhat controversial proposals of the Director-General, it may be desirable for the Governing Body to set up a tripartite task force to examine the implications of some of these proposals, taking account of the comments that have emerged from this session.

In conclusion, may I join the previous speakers in welcoming the readmission into ILO membership of a new democratic South Africa. I particularly welcome the formation of Business South Africa – a non-racial representative body of employers which has already taken its rightful place amongst the employers of the world. The Pan-African Employers' Confederation looks forward to working closely with the new body.

Mr. MALHOTRA *(representative of the United Nations Educational, Scientific and Cultural Organization)* – On behalf of the Director-General of UNESCO, Mr. Federico Mayor, we would like to thank you for your gracious invitation to attend the 81st Session of the International Labour Conference. We would also like to take this opportunity to express our most sincere congratulations on the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

Seventy-five years of continuous involvement in one of the fields most crucial to the process of human and social development have justifiably earned the ILO the title of the elder sister of the United Nations system. In a communication addressed to the Director-General of ILO on this happy 75th anniversary, our Director-General has said, and I quote: "Today, in a world where political and economic dogmas alike are gradually relinquishing their grip, ILO with its unique tripartite chemistry of decision-making and international cooperation stands in the forefront of the system in many of its areas of activities related to the improvement of living and working conditions and to human resources development, including in the fields where UNESCO is proud to have been closely associated with it, especially in vocational and technical education and training. On behalf of UNESCO, I salute the achievements of ILO."

In another specific area of critical concern and overall human development, which relates to the status of teachers, ILO and UNESCO have had a long association of cooperative programmes. Under this programme, UNESCO and the ILO undertake a number of activities at global, regional and national levels involving representatives of governments, teachers' associations and the private sector, such as in the training workshops, studies, and seminars on different aspects of the teaching profession.

The Sixth Ordinary Session of the Joint Committee is scheduled at the ILO in July 1994 and its report will no doubt provide suggestions for future actions by the two organizations in relation to education and training requirements of teachers, as well as to basic working conditions that would be provided so that they are conducive to effective teaching and learning.

In the developing world, in perhaps the last 15 years a period of economic crisis and structural adjustment has prevailed; in this prolonged context of austerity most countries have experienced and continue to experience negative developments in their education and training systems, among which the deterioration in quality and decline in access are the most prominent manifestations.

Both the ILO and UNESCO have a worldwide mandate to exercise leadership in the development of human resources. Both organizations consider it their responsibility to focus their attention on the impact of financial constraints on human resources development with a view to assisting adjusting countries to protect their education and training sectors. As specialized United Nations agencies, they have an objective and well-recognized neutrality in their pragmatic efforts. As truly international institutions with no limiting geopolitical or commercial interests, they are welcome partners to nearly all countries. They have close contact with ministries responsible for social programmes, as well as with the education and training institutions.

At the same time, they also understand and speak in the language of both the funding agencies and the training institutions. The extensive and rich experience in human resources development of both the ILO and UNESCO enables them to create programmes for education and training that stress both equity and efficiency.

As the mandates of both organizations reinforce each other, we are confident that this Conference, being held on its 75th anniversary, will lead to an enhanced spirit of cooperation between our organizations. We, for our part, pledge our continued, full cooperation with the ILO in our common endeavour to contribute to the establishment of universal and lasting peace for the promotion of social justice. We firmly believe that peace and development are indivisible.

The Director-General, in his Report, has underscored this point. Therefore, in this context, our cooperation will go a long way in promoting a multilateral approach of improving respect for workers, workers' rights, and promoting social progress throughout the world which implies guaranteeing the right to development of each individual.

Mr. NYAMUHOKYA *(Workers' delegate, United Republic of Tanzania)* – Allow me to start this short statement by congratulating Mr Gray on his election to the post of President of the 81st Session of the International Labour Conference.

This year, the ILO is celebrating its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia. It is befitting therefore to re-examine the role of the ILO in the light of the rampant abrogation of values enshrined in the ILO Constitution, which in essence calls for the defence of social justice. This is a precondition for lasting peace in the world of yesterday, today and tomorrow.

Now, because of time constraints, I would like to touch upon a few issues which are of great relevance to my country, the United Republic of Tanzania.

The future work of the ILO must be viewed in the light of the structural adjustment programmes inspired by the IMF and the World Bank and taken on board by most governments in sub-Saharan Africa. The implementation of these programmes has caused untold miseries to the working men and women of these countries. People have lost jobs and they are now destitute, roaming the streets of most major towns in our countries, often earning their living through legally unfair and foul means.

In Tanzania, for example, over the last three years no less than 100,000 workers have lost their jobs in the public and private sector because of the economic liberalization policy which is being implemented. This also means that trade unions have lost many members and have therefore become weak. But assuming that each of the retrenched workers has four people to support, a situation which is quite normal in African society, then almost 400,000 people have no means to support themselves and this is a serious situation which cannot be left to continue. Where is social justice? Where is the ILO, whose task it is to prevent unemployment?

In these countries there is a mass devaluation of currencies, high inflation and hence the constant rise of commodity prices, including essential ones. Wages are very low and there seems to be no effort on the part of the authorities to raise wages above the poverty line. In Tanzania the gap between the earnings of workers in the highest wage bracket and of those in the lowest wage bracket is widening. It is one to 30. The minimum wage is just above US$10 a month against a cost of living of about US$150 a month. In such a situation crime has increased and there can definitely be no lasting peace. Where is the ILO in executing one of its mandates? Where is the provision of an adequate living wage?

No, something must be done and done quickly, otherwise peace will not prevail in these countries. While some people attribute the wars in Rwanda, Burundi and Somalia to tribal or clan differences, the root cause, I think, is the inequitable distribution of wealth – the haves continue to get more and the have-nots continue to lose even the little that they have. I should imagine that this was true in South Africa. The few whites did not want to share their wealth with the majority of poor blacks. Now that apartheid is over, we are looking forward to a just society in South Africa and hence to a lasting peace there. We welcome the tripartite delegation of South Africa to the ILO family and pray that social justice will now be in place, thus creating lasting peace.

The economic development of a country cannot be the monopoly of the government. All social partners are supposed to be connected with such development and they must participate. The business community, intellectuals, students, women and every person of goodwill would like to see prosperity in his or her country. It is important that the spirit of tripartism prevails in all the economic endeavours of a country. For this reason, I endorse the Director-General's comments on tripartism. I agree with him when he says that tripartism is a highly effective agent for change as well as a necessary component of real democracy. Let governments pay no lip service to this principle – let them implement it. I say this because my own Government does not seem to be serious about this matter. It only does so when it is convenient, but usually it does not consult workers, even on issues concerning them directly. Every year we come to the International Labour Conference to reaffirm our stand with regard to ILO goals and objectives. This meeting is no talking-shop but a forum which serious-minded people attend in order to address issues confronting the world community, especially pertaining to labour. So whatever we say and whatever we do, we must ask ourselves one fundamental question: How does the worker benefit from our actions and what will the consequence of our words and deeds be to the world at large?

Governments have often been rigid, not flexible, and frequently unprepared for change. The time has come for them to have a vision of the development and the welfare of their people. We in the Third World do not need the IMF and the World Bank to tell us what our vision for the year 2000 should be, for example. We should know and tell the World Bank and the IMF what we want. It is in this connection that I would like to conclude my remarks by touching upon the social clause.

We need to support the inclusion of a social clause in this year's conclusions, in as far as the social clause is in favour of the workers of the world. Who is not for freedom of association and the right to collective bargaining? Who is not against employment of youth and children below a certain age who should be at school? Who wants discrimination? Who is against equitable distribution of income? And who wants forced labour?

The workers of the world would be well off with a social clause and would definitely be better protected. I therefore urge everybody to support the social clause and reaffirm their commitment to the following ILO Conventions: the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Minimum Age Convention, 1973 (No. 138), the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105).

Mr. RWAMURA KASWARRA *(Employers' delegate, Uganda)* – On behalf of the employers in Uganda, whom I have the honour to represent, and on my own behalf, I congratulate the President on his well-deserved election.

The 75th anniversary of the ILO calls for celebration. The ILO, in the last seven and a half decades, has been instrumental in advocating of social peace and social justice in the world. The 81st Session of the Conference gives us the opportunity to take stock and review future prospects of the ILO.

I congratulate the Director-General for an excellent Report focusing on defending values and promoting change. Indeed, as the Employers' group has stressed in the last year or so, changes in the ILO are inevitable if our Organization is to continue meeting global social and economic challenges.

Employers are grateful to the ILO for the role it has played over the years in the fight against apartheid in South Africa. The end of apartheid in South Africa was the most important event on that continent, as Africa is now totally free of colonial and apartheid domination.

Before I comment on the Director-General's Report, let me briefly comment on the recent progress Uganda has made. Uganda has recently been described as a country on the move. We have a progressive leadership and a Government that is sensitive to economic, social and political development. The macroeconomic policies in place have ushered in economic stability and economic growth of 5 per cent annually. The shilling is stable and fully convertible. Inflation is running below 10 per cent annually. The investment code recently put in place has attractive incentives, and investors both from the region and beyond are beginning to invest in Uganda.

Politically, Uganda has a good record of human rights. It has a broad-based Government incorporating different political opinions and a truly free press. A constituent assembly was popularly elected in March 1994 to review the Constitution that should provide a strong foundation for a democratic process.

In April this year, we had the privilege of welcoming the ILO Deputy Director-General, Mrs. Chinery-Hesse, not only to Uganda but to the Federation of Uganda Employers' headquarters. Mrs. Chinery-Hesse was in Uganda to attend the Regional Ministerial Informal Sector Conference and commemorate the ILO's 75th anniversary.

In the last 75 years, the ILO has been preoccupied by standard-setting that has regulated labour practices in global economies as well as advocating social peace and justice.

The challenge in the coming years, as we see it, will be to address acute unemployment and escalating poverty by strengthening tripartism, promoting enterprise and the entrepreneurial spirit, the democratization process and guaranteeing social peace and justice.

Employment creation should remain high on the ILO agenda. This is all the more so when structural adjustment programmes, currently under way in Africa, have created massive redundancies. In Uganda, for instance, thousands of people have been retrenched from the public and the private sectors, as well as from the armed forces, to meet structural adjustment programme requirements. The ILO could assist in the retraining of such people so that they are re-employed.

Jobs are mainly created by enterprises. In order to have productive and sustainable employment, the ILO should help member States to create an enabling environment for enterprise development.

In his Report to the Eighth African Regional Conference in Mauritius in February this year, the Director-General pointed out that, during the 1990s and the following years, private enterprises and entrepreneurial spirit would play an increasingly important role in accelerating economic development, cutting unemployment and uneven income distribution among social groups and lowering the negative impact of structural adjustments.

We must seek to eliminate poverty and deprivation in the developing countries, in which large sectors of the population are the victims of unemployment and low standards of living.

The Declaration of Philadelphia made a specific reference to poverty in its now widely quoted phrase, "poverty anywhere is a threat to prosperity everywhere". In the last decade or so, the gap between the poor and the rich nations has been increasing. Equally worrying is the gap between the poor and rich in our societies, and this is a constant source of insecurity.

The homeless and the street children in large cities, the famine- stricken populations in some African countries, are a sore sight. We wish to call upon the ILO to do everything in its power to combat poverty. In the fight against poverty, the ILO should continue exploring the opportunities offered by the informal sector in generating jobs, creating wealth and in the distribution of goods and services in the remote communities.

There are those who believe that the informal sector is unstructured and operates on the fringe of the formal sector. The ILO should take up the challenges in the years ahead to assist member countries in creating those conditions that will improve the functioning of this vibrant sector, enabling it to graduate into the formal sector.

Tripartism, in our view, will remain the ILO's cornerstone. At the national level, tripartism forms the framework which facilitates the social partners to have constructive dialogue leading to the conclusion of important collective agreements. Tripartism is increasingly used to reach voluntary understanding on those issues that lead to the well-being of the enterprise, as well as ensuring social peace and justice at the workplace.

The Director-General's Report refers to the strengthening of tripartism. We believe that any strengthening of tripartism should focus on how tripartism can function more efficiently and effectively. We do not share the Director-General's view that tripartism should be strengthened by expanding it to cover other intermediary groups and representatives of general interests, whose goals and objectives have no bearing on how business is run. Tripartite negotiations should continue to be held between the social partners, namely government, employers and workers.

Regarding technical cooperation and standards, we are opposed to any linkage between technical cooperation and international labour standards. To tie technical cooperation to the ratification of standards is to diminish the importance of technical cooperation.

We believe that technical cooperation, like standards, was conceived as one of the means available to achieve ILO objectives as set out in the Declaration of Philadelphia. ILO standards, due to their rigidities, are being ratified by fewer and fewer countries. On the other hand, due to its flexibility, technical cooperation has become popular and it is being embraced by more and more member States, especially in the developing countries and the countries of Eastern Europe.

Considering that the developing countries are the major beneficiaries of technical cooperation programmes, and that they are among those countries in the ILO who have ratified the majority of the ILO Conventions, any linkage between standards and technical cooperation will push the developing countries to ratify more Conventions than developed countries. This in itself will create an imbalance within ILO membership.

The multidisciplinary teams, now established to cover all the ILO's member States, are an innovation that is noted with appreciation. These teams will bring services closer to the ILO constituents. The team covering eastern Africa was in Uganda in April 1994. Having seen them at work, I was left to wonder whether the scope they are expected to cover, both in content and territory, will not overwhelm the experts and make them less efficient.

As I conclude, I wish to state that I endorse the statement delivered to this Conference by Mr. Costas Kapartis, Secretary-General of the International Organization of Employers.

Original Arabic: Mr. DAHLAN *(Employers' delegate, Saudi Arabia)* – In the name of God, the Compassionate, the Merciful! On behalf of the private sector of the Kingdom of Saudi Arabia, I should like to congratulate the President and through him the International Labour Organization on its 75th anniversary, an international organization that brings together the tripartite components of the productive sector, which was established for the achievement of common goals and assists in building mutually supportive and balanced societies, an organization with a venerable history of action on behalf of the world of work in the form of international conventions which have given rise to regulations, legislation, plans and policies that have helped to build the world economy, to raise the level of culture of its peoples, to promote reflection and creativity and to consolidate the notion of mutual cooperation among the three social partners.

The confidence shown in the President in the form of his unanimous election by this Conference is proof of the democratic functioning of this multilateral organization and of the fair apportionment of tasks and responsibilities among the partners. It is also a token of the high esteem of the Conference for his personal competence and for his service to the cause of joint action.

The Director-General's Report to this session covers subjects of great importance, beginning with his review of the role of the 75-year-old Organization, moving on to the vital subject referred to in the title *Defending values, promoting change – Social justice in a global economy: An ILO agenda.*

It is a subject of great importance in the lives of all sectors of the population and we in the Kingdom of Saudi Arabia are proud of the fact that we have a system that guarantees social justice and freedom, assuring everyone access to their rights, in particular human rights. Moreover, there is equality between all sectors of society in terms of rights and responsibility.

One of the subjects in the Director-General's Report that attracted out attention was the role of private employment agencies in the functioning of labour markets, inasmuch our country, the Kingdom of Saudi Arabia, is playing an active role in supporting and developing them, a policy of great importance to the labour market and to exporters of human resources throughout the world.

As our economy is a strong and solid one, our development plans provide for major economic projects that attract specialized and technical local and foreign personnel. Labour regulations and legislation in the Kingdom of Saudi Arabia create an ideal climate for work and production, protecting the rights of local and foreign workers equally in terms of rights and duties, providing private employment agencies with complete freedom in accordance with the existing regulations and legislation, and giving them the opportunity to select appropriate qualified personnel to work in the public sector of the economy. It further leaves the public sector free to cooperate and coordinate with private employment agencies to meet their needs for personnel under the supervision of the public employment agencies, which ensure the proper functioning of the process in accordance with the rules and standards in force.

With a view to supporting private employment agencies, the Ministry of Labour of the Kingdom of Saudi Arabia recently authorized the establishment of local private employment agencies to assist in local employment processes.

Chambers of Commerce and Industry in the Kingdom of Saudi Arabia are playing an active and constructive role in support of training and retraining programmes for workers in the light of the needs of the private sector through training centres run by the Chambers of Commerce working alongside the training centres run by the State.

Part II of the Director-General's Report contains a detailed account of the budget for technical assistance, which has had favourable and effective results in support of technical cooperation programmes in the region to which we belong. The rate of support for such programmes has increased, realizing to some extent our hopes and aspirations. At all events, it is a step in the right direction which we hope will continue, in view of its major role in raising productivity and developing human resources.

The principles of the ILO that we cherish stress the importance of strengthening social justice, freedom of association, protection of the social partners and of the rights of workers, and outlaw oppression, deprivation and violation of workers' rights. It is our constant wish and concern to support those principles.

Our celebration of the 75th anniversary of the ILO coincides with a number of other celebrations throughout the world, some of which represent a turning point in the economies of the modern world. The formation of economic blocs in the Americas and Europe and other agreements being coordinated in other parts of the world are bringing to light the economic characteristics of the new world economic order.

The celebration of the signing of the GATT world trade agreement, which specialists from all over the world persisted in coordinating and preparing until the world as a whole was prepared to subscribe to it, will have a major impact in terms of increasing the volume of trade, freeing exports, creating new markets, reducing unemployment, encouraging labour mobility and supporting job creation. Moreover, the agreement will make a positive contribution towards achieving the aims of this Organization in the near future.

This is the year of economic and political celebration. The ILO's struggle over decades to end racial discrimination has paid off this year with South Africa's membership in our Organization after the victory of democracy and freedom, equality and social justice. I welcome South Africa as an eminent Member of our Organization.

With regard to the Asian continent, we have taken part in the celebrations relating to the peace agreement between the Palestinians and the Israelis, the result of constructive efforts on the part of the international community and its commitment to peace and justice in accordance with the right to work and the ILO's principles. We hope that with increased support we will move towards peace and guarantee the rights of the peoples of this major region of the world.

Finally, I would like to congratulate our brother State of Oman, which has just joined the ILO, and hope that its membership will have a positive impact on the Organization's activities.

I would also like to congratulate South Africa and the new member States of our Organization.

I have the greatest respect for all gathered here and wish you every success in this session of the Conference.

May God bless you with His peace, mercy and grace.

Original French: Mr. VITTORI *(representative, Pax Christi International)* – Let me vary the sacred formula and congratulate the 81st Session of the International Labour Conference on having, through its President and through paid tribute to the workers the *raison d'être* of the ILO.

These 75 years of existence while undoubtedly impressive, should not tempt us to relax in our work. It is the genius of our predecessors that they cause the international community to agree that "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries" (preamble to the Constitution).

At the outset, harmonization of labour conditions was intended only to improve such conditions. Today the preservation of essential social acquired rights is challenged by a liberalism which the collapse of the Communist system brought to triumph.

There was fear of the spread of proletarian dictatorship for which the Soviet had seized power in Moscow, and therefore tripartism established itself as a reasonable and positive substitute for the class struggle.

The collapse of dictatorships, which were in no country a dictatorship of the proletariat, paradoxically creates the danger of another dictatorship to replace it. It does not speak its name but is increasingly spreading its tentacles with the globalization of the economy.

Money has no fatherland and knows no borders, physical or moral. The hidden powers which manipulate it affects not only the workers, but also employers and governments.

The rifts which these powers seek to create are called deregulation, flexibility and unrestrained freedom of international trade. The Director-General is wisely concerned about *Defending values, promoting change – Social justice in a global economy: An ILO agenda*.

Fundamentally, though, there is only one value to be defended and protected because all the others stem from it, and that value is the human person who should be the principle, the subject and the end of all institutions.

The following statement by Pope Paul VI is in full harmony with one of the principles of the Declaration of Philadelphia "labour is not a commodity". This is precisely because man is not capital, not even as marxists say the most precious capital.

But what is man? The philosophical and theological definition of man is not something that we can dwell upon in this forum, but there are two scientific assertions on this subject which we should all consider.

Firstly, in genetic terms there is no difference of race or hierarchy between human beings. The second assertion is that each individual is unique.

Of the six billion people inhabiting our planet today, no two are absolutely identical, and forensic laboratories are experimenting on this statement which has never been disproved.

These two scientific assertions could form the basis and justification for universal morality. For the first assertion, the abolition of apartheid in South Africa is a tangible success to which the ILO contributed decisively. Pax Christi indeed would like to welcome the happy return of South Africa into the community of nations. As regards the second assertion, any supposedly rational solution which sacrifices any one person against his or her will, and, *a fortiori*, a group or an entire category of the population for the supposedly greater good would be rendered unacceptable.

Thus flagrantly contradicting the ethics, humanism or profound spirituality of the major religious currents, certain financial institutions or intergovernmental bodies in the world economy can, through their political and macroeconomic decisions, inadvertently cause crimes against humanity. Economic science and commercial mechanisms cannot be independent of ethics without infringing upon human rights.

As to the changes to be made, it is through a change in mentality that a project for the ILO and all international institutions could be drawn up, opening the path towards social justice in an ever-globalizing economy. Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations stated at this rostrum, and I quote, "today we have the task of reinventing a new mode of life in our societies".

To illustrate this situation, I would like to recall some reflections, all of which are taken from a single paragraph of the encyclical *Quadragesimo Anno* of 15 May 1931. They are all strikingly topical today. I quote, "free competition has destroyed itself; freedom of the market has been supplanted by economic dictatorship; economic existence has become horribly harsh, implacable and cruel". Pius XI then denounced, and I quote, "unfortunate confounding of political and economic powers". The authorities, he says, have fallen to the rank of slave and have become the docile instrument of passions and ambitions of vested interests. Pius XI ends this premonitory paragraph with the lines, "in international relationships there are two different streams from the same source – on the one hand, economic nationalism or even imperialism; on the other hand, the internationalism or imperialism of money which is just as deadly and here, wherever the advantage is to be ascertained, that is where the loyalties lie".

Would Pius XI put it differently today?

Tripartism is in danger at the ILO because the three groups are in danger. They run the risk in the difficult and often dramatic situation experienced today by workers, of clashing all the more violently because the governments and the true employers, those connected to their enterprises, are increasingly losing their autonomy dominated as they are by the imperialism of money. Without producing anything, money – depending on the interests controlling it – can maintain or destabilize governments, push employers to bankruptcy and force competition between over-exploited workers and workers who have managed to obtain working conditions that hold human dignity in greater esteem.

Much has been said during these discussions about the social clause. This is a leitmotif in the Director-General's Report, and most speakers have stressed its importance. As to the Secretary-General of the United Nations, he has invited us to reflect upon and promote new development for our planet and to define together a new global social pact.

This will be the major concern of the World Summit for Social Development to be held in March 1995 in Copenhagen. This could result in a non-binding declaration which would be one of so many non-binding declarations referred to over the years in endless speeches and which have no effect on human rights. We need more than this. Protectionism is unacceptable, but unfair competition can result only in social regression and an extension of the recession.

The liberalization of world trade cannot be accepted without restraints. Free competition has to be subjected to just and reasonable limits; nor can we ignore the requirements of the institutions of the United Nations system. Mr. Boutros-Ghali rightly stressed the environmental factor. As regards the ILO it would seem to us that there are two categories of standards that have to be imposed unconditionally: they are those related to forced labour, including that of children, and freedom of association. Slavery, is a matter that does not need to be discussed – it is something that this has to be eradicated; and, if there is no freedom of association, the situation is often the same as that with forced labour. Competition may act as an incentive, but it has to be exercised in conformity with the fundamental principles of the ILO Constitution and, in particular, the Declaration of Philadelphia. We would like to pay hommage to the 50th anniversary of the Declaration of Philadelphia.

Mr. MAIBAWA *(Minister for Labour and Employment, Papua New Guinea)* – It is indeed with great pleasure that I take this opportunity to congratulate the President on his election to this post at this important session of the International Labour Conference – a session which is most important in the sense that this year we celebrate the 75th anniversary of the ILO. Under his able leadership, I am confident that through its many deliberations the Conference will reach many conclusions of great value and benefit to the workers, employers and governments of the world. I also take this opportunity to congratulate the Director-General and his hard-working staff for the Report entitled *Defending values, promoting change*. I also congratulate the Governing Body for its continuing excellent supervision of the International Labour Organization.

At the advent of a new world economic order, my country, Papua New Guinea, undoubtedly appreciates the current emphasis given by the Governing Body and reflected in the reports. Everybody must agree that we should now seriously consider ways and means of planning for a better tomorrow.

I agree that following the dramatic changes in recent times, particularly after the disappearance of a substantial portion of the communist bloc and the ensuing liberalization in favour of the free play of market forces in an increasingly global economy, our international labour community must be able to stand up and be counted as the whole world searches for a new world economic order. It is in the background of a changing world order that we must all critically review our past performances and achievements with a view to making the ILO more relevant as an essential agent of change. My country, although young, developing and endowed with many rich mineral and natural resources, also has experienced its share of problems created by our changing world today. Our unemployment rate is high in comparison with the rest of the world as a result of the recent downturn in the world economy and its effect on our agricultural export commodities. Improvements are, however, now slowly being experienced and our country shall soon regain sufficient momentum to begin creating jobs in a sufficient number again.

Despite the weaknesses in some aspects of our national economic life, our overall national economy performed quite well over the last three years. It registered GDP growth rates ranging from 9.5 per cent in 1991 to 14.4 per cent in 1993 as a result of strong performances in our production and export of gold, copper, oil and forest products. My country highly values tripartism and benefits from an active partnership policy. It also accepts and believes that the promotion of social justice in the field of labour can be achieved only if the social partners themselves are involved together in the search for mutually acceptable solutions to our labour and related problems.

The need to create jobs in sufficient numbers in order to deal effectively with our unemployment problem today constitutes a top priority of my Government, which recognizes the values of continuing collaboration with the ILO in the fields of employment and unemployment. In this light we note with particular interest the Governing Body's proposal to change the ILO's name to that of the International Organization for Employment and Labour, in the hope and anticipation of giving the ILO much needed appropriateness and relevance to today's needs and problems.

My Government supports the proposal because we strongly believe the role of the ILO in our changing world must be broadened sufficiently to cater more for the interests of increasing unemployed portions of national labour forces throughout the world, while at the same time balancing these out with traditional roles of catering to and improving working conditions.

Our efforts from now on must serve both the employed and the unemployed of our national labour forces. The overall aim of the exercise is to identify clearly, facilitate and deal effectively with the interests of the two main components of our national labour forces, including both unemployed people who are actively looking for jobs and those who are currently employed.

As regards the restructuring of ILO activities introduced last year, and particularly in relation to the establishment of regional multidisciplinary teams, I am happy to report that representatives of my country have met several times with your team based in Manila. Under discussion are several technical assistance programmes which are soon to be finalized and implemented. The team played an active role in a recently convened national employment summit, whose recommendations are soon to be released for consideration by my Government.

On behalf of my Government and the people of Papua New Guinea, I take this opportunity to congratulate the International Labour Organization on its 75th anniversary which is being celebrated this year. I was delayed in attending this Conference as I had to remain in my country to lead and take part in our own national celebrations of this anniversary.

In order to celebrate, my Government declared Friday, 10 July 1994 a public holiday, thus allowing the Government, the employers, the workers and all our people to celebrate this 75th anniversary of the International Labour Organization. This public holiday was also declared to pay tribute, acknowledge and recognize the key role of labour and the workers of our country in our national development. Through the public holiday my Government had the desire to show its appreciation openly for the role and influence of the ILO as an agency of the United Nations in our national development.

Our country joined the ILO on 1 May 1976 and since then it has seen fit to ratify a total of 19 ILO Conventions relating to basic human rights, human resource development, industrial relations, social security and general terms and conditions of employment. Since we became members my country has continued to fulfil its obligations by sending a national tripartite delegation to annual sessions of the Conference. We have also benefited through our membership from ILO technical cooperation, standard setting, research and information dissemination programmes.

Last, but not least, I wish this 81st Session of the International Labour Conference, including its various committees all meeting simultaneously, success and fruitfulness in its various deliberations.

Mr. SIBANDA *(Workers' delegate, Zimbabwe)* – I would like to take this opportunity to join the previous speakers and congratulate the President on his election and those of the Vice-Presidents to chair this very important session of the Conference.

As we celebrate the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia this year, the fundamental principles are still that lasting peace can be based only on social justice through the improvement of the workers' conditions. Among the areas of responsibilities are full employment, the regulation of working hours, raising standards of living, the provision of minimum living wages to all workers, recognition of the principle of freedom of association, and the right to collective bargaining, and the prohibition of child labour.

There can be no ambiguity about this mandate. It requires the ILO to promote the rights, interests and conditions of working people in all countries.

The way forward must be through the renewal of this fundamental commitment and the common search for the most effective ways of realizing the goals set out in 1919 and in 1944. International labour standards must be at the centre of these efforts.

In Africa today the democratic process has been slowed down, with working people having to swallow the bitter pill of structural adjustment which is in line with the neo-liberal policies of the World Bank and the IMF.

Under conditions of increasing international competition, the choice of a strategy based on low labour costs, associated with labour market deregulation and the renewal of employment protection, is neither acceptable nor feasible. Labour is not a commodity, and the market left to itself is incapable of generating economically efficient and socially just outcomes.

In this light, international labour standards are not only compatible with employment creation, they are necessary sign-posts for economic and social development. There is a need for government policies and tripartite cooperation in the creation of an overall environment in which enterprises can develop, employment can grow, living standards and working conditions can improve, and basic trade union rights can be protected within a constructive industrial relations system. International labour standards are indispensable in the creation of that environment.

Africa today faces a new phase in its development. Poverty is worsening throughout much of the continent. In most African countries, more than 50 per cent of the population is illiterate. The 3.2 per cent population growth rate in Africa is the highest ever experienced at any time in history. Women are particularly vulnerable and often have to carry out the heaviest work as men leave for towns in search of jobs. The economic and social situation of women in Africa was already disastrous before this present crisis. Many women are casual and temporary workers at the bottom of the occupational structure or are unpaid family workers. The pressure of structural adjustment has added burdens to women as they strive to provide for their families with reduced time and money, causing some to collapse while others hang on at the limits of their capabilities.

The African region registered negative economic growth in 1993, while in other regions the growth of the GDP was positive. The African economic and social crisis has not been met by an adequate response from the industrialized countries. While part of the debt has been written off, it has been done in a piecemeal fashion and has not stopped the total burden from continuing to rise.

The structural adjustment programmes of the World Bank and the IMF have led to worsening inequity and poverty and most often have failed to promote economic growth.

As I have stated above, the democratization process in Africa has slowed down recently. It is vital that the process be reinvigorated and given real meaning at all levels. Sustainable development requires open, democratic and accountable societies where human and trade union rights are fully respected. Economic development cannot be achieved on the basis of the repression of workers' rights. Respect of trade union rights is central to successful development because strong, independent and free trade union organizations promote an equitable redistribution of income and wealth.

The rapid increase in the level of the international exchange of goods, services and capital has reintroduced the link between employment and social costs. To reduce these costs, that is, wages and working conditions in order to bring down prices, particularly of exports, is unacceptable. The workers in Africa believe that effective international legislation to bring about a generalized improvement in social conditions should include a social clause in trade agreements with appropriate built-in mechanisms to prevent protectionism.

Tripartite involvement in the drawing up of national recovery and development programmes is a prerequisite for their success. Development can only succeed on the basis of a consensus, equity and a strong social dimension. Governments must insist in dealings with the IMF and the World Bank that a basic-needs approach be taken into account in all structural adjustment programmes.

Economic development programmes need to have a framework of stability which can allow economies to adjust successfully through increasing production and employment, rather than through economic contraction to cut imports. There must be a fair sharing of costs and sacrifices of adjustment and the highest contribution must be made by those with the greatest ability to pay.

If sacrifices can be set at the highest governmental level, then trade union movements could enter into "solidarity pacts" with the social partners to cover the development of the national economy.

Training, the retraining of adults and education are the key to economic development. African economies will never develop without spending more on education.

Naturally, where people are educated they will see the need for smaller and more manageable families, and this would lead to a reduction in the population growth. A reduction in population growth would bring immediate benefits in terms of less strain on health and education facilities and family incomes, and in the long term would reduce the rate of growth of the labour force. Developing countries need to balance the ratio of population growth to that of economic growth if they are to address the issue of unemployment, and I personally think this is vitally important if the African economies are to respond positively to structural adjustment formulas.

In conclusion, it is my considered view that all countries, employers' and workers' organizations have a common interest in the harmonious development of people and respect for social justice, and this can only be achieved by putting in place an anti-protectionist social clause based on the proscription of the violation of basic labour rights which could contribute to ensuring that international competition is based on raising productivity and not the exploitation of some of the world's most vulnerable workers.

Mr. MAITLAND *(Workers' delegate, Australia)* – The Australian trade union movement welcomes the opportunity to participate in the formulation of a new long-term agenda for the ILO.

The ILO has much to be proud of in its illustrious 75 years. However, we as member nations of the ILO face great challenges in continuing to promote the good work of the ILO. Issues such as the dissolution of the communist bloc and the increasing globalization of the world economy must be considered by this Organization.

One of the most important issues confronting the Conference is the continuing evolution of the world of work. Changes in technology and the impact on employment levels and working conditions are of great concern to workers and their unions around the world. Simultaneously, we find that management practices are continually evolving and this has enormous policy implications for the ILO.

The theme of social justice in a global economy has been adopted for this Conference. Nowadays, the challenges facing member nations in this area are of such magnitude that it seems that "social justice" and "global economy" are concepts which cannot possibly co-exist. In most developed nations today, the inequality between the wealthy and the working class is substantial. Some of the measures adopted by governments in the name of fiscal prudence, such as reductions in expenditure on health, education and social security, have exacerbated the problem.

Working people continue to be denied basic freedoms in all parts of the world. In some countries trade unionists carry on their activities under constant threat of assassination, imprisonment and even torture.

The world in which the ILO operates today is far different to the world of 1919. This is why it is vital that this Conference develops an agenda and a structure which is able to accommodate our complex world and all the challenges that it poses for the advancement of social justice.

The ILO was established in 1919, its objectives being to protect workers' rights, promote social and economic justice and develop an international labour code. The Organization has achieved much in terms of these objectives. There now exists a substantial international labour code, encompassing Conventions and Recommendations on topics such as hours of work, freedom of association, the right to organize, collective bargaining, equal pay, health and safety, and wages protection.

However, this international labour code has been adopted by member States in a patchy way. Many nations have failed to ratify or indeed enforce ILO Conventions and Recommendations. There is also the danger that as governments deregulate their labour markets and seek to move their economies into the international marketplace, the domestic political agenda will become increasingly hostile to workers' and trade union rights. Government compliance with ILO standards then becomes less feasible.

The ILO should continue the process of reviewing standards to ensure that they remain relevant. It may even be worthwhile to review recent Conventions which have not been as widely ratified as expected due to their perceived rigidity and onerous requirements.

In our continuing efforts to combat the exploitation of working people, the ILO must confront a vast number of policy areas. These include environmental policy, and trade policy and practices.

Above all, we must acknowledge that the dignity of people is based fundamentally on the right to employment. Poverty, unemployment and underemployment affect all our nations to differing degrees and no nation can solve such problems alone due to the globalization of the international economy. The ILO, as an international organization of significant standing, must play an important role in this regard. We cannot leave the management of the international economic situation to bodies such as the World Bank and the International Monetary Fund. The ILO must ensure that social progress develops simultaneously with economic growth. In this regard, there is certainly scope for much greater cooperation between the IMF, the World Bank, GATT and the ILO.

As the ILO continues to determine standards for working people around the world, we need to be sure that these standards are consistent if we are to promote economic growth, and justice and equity in all nations. What this means is that the ILO standards must be able to influence the policy agenda in all member nations, from developing nations to the more advanced economies.

Given the wide range of issues in which the ILO must seek to involve itself in the future, the Organization should seek the active input of the many and diverse non-governmental organizations promoting social justice goals.

The ILO has traditionally been an organization of persuasion and encouragement rather than of coercion. The Australian trade union movement believes that this should continue as the underlying philosophy of the ILO.

There do exist avenues, however, for the ILO to strengthen its supervisory role in areas such as forced labour, child labour, discrimination in employment and so on. The International Labour Office could offer a voluntary mediation and arbitration service and thereby monitor developments in these areas.

I have already highlighted the increasing globalization of the world economy and the special challenges it poses to the ILO. The insertion of social clauses in international trade agreements may provide a mechanism for ILO participation in safeguarding ILO standards in signatory nations. Ideally, signatory nations to a trade agreement should assess the nature of the agreement through their own domestic tripartite arrangements. To offset some of the burden involved in developing nations improving their labour and social conditions, international trade agreements may provide a mechanism through which industrialized nations can offer some sort of compensatory assistance to these developing nations. There is scope for involvement of the ILO in such initiatives. The Organisation must seek to promote social justice not only within nations but also between them.

The ILO has traditionally had an important function in giving practical support to constituent nations in areas such as information on and analysis of issues of employment and industrial relations. It also acts as a forum for debate amongst member nations on these issues, as well as providing technical support in the development of labour legislation, social security systems and so on. Of course, the demand for such services has increased greatly since 1919. It is essential then that the ILO's research function continues to provide a fundamental underpinning to the Organization's activities, including the development of the labour code.

The 75th anniversary of the ILO provides us, as member nations, with the opportunity to fundamentally review and where necessary improve the structure and activities of the ILO. The challenges facing the ILO are enormous but they must be met if the Organization is to consolidate its standing in the international community. I urge you all to take up these challenges.

Mr. TOTH *(representative, Trade Unions International of Transport Workers)* – The 81st Session of the International Labour Conference, which coincides with the 75th anniversary of the International Labour Organization, is being held at a crucial juncture of history which witnesses many epoch-making events taking place in the world.

On behalf of the Trade Unions International of Transport Workers, we express our heart-felt greetings to the delegates and feel happy to join with them to celebrate the 75th anniversary of the ILO.

The failure of socialism in the ex-Soviet Union and Eastern European countries has been marked by a change in the balance of power in the world. The new situation has emboldened the forces of international capital to establish a world economic order directed towards securing higher and higher rates of profit at the cost of working people. Neo-liberal economic theories are propounded with great enthusiasm, and levers of economic power are being used to influence the policies of governments of countries to ignore the social issues.

Despite the end of the Cold War and the alleged victory over socialism, the world is experiencing a longer period of recession. In the industrial world, 35 million workers are unemployed; and more than 800 million workers in the developing countries of Africa, Asia and Latin America are without any job. Indescribable poverty and want further degrade the lives of millions of people all over the world. Life in the countries of transition economies is becoming more and more hard.

Transport workers all over the world are the special victims of the neo-liberal policy of restructuring, privatization and deregulation. Railways, ports and docks, and civil aviation, which are generally held in public ownership, are being handed over to the private sector. The concept of public service obligation in the railways, and in the publicly-held passenger bus services is being thrown out. Theories are being floated that the State needs to be the infrastructure provider.

Hundreds of thousands of transport workers are the victims of retrenchment and have been made redundant, and many in Latin America, Asia and Europe are being forced into premature retirement.

The jobs, working conditions, social security and trade union rights of transport workers are under serious attack all over the world.

Despite many handicaps, the ILO has, over the years, scored some remarkable successes in setting forth labour standards with the goal of achieving social justice and progress. ILO Conventions it proved possible to adopt at the tripartite level are no gifts to the world labour. Labour has had to earn the progress in international labour legislation through countless heroic struggles and actions. Further success in the ratification and implementation of labour standards is not an automatic process. It has to be fought and won. Many basic ILO Conventions, particularly those relating to trade union and basic human rights, have not yet been ratified and implemented by many countries whose delegates can be found present here to celebrate the 75th anniversary. There is now a concerted attempt to belittle the importance of the ILO's role as the labour standard setter. Some are even loud in saying that labour standards are hindrances to development. We are opposed to the dilution of the standard-setting role of the ILO. Rather, we consider that the ILO needs to enhance the effectiveness of its role in ensuring compliance in a higher number of ratifications of basic standards and in their implementation. It also needs to address the question of the social dimension arising out of restructurings and the introduction of new technology into industry.

The world today is in the grip of a heated debate on the issue of establishing a linkage between international labour standards and international trade. The G7 countries are vociferous for the establishment of such a linkage. On the other hand, developing countries of the world are opposed to such a linkage being incorporated into the GATT agreement. The Trade Unions International of Transport Workers stands for upliftment, social justice and progress for the workers of developing countries; and all countries, developed or developing, must take action to deal with genuine social and environmental questions.

Social progress and justice cannot be achieved by mechanical and forced means. The ILO should not be used for purposes other than those related to social justice, progress and human rights; it should not be used for the interests of big business.

Trade Unions International of Transport Workers will continue to support all ILO activities directed towards the welfare of workers the world over.

(The Conference adjourned at 5.15 p.m.)

Credentials

Fourth report of the Credentials Committee

Composition of the Conference

1. The number of delegates and advisers who have registered at the Conference at this time and who are still present is contained in the annex to this report.

Objection concerning the nomination of the Employers' delegation of Romania

2. The Committee had before it an objection to the Employers' delegation of Romania, which had been submitted by the National Union of Romanian Employers (UNPR), under the signature of its President, Mr. Stefan Chelariu, who was also an adviser and substitute to the Employers' delegate of Romania.

3. The objecting organization protested against the inclusion in the delegation of the Employers' delegate and three of his advisers, who all belonged to the National Confederation of Romanian Employers (CNPR), on the grounds that they were not truly representative of the Employers of Romania. The objecting organization added that the Government had not paid the travel and subsistence expenses of the four members of the Employers' delegation who belonged to the UNPR.

4. In a written communication to the Committee made at its request, signed on behalf of Mr. Dan Mircea Popescu, Minister of Labour and Social Protection, Head of the delegation to the Conference, the Government explained that the CNPR and the UNPR were the two legally constituted representative Employers' organizations in Romania and had both been consulted on the nomination of the Employers' delegation. It gave details concerning the Employers' organizations affiliated to each of them as well as the number of members of those organizations in so far as the CNPR was concerned. The UNPR had not provided the necessary data. It stated that the Employers' organizations belonging to the CNPR held 95 percent of the country's wealth (in the public and private sectors) and provided 90 percent of its GDP. The Government added that, because of the financial situation, it had been possible to pay the travel and subsistence expenses of only three representatives of the most representative organization in each of the non-governmental delegations.

5. Since the President of the objecting organization was serving as adviser to the Employers' delegate, in accordance with Article 26, paragraph 4(c) of the Conference Standing Orders the Committee declared the objection not to be receivable in so far as it concerned the Employers' delegate.

6. The Committee considered the objection to the nomination of the Employers' advisers to be unfounded, as in the absence of any evidence that the CNPR was less representative of Employers in Romania than the objecting organization, the Committee could only conclude that the nomination of advisers belonging to the CNPR in addition to advisers belonging to the UNPR had been made in accordance with Article 3, paragraph 5 of the ILO Constitution.

7. With regard to the question of travel and subsistence expenses, the Committee noted that, in the credentials issued by the Government, the President of the UNPR was placed second on the list of advisers to the Employers' delegate. In such circumstances, the Committee considered that it would be normal to have included him among the three members of the Employers' delegation whose expenses the Government was in a position to cover.

Objection concerning the nomination of the Workers' delegate of Panama

8. The Committee examined an objection to the nomination of the Workers' delegate of Panama submitted by the International Confederation of Free Trade Unions (ICFTU).

9. The ICFTU maintained that although the "Confederación de Trabajadores de la República de Panamá (CTRP)" was clearly the most representative organization in the country according to official statistics provided, it had not been invited to participate in the meeting of the "Consejo Nacional de Trabajadores Organizados (CONATO)", which was responsible for the selection of organizations that designated the Workers' delegate to the Conference. CONATO was in any event not a body freely set up by trade unions, but rather a coordinating body established by law and whose function was regulated by the executive. The procedure used for the appointment was discriminatory and not in conformity with Article 3, paragraph 5 of the ILO Constitution.

10. In a written communication to the Committee made at its request, Mr. Gregorio Ordoñez, Minister of Labour and Social Welfare and Head of the delegation to the Conference, indicated that the Government had acted in accordance with the Constitution and legal provisions in force. In this regard, in accordance with Article 1066 of the Labour Code, CONATO was a consultative body made up of Workers' confederations, centres and non-affiliated federations, whose function was to recommend to the Government the names of three persons to represent

the workers of Panama in congresses, international conferences and national bodies. Based on that provision, in consulting CONATO, the Government had complied with Article 3, paragraph 5 of the Constitution. The Government referred to the statement of the Credentials Committee of the 46th session of the Conference (1962), according to which the determination of the most representative organization is a question of fact to be decided at the time when a particular nomination had to be made. CONATO had precisely that function and had nominated the CTRP in 1992 by the same method as that followed this year to nominate the representative of another organization. Consultation should not be confused with selection, which the Government did on the basis of the three names proposed by CONATO.

11. The Committee also heard the Minister, who was accompanied by members of the Government delegation. In addition to the information provided in his written reply, the Minister told the Committee that the CTRP had informed him subsequent to the submission of the three names and the selection by the Government of the delegate, that it had not participated in the meeting at which CONATO had made the proposals and that he did not know the reasons for the non-participation. While recognizing that the CTRP had the largest membership, he considered that representativity was a matter for CONATO to determine, that the recommendations of CONATO were made in accordance with its own criteria and any disagreement was for CONATO and not the Government to resolve. The CTRP had, in the past, been the organization most often represented at the Conference.

12. The Committee noted that the system for the nomination of the Workers' delegate which consisted in the Government selecting the delegate from a list of three names proposed to it by CONATO had been used in the past without any objections being filed. However, in following the procedures for nomination established under its national law, the Government had to make sure that Panama's international obligations were satisfied. Article 3, paragraph 5 of the ILO Constitution required that the Workers' delegate be appointed in agreement with the most representative Workers' organizations in the country. This year, the Government had been informed by the CTRP, which appeared to be the most representative Workers' organization in Panama, that it had not been consulted in the nomination of the Workers' delegate. Whatever the intrinsic merits of the procedure followed – and reservations were expressed by Committee members on a number of aspects and particularly on the requirement that three names must be proposed by CONATO – the Committee considered that it could be acceptable from the point of view of Article 3, paragraph 5 of the Constitution only in so far as it secured the greatest possible agreement among the most representative Workers' organizations in Panama. The procedure had failed to do so in the present case and thus fell short of the Government's international obligations. In view of the fact that the system used for the selection of the Workers' delegate was being contested for the first time, the Committee decided however not to act on the objection, expressing the hope that the Government would take the necessary action to ensure that, whatever mechanisms under national law were used, Article 3, paragraph 5 of the ILO Constitution was complied with.

Objection concerning the nomination of the Workers' delegation of Japan

13. The Committee had before it an objection to the nomination of the Workers' delegation of Japan submitted by the National Confederation of Trade Unions (Zenroren) and supported by the World Federation of Trade Unions (WFTU).

14. The objecting organization maintained that the Government of Japan had arbitrarily nominated the Workers' delegate and advisers from a list recommended by the Japanese Trade Union Confederation (Rengo). Whereas, in past years, there had been unofficial conversations with Zenroren on the subject of the nomination, this year Zenroren was not consulted at all. The only reason given by the Government for its nomination was that it had failed to obtain Rengo's consent. Zenroren was founded on the same day as Rengo, was composed of 27 national industrial unions and 46 prefectural organizations, had a membership of more than 1.4 million and in a government report was treated, together with Rengo, as one of the "major organizations". Quoting the statement of the Credentials Committee of the International Labour Conference in 1962 concerning the need for governments to undertake genuine consultations to reach an agreement with the most representative organizations, the objecting organization claimed that the choice of the Workers' delegation violated Article 3, paragraph 5, of the ILO Constitution.

15. In a written communication to the Committee made at its request, Mr. Sakutaro Takahashi, Assistant Minister for Labour and Government delegate to the Conference, indicated that the Government had consulted Rengo which is the industrial organization which is the most representative workers' organization in the country. According to the 1993 Basic Survey on Trade Unions, Rengo had a total membership of 7,819,054 consisting of 72 affiliated organizations, Zenroren had 855,882 members composed of 23 affiliated organizations and Zenrokyo had 299,920 members consisting of four affiliated organizations. Compared with the 1991 figures, Rengo had increased its membership by 203,606 while the figures for Zenroren (a total of 840,237 members in 1991) had remained roughly the same. Concerning the nomination procedure, the Government had received a letter from Rengo on 22 April recommending the names of its representatives as Workers' delegate and advisers to the 81st session of the Conference, while on 21 April it had received a request in writing from Zenroren to be included in the Workers' delegation. On receiving Zenroren's request, the Government immediately informed Rengo and held consultations with it on 25, 27 and 28 April and on 10 May. Following consultations on 10 May, Rengo indicated that the inclusion of Zenroren would be unacceptable to it. The Government therefore decided on 13 May, in agreement with Rengo, to nominate the persons recommended by Rengo and informed Zenroren of its decision that same day. The Government held consultations with Zenroren following the latter's request on 16 and 17 May and with Rengo on 18 and 24 May. The Government had dealt

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with the case with sincerity and had consulted Rengo repeatedly. It was ready to make further efforts in that regard. As long as there was a difference of opinion between Rengo and Zenroren, the only way of fulfilling its obligations under the ILO Constitution was to nominate the Workers' delegate and advisers in line with the views of Rengo.

16. The Committee considered that, according to the statistical data provided, Rengo continued by far to be the most representative Workers' organization in Japan. Despite the discrepancy in the figures provided concerning the membership of Zenroren, it noted that the Government listed Zenroren as the second organization in order of size in the country. The Committee also noted the various efforts made by the Government to get Rengo's agreement on the request by Zenroren, but that the consultations with Zenroren had taken place only after the Government's decision had been taken on the nomination. Since the basic requirements of Article 3, paragraph 5 of the ILO Constitution had been satisfied, the Committee did not uphold the objection. However, it stressed the desirability of the Workers' delegation as a whole being fully representative of the Workers of Japan. It welcomed the Government's willingness to make further efforts, and expressed the hope that those efforts would lead to full agreement on the nomination of the Workers' delegate and advisers.

Objections concerning the nomination of the Workers' delegate of Swaziland

17. The Committee had before it objections to the nomination of the Workers' delegate of Swaziland submitted by the Swaziland Federation of Trade Unions (SFTU), the Organization of African Trade Union Unity (OATUU), the Southern African Trade Unions Coordination Council (SATUCC) and the International Confederation of Free Trade Unions (ICFTU).

18. The objecting organizations maintained that the SFTU was the most representative Workers' organization in Swaziland and gave statistics indicating that it represented over 43,000 workers organized in 13 unions. Agreement on the nomination of the Workers' delegate had been reached between the Government and one organization only, the Swaziland Federation of Labour (SFL), which – according to figures that it had itself supplied – represented only 4,500 workers organized in six unions. Since it had broken away from the SFTU in 1992, the SFL had supported government and employer interests. According to the objection lodged by the ICFTU, the Government attempted at a late stage to arrange for consultations between the SFL and the SFTU, but when it was clear that useful consultations were not possible, it reverted to its original intention to appoint the delegate in agreement with the minority SFL. For the above reasons, the objecting organizations requested invalidation of the credentials.

19. In a written communication to the Committee made at its request, Mr. A.H.N. Shabangu, Minister of Labour and Public Service indicated that in his country, there are two federations, the Swaziland Federation of Trade Unions and the Swaziland Federation of Labour. Both organizations had submitted the names of their affiliates to the Government, but it noted that a number of unions were affiliated to both organizations. Taking into account the Industrial Relations Act of 1980 which obliged the unions to represent all workers, whether they are members or not, both federations were equally important. Both federations were consulted on 6 May 1994, but they could not agree on the representative and left the matter in the hands of the Government. The Government decided that both federations should attend the ILO Conferences on an alternating basis until clarification of the number of their affiliates.

20. The Committee noted that the Government did not dispute the statement of the objecting organizations that the SWFTU was more representative than the SFL despite the indication given that a number of unions were affiliated to both federations. It considered that the criteria referred to by the Government, which led to its conclusion that the two federations were both equally important, did not address the question of representativity of the organizations. The Committee however noted that the Government had consulted both federations on 6 May concerning the nomination but that no agreement had been reached. Concerning the decision taken by the Government to appoint the delegate on the basis of a system of rotation, the Committee recalled that such a system cannot be a criterion for the application of Article 3, paragraph 5 of the Constitution but only a method to obtain the agreement of the most representative organizations themselves on the composition of the Workers' delegation to the Conference, and that it should under no circumstances be imposed by the Government. Since no agreement had been secured, it would have been advisable for the Government, for the purpose of complying with its obligations under Article 3, paragraph 5 of the Constitution, to have proceeded to nominate the Workers' delegate from the organization which had been recognized to be the most representative in previous years.

21. In view of the foregoing, the Committee expressed serious doubts as to whether the nomination of the Workers' delegate of Swaziland had been made in conformity with Article 3, paragraph 5 of the Constitution, but decided not to propose invalidation this year. In taking this decision, the Committee expressed the hope that the Government would in the future provide reliable data so as to enable the assessment by the Committee of the representative character of the organizations, that it would scrupulously comply with the obligations of Article 3, paragraph 5 of the Constitution and in particular, ensure that the nomination of the Workers' delegate would be made in agreement with the most representative organizations.

Payment of travel and subsistence expenses of delegations

22. The Committee received a communication from the Employers' Group, signed by its Secretary, Mr. Costas Kapartis, wishing to register the protest of the Employers' Group at the number of governments which had not respected their obligation under Article 13, paragraph 2(a), of the ILO Constitution to bear travel and subsistence expenses for their Employers' delegations. Fourteen Employer delegations had informed the Group of the failure of their Government to provide them with any financial

support. Thirty-one delegations had not had their travelling and subsistence expenses totally paid. Many others had not been able to participate at the Conference for lack of financial support.

23. The Group also expressed its dissatisfaction with the continuing imbalance between Governments and Employers' and Workers' advisers which was mainly detrimental to the Employers. The communication added that, as the Employers' Group had stated during the past years, this problem took dimensions beyond the non-fulfilment of the constitutional obligation that member States undertook. It interfered with tripartism, the correct composition of delegations and the smooth functioning of the Conference.

24. The Committee drew attention to paragraph 16 of its First Report, Provisional Record No. 8, page 8/2 which recalled the obligation of Members under Article 13, paragraph 2(a), of the Constitution to pay the travelling and subsistence expenses of their delegates and advisers, and trusted that this obligation would be respected throughout the duration of the Conference.

25. At the same time, the Committee once again recalled the provisions in the Conference Standing Orders that set out its mandate, namely Article 5 and 26, which did not include in its functions the consideration of objections based on non-compliance by a member State with its obligations under Article 13, paragraph 2(a), of the ILO Constitution. The Committee's action was therefore limited to taking note of the communications received.

26. The Committee recalled that the Credentials Committee of the 79th Session of the Conference in its Fourth Report had requested consideration of the possibility of introducing an appropriate mechanism to evaluate the extent to which the obligation under Article 13, paragraph 2(a), of the Constitution was being complied with (79th Session, Provisional Record, No. 26, page 26/5). The Committee was informed that the Office now highlighted the call made to that effect in the Memorandum for the Conference and included a space on that subject in the Form for Credentials which was sent to governments along with the Memorandum. This year, the Governments of 54 member States had responded to this initiative when they issued the credentials of their delegations. Forty of those Governments had declared that they paid the expenses of the whole of their delegations, and 14 had said that they only covered part of the expenses of their delegations.

27. In taking note of the Office's initiative, the Committee recognized that since no response had been received from 104 of the member States, it was not possible at the present time to assess the extent to which the obligation under Article 13, paragraph 2(a), of the Constitution was being complied with. It hoped that in future all member States would provide the necessary information.

Other Communications

28. The Committee received communications from the Government of Myanmar, the "Union syndicale des Comores" and the Free Trade Union Confederation of Cap Verde. The Committee considered that none of these communications called for any action on its part.

29. This report was adopted by the Credentials Committee unanimously and is therefore submitted to the Conference in order that it may take note of it.

Geneva, 20 June 1994

(Signed) T. SPENCER
Chairman

D. FUNES DE RIOJA

L. TROTMAN.

1) Government delegates
2) Government advisers
3) Employers' delegates
4) Employers' Advisers
5) Workers' delegates
6) Workers' Advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	2	4	1	·	1	·
Albania	2	2	·	·	·	1
Algeria	2	7	·	6	1	6
Angola	2	1	1	1	1	·
Antigua and Barbuda	1	·	1	·	1	1
Argentina	2	9	1	7	·	9
Armenia	2	·	·	·	·	·
Australia	2	5	1	3	1	3
Austria	2	7	1	2	·	4
Azerbaijan	1	2	1	·	1	·
Bahamas	2	·	1	·	1	·
Bahrain	2	5	1	1	1	2
Bangladesh	2	2	·	1	1	·
Barbados	1	·	1	·	1	·
Belarus	1	2	·	2	·	6
Belgium	1	13	1	7	1	9
Belize	2	·	1	·	1	·
Benin	2	1	1	·	1	·
Bolivia	2	·	1	1	·	·
The Rep. of Bosnia and Herzegovina	1	·	·	·	·	·
Botswana	2	1	1	·	1	·
Brazil	2	8	1	9	1	9
Bulgaria	2	5	1	3	1	6
Burkina Faso	2	4	1	1	1	·
Burundi	2	2	1	·	1	1
Cambodia	2	·	·	·	·	·
Cameroon	2	4	1	·	1	2
Canada	2	4	1	5	1	5
Cape Verde	2	·	1	·	1	·
Central African Republic	2	1	1	·	1	·
Chad	·	·	·	·	·	·
Chile	2	7	·	5	1	8
China	2	13	1	3	1	5
Colombia	1	8	·	5	1	5
Comoros	2	·	·	·	·	·
Congo	2	1	1	·	1	·
Costa Rica	2	1	1	·	1	·
Côte d'Ivoire	1	2	1	·	1	2
Croatia	2	·	1	·	1	1
Cuba	1	3	1	·	·	·
Cyprus	2	3	1	5	1	4
Czech Republic	2	8	·	5	1	4
Denmark	2	6	1	4	1	4
Djibouti	·	·	·	·	·	·
Dominica	·	·	·	·	·	·
Dominican Republic	2	2	1	3	1	3
Ecuador	2	2	1	·	1	3
Egypt	2	9	1	1	1	6
El Salvador	2	·	1	·	1	2
Equatorial Guinea	·	·	·	·	·	·
Eritrea	1	·	1	·	1	1
Estonia	2	1	1	·	1	1
Ethiopia	2	·	1	1	1	·
Fiji	2	1	1	·	1	·
Finland	2	6	1	3	1	4
France	2	13	1	9	1	9
Gabon	2	5	1	2	·	2
Georgia	·	·	·	·	·	·
Germany	2	13	1	7	1	8
Ghana	2	3	1	6	1	1
Greece	2	15	1	7	·	9
Grenada	2	·	1	·	1	·
Guatemala	1	3	·	1	1	·
Guinea	2	2	1	·	1	·
Guinea-Bissau	·	·	·	·	·	·
Guyana	2	·	·	·	1	·
Haiti	2	2	·			·
Honduras	2	·	·		·	·
Hungary	2	8	1	4	·	7
Iceland	2	2	·	1	1	2
India	2	10	·	5	1	5
Indonesia	2	18	1	8	1	10
Islamic Republic of Iran	2	5	1	1	1	6
Iraq	2	4	1	·	1	·
Ireland	2	5	1	·	1	1
Israel	2	2	·	1	·	5
Italy	2	9	1	6	1	6
Jamaica	2	2	1	·	1	1
Japan	2	19	1	6	1	10
Jordan	2	3	1	4	1	1
Kazakhstan	2	·	·	·	1	·
Kenya	2	2	1	1	1	1
Republic of Korea	2	11	·	4	·	4
Kuwait	2	9	1	2	1	3
Kyrgyzstan	·	·	·	·	·	·
Lao People's Dem. Rep.	2	1	·	·	·	1
Latvia	1	·	1	·	1	·
Lebanon	2	6	1	3	1	2
Lesotho	2	2	1	·	1	·
Liberia	·	1	·	·	·	·
Libyan Arab Jamahiriya	2	3	1	2	1	3
Lithuania	2	·	1	·	1	·
Luxembourg	1	8	1	4	1	7
Madagascar	2	3	·	·	1	1
Malawi	2	2	1	·	1	·
Malaysia	2	7	1	2	1	1
Mali	2	2	1	1	1	1
Malta	2	2	1	3	1	3
Mauritania	2	1	1	·	1	·
Mauritius	1	1	1	·	1	2
Mexico	2	3	·	8	1	2
Republic of Moldova	2	1	1	·	1	·
Mongolia	2	4	1	·	1	1
Morocco	2	6	·	5	·	7
Mozambique	2	2	1	·	1	1
Myanmar	2	7	1	·	1	·
Namibia	2	3	1	1	1	1
Nepal	2	1	1	·	1	·
Netherlands	2	10	1	7	1	8
New Zealand	2	5	1	1	1	1
Nicaragua	2	3	1	2	1	·
Niger	2	1	1	·	·	1
Nigeria	2	11	·	3	1	2
Norway	2	4	1	9	1	4
Oman	2	5	1	·	1	·
Pakistan	1	3	1	1	1	1
Panama	2	3	1	·	1	·
Papua New Guinea	2	3	1	·	1	1
Paraguay	2	1	1	·	1	1
Peru	1	3	1	2	1	2
Philippines	2	17	1	4	1	6
Poland	2	7	1	4	·	7
Portugal	2	10	1	5	1	6
Qatar	2	2	1	·	1	·
Romania	2	7	1	3	1	7
Russian Federation	2	6	1	3	1	4
Rwanda	·	·	·	·	·	·
Saint Lucia	·	·	·	·	·	·
San Marino	2	1	1	1	·	3
Sao Tome and Principe	1	·	1	·	1	1
Saudi Arabia	2	5	1	·	1	1
Senegal	2	6	·	3	1	7
Seychelles	1	·	1	·	1	1
Sierra Leone	1	·	1	·	1	·
Singapore	2	3	·	·	1	6
Slovakia	2	4	1	4	1	4
Slovenia	1	2	1	2	·	2
Solomon Islands	·	·	·	·	·	·
Somalia	·	·	·	·	·	·
Republic of South Africa	2	4	1	10	1	8
Spain	1	9	1	6	1	8
Sri Lanka	2	6	1	·	1	5
Sudan	2	5	1	1	1	3
Suriname	2	·	1	·	1	·
Swaziland	2	1	1		1	·
Sweden	2	4	1	6	1	6
Switzerland	2	8	1	6	1	5
Syrian Arab Republic	2	9	1	2	1	2
Tajikistan	2	·	1	·	1	·
United Republic of Tanzania	1	2	1	3	1	1
Thailand	2	13	1	8	1	7
The Former Yugos.Rep. of Macedonia	2	2	1	·	1	·
Togo	2	·	1	·	1	2
Trinidad and Tobago	2	2	1	1	1	·
Tunisia	2	7	1	4	1	5
Turkey	2	9	·	10	1	10
Turkmenistan	·	·	·	·		·
Uganda	2	3	1	·	1	·
Ukraine	2	6	1	1	1	2
United Arab Emirates	2	7	1	·	1	1
United Kingdom	2	14	1	10	1	9
United States	2	17	1	5	1	10
Uruguay	1	3	1	2	1	1
Uzbekistan	2	·	·	·	1	1
Venezuela	2	4	·	5	·	10
Viet Nam	2	4	1	·	1	1
Yemen	2	4	1	1	1	1
Yugoslavia	·	·	·	·	·	·
Zaire	1	·	·	·	1	2
Zambia	2	3	1	4	1	1
Zimbabwe	2	6	1	2	1	1

	1)	2)	3)	4)	5)	6)
Total	290	667	126	329	133	419

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Credentials Committee

Fourth report of the Credentials Committee 38

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Sixth item on the agenda: The role of private employment agencies in the functioning of labour markets

Report of the Committe on Private Employment Agencies

1. The Committee on Private Employment Agencies, set up by the Conference at its first sitting on 8 June 1994, consisted of 184 members (76 Government members, 61 Employers' members, 47 Workers' members). It also included 13 Government deputy members, 24 Employers' deputy members and 54 Workers' deputy members.[1] In addition, 20 non-governmental international organizations were represented.[2]

2. The Committee elected its Officers as follows:

Chairperson: Mrs. A.O. Okoronkwo (Government member, Nigeria) at its first sitting.

Vice-Chairmen: Mr. Göran Hultin (Employers' member, Finland) and Mr. Leon Lynch (Workers' member, United States), both at its first sitting.

Reporter: Mr. Anders Kruse (Government member, Sweden) at its eighth sitting.

3. At its tenth sitting, the Committee appointed a Working Party to draw up a draft resolution and conclusions based on views expressed during the plenary discussions, for consideration by the Committee. The Working Party was composed as follows: six Government members: Mr. Pratt (Australia), Ms. Nixon (Canada), Mr. Babu (India), Mr. Otieno (Kenya), Ms. Mozdzenska-Mrozek (Poland), Mr. Kruse (Sweden); six Employers' members: Mr. Hultin (Finland), Mr. Akoulou-Eyeleko (Gabon), Mr. Matsui (Japan), Mr. Magnussen (Norway), Mr. Biller (United States), Mr. Guevara (Venezuela); six Workers' members: Mr. Bacon (Australia), Ms. Ska (Belgium), Mr. Gary Sanchez (Chile), Mr. Dergel (Sweden), Mr. Mpangala (United Republic of Tanzania), Mr. Lynch (United States).

4. The Committee held 11 sittings.

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[1] For changes in the composition of the Committee, see the reports of the Selection Committee, *Provisional Record* Nos. 3 to 3G.

[2] For the list of organizations, see the report of the Selection Committee, *Provisional Record* No. 3.

5. The Committee had before it Report VI, *The role of private employment agencies in the functioning of labour markets*, prepared by the Office as the sixth item of the agenda of the Conference.

Introduction

6. The representative of the Secretary-General welcomed the members of the Committee as well as the observers present and congratulated the Chairperson and the Vice-Chairmen on their election. He stressed the importance of good relations between members of the Committee, between the Committee and the secretariat, and pledged to make every effort possible to ensure that such relations were maintained.

7. In introducing the report, *The role of private employment agencies in the functioning of labour markets*, the representative of the Secretary-General emphasized that the Office had persisted in pursuing the issue over the years when all attempts to place the item under consideration on the agenda on the International Labour Conference had failed. The Office perceived the need to examine the question since it was of considerable and increasing importance to labour markets and their functioning, as well as to examine the extent to which existing standards in this field were still able to provide adequate protection to workers in a rapidly changing environment. He pointed to the unusual opportunity which this discussion provided for a possible revision of existing standards on the subject.

8. With regard to the subject under consideration, the ILO had undertaken to monitor world labour market developments with a view to proposing, at an appropriate time, ways and means of adapting its approaches and possibly even its standards to new realities, while ensuring adequate protection for workers without impeding economic efficiency. The Governing Body's decision to place this item on the agenda of the Conference responded to developments in labour market management. This justified a fresh look at ILO approaches and principles and raised the question of whether the ILO could or should take further measures to encourage improvements in the functioning of labour markets.

9. The representative of the Secretary-General recalled that the report was the fruit of many months of research, discussion, study and assessment of all issues involved. He thanked all governments, workers' and employers' organizations, professional and academic institutions and individuals who had assisted in this process. He stressed that the sole purpose of the report was to provide a solid factual and intellectual basis for the discussions of the Committee and to assist it to reach its own conclusions concerning possible future action. He was convinced that the subject under consideration would provide the Committee with a good opportunity to display real tripartism in action, which made the ILO unique in its approach. He expressed confidence that the conclusions reached by the Committee would enhance the international reputation of the ILO in the social and labour fields, and that it would be particularly appropriate on the occasion of the 75th anniversary of ILO as well as the 50th anniversary of the Declaration of Philadelphia.

General discussion

10. Speaking on behalf of the Employers' members, the Employers' Vice-Chairman said that he recognized the contribution made by public employment services in the functioning of labour markets particularly with regard to administration, the payment of unemployment benefits, the supplying of candidates for jobs and organizing training for the unemployed. Both employers and workers had benefited from these activities. However, in their view, the Committee should define the issues being discussed since, although the report covered the activities of present-day private employment agencies (PREA), consideration should also be given to those of the future and to both the current and future needs of employers and jobseekers.

11. According to the Employers' members, the complexity of the market and its evolution were reflected in the number and range of agencies and the innovative services presently being offered, particularly by the private sector. Regulations had not "outsmarted" the market; that proved that monopolies led to the emergence of shadow economies. Employers did not appreciate irregular practices, but felt that regulations to prohibit private agencies led to a lack of transparency.

12. The Employers' members considered that statistics did not provide a full measure of the impact of private agencies on employment. The data available gave solid indications of the contribution made by both public and private agencies in the placement of jobseekers. Even if the public and private sectors frequently catered to different needs and different groups of jobseekers, coexistence and even competition, appeared none the less to be desirable.

13. Speaking on behalf of the Workers' members, the Workers' Vice-Chairman stated that the purpose of the discussion was to explore the relevance of certain ILO Conventions and Recommendations, whether they should be revised, and whether there was need for new standards reflecting new realities in the area of temporary work. It was the desire of the Workers to adopt new standards in this area. The decision of the Governing Body of the ILO to hold this discussion had perhaps indicated a way out of the impasse which had prevented the Organization from tackling these issues for more than 20 years.

14. The Workers' Vice-Chairman added that this discussion also touched on two other controversial labour issues: employment and the job crisis. The recent report of the Organisation for Economic Co-operation and Development (OECD) on employment indicated that governments were taking seriously their obligation to maintain employment and ensure the functioning of the labour market. That contrasted with the slogans of the 1980s when it was thought that an unregulated market would take care of employment. Although free market ideas were popular with some governments, the public still held them accountable for employment and intervention in the labour market.

15. In the view of the Workers' members the nature of work was also called into question. The activities of private employment agencies raised questions about employment relationships which challenged traditional labour law. Workers were in danger of being redefined in ways that jeopardized the stability of society.

Employers too were being redefined — as evidenced by the new ways of conducting business which were reflected by the services provided by many private employment agencies. Therefore, the effect of private employment agencies especially temporary work agencies (TWAs) on industrial relations and collective bargaining should also be discussed. The regulation of private agencies and the limitations of self-regulation should be seriously considered. There was a need for greater transparency since "private" did not mean "secret".

16. Many Government, Employers' and Workers' members congratulated the Office on its comprehensive and thoroughly researched report, *The role of private employment agencies in the functioning of labour markets*. Some Committee members, however, commented that the situation in developing countries had not been adequately covered.

17. Several Government members agreed that the rapid pace of change in labour market conditions and functioning made it necessary to reconsider the roles of both public and private employment agencies. The problem was not to choose between public and private employment agencies, but to make labour markets function better. They placed emphasis on the service approach, whereby more efficient and equitable services were required from public as well as private employment agencies. They considered that a model based on cooperation would be the most appropriate one, with competition among private agencies being an essential feature. Some Employers' members stressed the positive contribution of private employment agencies to labour market functioning, based on their adequate responses to market conditions.

18. Many Employers' and Government members made known their position on some of the more important issues by referring to the situation in their respective countries. The majority pointed out that most recruitment took place through direct contacts between jobseekers and employers. However, whenever the private sector was engaged in placement activities, the private and public sectors either operated in fair competition or provided complementary services, whatever the specific nature of their activities. Several Government members stated that their current legislation in no way impeded the operation of private employment agencies. Some had abolished most of the regulatory restrictions and denounced Convention No. 96 concerning Fee-Charging Employment Agencies (Revised) (1949); others had never ratified it but had ratified Convention No. 88 concerning the Organization of the Employment Service (1948). These governments were committed to supporting the active coexistence of public and private employment services. Legislation, they said, should aim at supervising agencies through registration and protection of jobseekers. Private agencies should provide for the establishment of their own controlling body and professional organization.

19. One Government member explained that her country had not ratified Convention No. 96. While the growth of private agencies had been rapid, it was useful to make a distinction between profit-making and non-profit-making agencies. Public funds were made available to extend government services for specific groups. In the case of aboriginal people, delivery of employment services is being devolved to them.

20. Some Government members from countries which had laws restricting the operation of private agencies or imposing tight state supervision stated that they were in the process of adopting more liberal legislation. Some intended to treat certain categories of workers such as migrant workers and contract labourers in a different way. Others had ended the state monopoly when private agencies emerged to cater to the demands of large numbers of workers who wished to work abroad. In order to avoid malpractices in such cases, governments monitored the phenomenon by requiring the registration of agencies and protecting jobseekers. This market was in effect being jointly managed by the public and private sectors. This shared responsibility for the management of the labour market would be enshrined in new legislation.

21. Several Employers' members pointed to the positive aspects of work done by temporary work agencies which were subject to the same regulations as other employers. For example, they had been very successful in retraining and finding new jobs for workers laid off as a result of the recession. In some countries, collective agreements and regulations had been adopted following tripartite negotiations.

22. Several Government members explained that the fast growth and changes that had taken place in the economies of certain developing countries had created the need for private employment agencies which could react to changing requirements much faster than public services. The needs of new categories of jobseekers such as university graduates and also of new types of employers had to be met. In some cases existing legislation provided for the compulsory notification of vacancies to public labour exchanges and the protection of vulnerable groups such as migrant workers and contract labourers.

23. A number of Workers' and Government members stated that there were few or no private employment agencies in many developing countries. They had therefore little experience with private employment agencies but felt that the experiences of others in this area might be useful for the future. While some favoured the creation of private employment agencies, others stated that they would not like the development of private agencies to hamper the strengthening of the involvement of trade unions in collective bargaining. One Government member stressed that in the least developed countries, it was more important to promote the development of public employment services than to encourage the creation of private agencies. Some members cautioned that the appearance of private agencies in some developing countries might give workers expectations that could not be fulfilled since few jobs were being created. They also warned of potential abuses such as those which occurred in many small enterprises where the provisions of written contracts were often not being honoured.

24. The Workers' members stated that new types of jobs and employers were emerging, posing a challenge for industrial relations in general and collective bargaining in particular. The Employers' members held that workers could benefit from more effective employment services. Private employment agencies could provide such services if they were not over-regulated. Several Government members recognized that one of the principles on which labour market management should be based was to safeguard against exploitation while recognizing the importance of free and independent private employment agencies. In that respect, national standards applicable to both public and private employment agencies should be established.

25. The Committee agreed that any new standards should reaffirm one of the most important tenets of the Declaration of Philadelphia, namely, that "labour is not a commodity".

26. A number of Government and Workers' members stressed that a basic principle regarding employment services should be that no jobseeker should have to pay for finding a job.

27. Several Government and Workers' members pointed to the importance of access to adequate labour market information for improved labour market functioning. That would enhance the transparency of operations and benefit employers, jobseekers and government services. They also considered that placement and the matching of jobseekers with vacancies would remain a core function of employment agencies. Several members noted the need for taking into account the changing nature of work and the impact of technology, requiring flexible responses from both public and private employment agencies.

28. Several Employers' and Government members remarked on the limited contribution that employment agencies, in particular private agencies, had made to the development of labour markets in developing countries. However, that situation was changing due to liberalization, structural adjustment and economic growth. Developing countries had little experience with those agencies but they could learn much from the experiences of other countries through their participation in the work of the Committee. Labour market functioning in developing countries was often restricted by the few jobs being created. Self-employment was therefore the only realistic prospect for the majority of labour market entrants and as such, employment agencies should not raise undue expectations.

29. Several Government and Workers' members emphasized a more active role for employment agencies in order to improve labour market functioning and employment promotion. Several Employers' members stressed the contribution education and training services could make in this respect. Some Government members also mentioned the importance of providing assistance to small and medium-sized enterprises.

30. The Employers' members and a large majority of Government members favoured the revision of Convention No. 96 in such a way as to remove the concept of state monopoly in providing employment services.

31. Most members supported the concept of coexistence between public and private employment services. However, different opinions were expressed on the nature of the relationship which ought to exist. Some members stressed the idea of complementarity while others placed emphasis on the supervision and control which should be exercised by governments. In this regard, the role of governments in managing the supply of labour through the provision of education, training and retraining was also underlined.

32. Some members indicated that any revised standards should be flexible but at the same time provide adequate protection for jobseekers. These standards should recognize the role of all the actors involved in the labour market.

33. One Government member felt that Convention No. 88 should be discussed together with Convention No. 96. The revised standards should contain basic principles for the protection of workers, taking account of the need for flexibility and reflecting the situation in different countries. Another member favoured the adoption of a single standard to cover both the private and public sectors.

34. One Government member believed that Conventions Nos. 96 and 88 were outdated but that their revision should not be given the highest priority in the context of the rest of the work of the ILO. It was also possible that ILO guidance on these issues could be appropriately covered in non-mandatory form, such as a code of practice.

Assessment of the present situation

35. There was a large degree of agreement on the usefulness of the typology presented in the Report prepared by the Office. While the range of agencies described in Chapter 2 was not exhaustive, it was useful for discussions on the need for any future international standards on the subject.

36. The Employers' Vice-Chairman, speaking on behalf of his group, stressed the complexities of the market, as evidenced by the various types of agencies mentioned in the Report. This reflected the various and changing needs of enterprises and jobseekers. Agencies would therefore evolve to cater for any new needs with an even larger range of types of agencies appearing in the future.

37. Certain members of the Employers' group pointed out that the classification of agencies as contained in the Report was not fully accurate in some respects and did not correspond to the situation in their respective countries. Contract labour agencies were not placement agencies and TWAs were not contract labour agencies. Subcontracting was becoming more common as the economies of countries changed and enterprises sought greater efficiency.

38. The Workers' Vice-Chairman felt that almost all the types of agencies mentioned in the Report existed in some industrialized countries.

39. However, one Workers' member stated that some types of agencies had not been mentioned. In his country, some agencies employed a large number of people working at home, for instance, in cigarette making or garment manufacturing. Regular jobs were thus being "casualized" or transferred to the informal unorganized sector.

40. Another Workers' member regretted that the Report focused on workers who had a written contract. Many contracts were oral or could be subject to a collective agreement. He believed that the definitions had idealized the situations and described some problem cases. For example, migrant workers were frequently recruited, not because qualified local workers were not available, but because migrants were cheaper. Sometimes workers had difficulty in identifying their true employer or the labour laws which applied. TWAs involved unclear triangular relationships. He felt that head-hunters were only useful to employers and served no economic purpose to society as a whole. He noted that inaccurate figures cited to compare public employment agencies in Germany with private agencies in the United States, as contained in Report VI, distorted the actual cost-benefit ratio of monopolies and were misleading.

41. A Government member noted that although the classification of agencies was correct, there were difficulties in defining them accurately, especially since, as another Government member pointed out, the nature of employment agencies was evolving constantly.

42. Some Government members indicated that they could identify only two major groups of employment agencies: intermediaries which provided services related to recruitment and contract labour firms such as TWAs.

43. It appeared that the majority of States which had experienced a rapid growth in the number and volume of activity of employment agencies chose to allow these agencies to develop, adapting national legislation and, in some cases, denouncing Convention No. 96 or not applying it strictly. A considerable number chose to control and regulate the activity of agencies along the lines indicated in Convention No. 96 in order to give continued protection to jobseekers and workers in general.

44. Several Employers' members explained that States, which were faced with considerable growth in the range and number of employment agencies, had been reluctant to exercise control through, inter alia, the application of Convention No. 96. There had been few recent ratifications of that instrument and there were, as at the end of 1993, four denunciations. That showed the important role of employment agencies in many countries. In addition, some ratifying States were not strictly applying the provisions of the Convention.

45. An Employers' member drew attention to the decline of employment in the public sector and to the increase in employment in the industrial and service sectors. That had led to the growth of private employment agencies to compensate for a reduction in the activities of the public labour exchanges.

46. A Workers' member added that her Government continued to require agencies to have authorization to operate and that representative trade unions were actively involved in this procedure. It had also maintained a public placement service which was managed jointly with employers and workers. Placement was provided to all workers since it was not wise to leave only vulnerable groups to public services. In her view, a government should choose to give a boost to public employment services in order to provide social protection for all workers.

47. One Government member stressed the limited possibilities which governments had to control private employment agencies when there was a demand for their services and the actors on the market had accepted them. Another Government member stated that his country was preparing a Bill to restructure employment services. Another stated that while his Government had ratified Convention No. 96, it had maintained the state monopoly for the placement of workers. Private agencies were allowed to operate within agreements with the public service. The national employment service provided assistance in the selection and training of personnel and was therefore working for both employers and workers. Another Government member felt that public employment services had to be provided to everyone, while private agencies could choo[illegible]heir customers. However, employers could afford to pay when they needed well-qualified staff.

48. Several Employers' members attributed the growth of private employment agencies to their efficiency in finding market niches and providing value added services which were appreciated by enterprises as well as by jobseekers. This was particularly the case in times of increased sectoral and industrial specialization. Some members were of the view that the rapid response mechanisms of private employment agencies were their main asset. One Employers' member mentioned the positive contribution of these agencies in facilitating temporary workers in his country to obtain permanent employment.

49. Some members indicated that certain other factors had influenced the growth of private agencies in developing countries. While economic development was one of them, rising unemployment and the collapse of government employment services had also contributed to a demand for services from private agencies. Private employment agencies also benefited from the search for higher skills induced by structural adjustment programmes undertaken over the last decade. In these countries, the emergence of private employment agencies could be seen as a corollary to a democratization process.

50. One Workers' member noted that in countries in transition from a planned to a market economy, private employment agencies had responded rapidly to the new situation. That was facilitated by the fact that labour market institutions were still very underdeveloped in transition economies.

51. Several Workers' members drew attention to the fact that the growth of private employment agencies was often driven by a desire to reduce labour costs at the expense of the workers. This would affect both temporary and permanent staff. It would have serious consequences for wages, working conditions and for society as a whole. Cases were cited of private employment agencies entering into triangular employment contracts which were designed to circumvent the costs of industrial accident insurance and other obligations of employers and to shift these costs to workers. In another example, the PREA were used to circumvent laws against discrimination.

52. Several members agreed with the criticism levelled at Convention No. 96 in the Report of the Office. They also confirmed that the recent denunciations of this Convention reflected widespread dissatisfaction among member countries. The Convention imposed too restrictive a control. One Workers' member favoured maintaining the monopoly situation. Most members agreed that the changes in the labour market were moving towards less monopoly and thus away from the principles of Convention No. 96. One Employers' member noted that this Convention also led to confusion, since TWAs were sometimes considered as being covered under this heading. In the light of this, the Convention constituted an obstacle to the growth of private employment agencies. One Workers' member agreed that in the case of a revision of the Convention, accurate and clear definitions of employment agencies would be required. One Government member considered that Convention No. 96 was not conducive to the emergence of a dynamic partnership between public and private employment agencies.

53. The Workers' Vice-Chairman expressed the strong concern of his group about the negative impact of private employment agencies on industrial relations and the protection of workers. While some governments had established effective guidelines for stable industrial relations and sound practices, the experiences with private employment agencies were, in most cases, negative. That negative impact was evident in many aspects of collective bargaining where TWAs were used to weaken the bargaining power of trade unions, to prevent trade union recognition and for strike-breaking. Workers could appreciate the placement function but were opposed to the replacement function. Working conditions and social security were also adversely affected. As a result, industrial peace and the well-being of individuals were badly affected. Private employment agencies were changing the nature of traditional employment relations and institutions. In order to promote sound industrial relations, the Workers' members considered it necessary to establish and maintain standards to govern the conduct of private employment agencies.

54. Several Workers' members noted that private employment agencies could contribute to the emergence of dual labour markets. Examples were cited of subcontracting to unorganized sectors, the inadequacy or absence of collective agreements and the exploitation of young workers and other vulnerable groups. Another Workers' member noted that sound industrial relations could prevent the rise of dual labour markets. That view was supported by some Government members who considered collective agreements as the basis for fair and equal treatment and the guarantee of workers' rights in the activities involving private employment agencies.

55. On behalf of his group, the Employers' Vice-Chairman noted that the problems mentioned by the Workers' members reflected the changing conditions of industrial sectors and labour markets. The circumstances varied and countries were finding their own solutions to the participation of private employment agencies. Convention No. 96 was too rigid and international regulations would not be effective. One Government member described the particular situation in his country where cooperation with employers' and workers' organizations and with private employment agencies under the aegis of the national employment office, had led to improved transparency and better services. In this case, it was felt that Convention No. 96 had helped to prevent the emergence of dual labour markets.

56. The Employers' Vice-Chairman, speaking on behalf of the Employers' group, stated that private employment agencies, including TWAs, should be treated as any other business. They should be subject to the normal rule of law, and of labour law where relevant. Cases of malpractice or abuse should be dealt with by the courts. All businesses should be on the same footing and there should be no particular disadvantages for private agencies. The only exception was that jobseekers should not be charged a fee, except in cases where career planning services were provided.

57. According to one Employers' member, the cases of abuse that had been reported did not provide a basis for arguing that private agencies should not exist. Labour laws should protect workers and therefore there was no need to have special laws. TWAs in his country provided highly skilled workers who received correspondingly higher wages.

Examining future developments

58. One Workers' member suggested that there was no need for private placement services if the public services functioned well.

59. Many Workers' members supported the regulation of private agencies. They felt that a non-mandatory code of conduct was not sufficient to prevent abuses. There should be specific regulations governing the following: the various fields of activities of agencies; their responsibilities; the social protection of workers in the sector; transparency as regards the information held by the agencies (especially on personal data) and their relationship with public employment services. In addition, all agencies should have a renewable licence or authorization and the State should exercise supervision and control. There was also need for specific rules with respect to the fees charged, since they often represented a high proportion of workers' salaries. In any case, fees should not be charged to jobseekers and legislation should differentiate between profit-making and non-profit-making agencies.

60. Some Workers' members proposed that there should be specific regulations for placement agencies and for TWAs. Temporary workers should not earn less than permanent workers. The period of temporary work should be restricted and the use of temporary workers justified. TWAs should not be allowed to engage in placement services and their responsibilities should be specified. Consideration should be given to the adoption of a distinct Convention dealing with TWAs.

61. One Workers' member emphasized that legislation should aim at promoting the efficient functioning of the labour market. Since the public service covered the whole market, the compulsory notification of vacancies should be maintained. In this regard, one Workers' member and one Government member felt that the legal vacuum concerning private agencies which existed in certain countries of Eastern Europe needed to be filled.

62. Several Government members felt that special regulation was not necessary since agencies were subject to general commercial law and jobseekers had access to courts in case of malpractice. Self-regulation and codes of conduct would be more positive. For example, there was an international organization of TWAs which had a code of practice. The protection of workers should be left to national authorities in accordance with relevant law and practice. One Government member called for general regulations covering the activities of all agencies. It was, however, necessary to balance the need to eliminate abuses on the one hand and the demand for market flexibility on the other.

63. One Government member argued that since existing labour laws and collective agreements protected workers and TWAs were employers like others, there was no need for regulation in the context of Convention No. 96. On the contrary, there could be some relaxation of existing regulations. However, in the case of intermediaries engaged in placement, labour law did not cover the relationship between jobseekers and agencies. Consequently, in order to prevent abuses which could occur in such cases, regulation was necessary.

64. Some Government members believed that the fundamental rights of jobseekers should be protected and that the guaranteeing of such rights would not interfere with the efficient functioning of the labour market. One Government member favoured the control of agencies through licensing and approval of fees by the competent authority, while another Government member argued that in mature market economies where private employment agencies were firmly established with universally recognized codes of conduct, licensing and approval offices were no longer necessary forms of control. Others were of the opinion that specific regulations were necessary for various types of agencies.

65. On behalf of his group, the Employers' Vice-Chairman emphasized the complementarity between private and public employment agencies. The challenge was to find ways of providing a total service to the public. The form which such complementarity would take would depend on a large number of factors. The differences in social and economic conditions that prevailed in countries led to marked variations in regulations and industrial relations practices. The behaviour of employment agencies was influenced by the legal framework and economic environment of the countries in which they operated, by arrangements for self-regulation as well as by other circumstances. Since all these elements play an important role at the national level, there is no universal model.

66. The Employers' Vice-Chairman stressed that coexistence and complementarity implied that public and private employment agencies should be on an equal footing. Complementarity did not exclude cooperation or competition. In this respect, he endorsed the positive view of coexistence embodied in the Report prepared by the Office. For example, governments could make public employment agencies more competitive by upgrading their services to the public. Several Employers' members supported that view. They regarded coexistence as serving national employment objectives. Within the guarantees provided by the State for the protection of workers, private employment agencies fulfilled a useful function in both economic and social terms. They were interested in opportunities in the labour market, improved access, the provision of training and the creation of jobs. That allowed public employment agencies to concentrate on other tasks. In such a context, Convention No. 96 was considered to be completely outdated.

67. Several Employers' members gave examples of the benefits derived from the activities of private employment agencies. Besides income, access to permanent jobs and training, those advantages included the gaining of experience at the workplace and exposure to industrial relations practices. That was of particular value to young workers. They also drew attention to the fact that TWAs did not disregard vulnerable groups in the labour market.

68. Several Workers' members felt that in reality the labour market was characterized by a competitive environment and not by coexistence. The objective of private employment agencies was to make profits from jobseekers, not to reduce unemployment or to provide training. The result was often exploitation and therefore legislation was necessary, particularly in the case of temporary workers, who could be illegal immigrants in need of protection. Competition often did not improve the functioning of the labour market. Rather, it had negative effects such as social exclusion.

69. One Workers' member stressed that placement should remain the monopoly of the public employment service, except for a few specific categories of workers. Private employment agencies could make a contribution to the functioning of labour markets but only under the guidance of the public authorities which must enforce national laws and regulations. Another Workers' member proposed making a distinction between placement functions, where collaboration between public and private employment agencies would be desirable, and leasing through temporary work agencies which required special legislation. Other Workers' members did not support the idea of a monopoly, and they reminded the Employers that labour was not a commodity. One Workers' member questioned the usefulness of private employment agencies, since, at least in his country, the public employment services were doing an excellent job serving the public.

70. A number of Government members endorsed the approach to shared management of the labour market as put forward by the Office in Chapter VI of its report. However, they also felt that the concept required careful examination and further definition. One Government member was particularly critical of government control over information and the compulsory means suggested in the model provided. Several said that they would prefer to speak of developing a partnership between public and private agencies, without establishing a special regulatory framework for forging this cooperation. In their opinion, the market would provide for control and flexibility and abuses could be dealt with within existing legal frameworks in the fields of commercial and labour law. They emphasized the value of self-regulation and codes of conduct for minimizing the need for regulations and for enhancing the image of private employment agencies.

71. Several Government members stressed the need for both public and private employment agencies to be responsive to customers' demands. Healthy competition would help jobseekers to find jobs more quickly and stimulate improvement in the quality of services. This did not exclude cooperation in certain areas such as the advertising of vacancies through each other's agencies. Another Government member stated that competition and complementarity might exclude each other at a certain point. That may lead to specialization in certain fields and to limits as regards the options available to jobseekers. However, it would be very difficult to regulate this and general guidelines would not be possible. The objective should be to arrive at a system which ensures the best levels of efficiency in placement activities.

72. Some Government and Employers' members questioned the specific functions of agencies involved in shared management arrangements and, in particular, the responsibilities with respect to information. They felt that this could not be imposed, nor be subjected to monopolistic control. On the contrary, this function should grow with the roles that public and private agencies assumed in the partnership, based on their comparative advantages. Another Government member put emphasis on the need for transparency with regard to those functions in order to provide protection for workers.

73. Other Government members, while recognizing the positive effects of competition, emphasized the need to specify clearly the objectives of shared management approaches. Employment promotion and protection of the fundamental rights of jobseekers should guide this management function. Several Government members considered this an important subject for further investigation with a view to developing an international standard. One Government member emphasized that labour markets required special treatment and could not be considered as any other market. Special regulations would remain necessary. Partnership would only be possible with the public authorities playing a leading role and transparency characterizing the activities of all concerned.

74. Several Employers' members endorsed the opinions of the members of the Government group with respect to shared management, complementarity of functions and the incentive-oriented approach advocated by the Office in its report.

Guidelines for further action

75. The Employers' Vice-Chairman, speaking on behalf of the Employers' group, believed that the maintenance of the principle of state monopoly was incompatible with the requirements of the labour market. Today the only sensible solution to this problem, which would satisfy both employers' and workers' needs, was coexistence founded on equality with no restrictive controls from public authorities. The only mandatory measure should be that a jobseeker should not be charged to obtain a job.

76. A member of the Employers' group indicated that his country could not ratify Convention No. 96 because such public monopolies were unconstitutional unless there was a consensus in parliament. Other members of the Employers' group also expressed their opposition to state monopoly. One of them, referring to the Workers' position on Part II of Convention No. 96, stated that this part of the Convention should reflect the ideals of the Organization without ignoring the real world and the contemporary values of member States of the ILO. Another Employers' member believed that those who adopted the Convention in 1949 acted in good faith and the provisions of that instrument reflected the belief of the time, that state intervention was necessary. Future changes were not envisioned. Another member of the Employers' group pointed out that private agencies were helping a very large number of jobseekers to find jobs. In the European Union, one million workers were employed daily by TWAs. These agencies were leaders as regards training and their profits were derived from their ability to respond to the needs of their customers. They should be allowed to operate side by side with the public sector. In conclusion, it was argued that monopolies were obsolete and that they had "lost their credibility".

77. The Workers' Vice-Chairman, speaking on behalf of the Workers' group, remarked that Part II of Convention No. 96, which dealt with the progressive abolition of fee-charging agencies, was optional. States could regulate the activities of these agencies. States could opt for a monopoly and they should not be prevented from making that choice if they considered it necessary. Where there was no state monopoly, agencies should be regulated to prevent them from violating the rights of jobseekers and workers. Convention No. 96 and other ILO standards were set by visionaries and were applicable universally. He was not opposed to change but believed that the Committee should be cautious in recommending the revision of the Convention. Some Workers' members recalled the responsibility of the main actors in the labour market, namely, the government, the employers, the trade unions and the public labour administration.

78. A number of Government members also expressed the view that a public employment service in a monopoly position could not respond to all the needs of employers and jobseekers. They argued in favour of more competition and less centralization and "authoritarianism". Strict control was very costly to implement. In addition, many national constitutions and international treaties made monopolies illegal. There were members in favour of the coexistence of public and private employment services, with more cooperation and competition between private and public services, and among private agencies. In their view, it was best to leave States to formulate national policy and legislation in accordance with national needs and realities.

79. One Government member indicated that the employment service policy of his country was both formulated and applied in close cooperation with employers' and workers' organizations. With the exception of certain sectors, placement services were provided by the State. He argued that it was not a monopolistic arrangement since there was joint management and, moreover, TWAs were very active.

80. The Employers' Vice-Chairman, speaking on behalf of his group, stated that the general discussion had provided ample evidence of the need to revise Convention No. 96 and to bring ILO standards into line with present and future needs of the labour market. Private employment agencies could make an important contribution to the future development of the labour market by matching requirements with skills. The objective should be to take maximum advantage of the dynamics of the labour market. The spirit of Convention No. 96 with its emphasis on regulations was not conducive to the attainment of that objective.

81. Several members of the Committee emphasized the need to revise Convention No. 96 as well as Convention No. 88 and Recommendation No. 83, in the light of actual and expected conditions in the labour market. One Government member, who favoured a comprehensive revision, urged that there be careful consideration and consultations with respect to the following: frameworks for the promotion of employment; programmes for improving the labour market; information flows between public and private agencies and institutional frameworks governing, inter alia, labour relations. Other Government members stressed that if there were to be a revision of Convention No. 96 the focus should be on laying down principles for the provision of services rather than on who provides the service. Details should be left to national law and practice, within a framework for removing obstacles to effective labour market operations. Employers' members supported that approach for maximizing cooperation between private and public employment agencies. In their view that would contribute to job creation and full employment. They emphasized that Convention No. 96 and, in particular, Part II did not respond to the requirements of the modern world.

82. The Workers' Vice-Chairman, on behalf of his group, agreed that new standards were required and that the increase in private employment agencies could not be disputed. However, such growth should be stemmed when there were gross violations of workers' rights. The Workers' members, he said, could cite many examples of private employment agencies being used to circumvent labour relations. He gave examples of unlawful practices which, according to some, infiltrated these types of businesses. The operations of private employment agencies, and particularly temporary work agencies, staff leasing companies and those involved with contract labour, had a negative impact on the framework of industrial relations. While the objective remained to provide adequate services of good quality, covering the entire labour market, employers should fulfil their social obligations.

83. Several Workers' members illustrated the abuses mentioned by the Vice-Chairman of their group. One Workers' member described vividly how in labour-exporting countries, prospective workers were forced to sell their meagre assets, for example the family's water buffalo, in order to obtain or keep a contract. Once they had a contract, they were victims of violations of their rights as workers. In addition, both the home and the host countries were often deceived by the agencies for overseas placement, as the skills delivered did not always correspond to the demand. In labour-importing countries, underground activities and the recruitment of illegal immigrants undermined collective agreements and social security regulations. Since a main objective of those agencies was to avoid taxation, fictitious employment contracts were often being used.

84. On behalf of the Workers' group, the Vice-Chairman announced that his group would seek a revision of only Convention No. 96 in order to take account of the growth of private employment agencies. Universally applicable guidelines should promote a stable framework for industrial relations, protection of workers' rights, productive employment for both workers and the unemployed as well as the promotion and protection of collective bargaining relationships. These should include the following principles: no charging of fees for the services of public employment agencies and no charging of fees for the services of private employment agencies; prevention of discriminatory practices; protection of the privacy of information; transparency of labour market operations; transfer of information pertaining to the matching of functions and definition of the functions and legal status of private employment agencies. A Workers' member, while supporting the proposals made by the Vice-Chairman of his group, reiterated that changes to Convention No. 96 and the implementation of new provisions should take place within a framework of social partnership.

85. Several Employers' members emphasized that a completely new approach was necessary for dealing with the issues covered by Convention No. 96 and related instruments. A reasonable framework of rules should be established so that workers would not be at a disadvantage, that confidentiality would be guaranteed and that obligations in the field of social security would be respected. They felt that the differences of opinion between workers and employers in this matter, could be bridged. The Vice-Chairman of the Employers' group reaffirmed that if there were alleged abuses, the remedy would not be to impose more regulations, but rather to provide a healthy and flexible environment for growth and to take advantage of the dynamic conditions in the market.

86. Several Government members expressed support for the flexible framework proposed by the Employers' group for the operations of public and private employment agencies. They recognized that there were possibilities for abuse but considered it more appropriate to deal with such cases by applying existing business law and common law, or by reference to conventions other than Convention No. 96. That was to be recommended particularly in times when labour markers were undergoing turbulent changes. Any other approach would not only be ineffective but also costly. They felt confident that much could be gained by reinforcing the methods and practices of self-regulation which had gained strength and popularity in various countries. They also considered it necessary to make available free and efficient services through public employment agencies in order to provide freedom of choice as well as effectiveness in the overall operations of the labour market. Other Government members emphasized that governments had a responsibility to see to it that a framework applicable to all agencies was established. That would promote conditions whereby private employment agencies would evolve into honest brokers, defending the interests of both employers and jobseekers. The Government's role could then be to monitor the situation in order to prevent major deviations from the labour market policy framework. Partnership and self-regulation would be key concepts for such a framework. However, in certain cases, such as the placement of foreign workers, there might be a need for special regulations.

Consideration of the draft resolution and conclusions submitted by the Working Party

87. At the 11th sitting of the Committee, the Chairperson of the Committee invited the Government member of Sweden and Chairman of the Working Party to introduce the draft resolution and conclusions that had been drawn up by the Working Party. The Chairman of the Working Party pointed out that the discussions of the Committee had provided a solid basis for the work of the Working Party. The first draft of the conclusions had been almost rejected outright but a second draft had taken into account all the various positions and was therefore acceptable as a basis on which to work. He stressed that the deliberations of the Working Party had shown tripartism at its best. He felt that the draft conclusions submitted by the Working Party to the Committee represented a body of new principles and a worldwide consensus of views on the issues concerned. These conclusions, if accepted by the Committee and the Conference, would open a long process of consultations and research leading to the consideration of a new standard. He urged the Committee to adopt the conclusions which, he believed, were forward-looking and paved the way for the future work of the ILO in that field.

88. Speaking on behalf of the Workers' members, the Workers' Vice-Chairman recalled the fine spirit of cooperation which had prevailed during the intensive discussions in the Working Party. The Workers' members noted with gratitude that the principles concerning the rights of jobseekers and sound industrial relations had been fully taken into account. The Workers' Vice-Chairman added that the draft resolution and conclusions constituted a complete document and that the sections should be considered as being complementary to each other. It would be difficult to amend a text which had been established after so much hard work.

89. In the view of the Workers' members the draft resolution and conclusions also reflected the opinions of the group. In particular, the Workers' members insisted that the Employment Service Convention, 1948 (No. 88) should not be changed. The Workers' Vice-Chairman requested that the text of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), as well as the list of countries which had ratified it, be attached to the report of the Committee. In addition, he said that the Workers' members considered that discrimination, as mentioned in paragraph 13 of the draft conclusions, should be understood in a broad sense, including discrimination against women and disabled persons. He noted that women were often the main victims of abuses by some private employment agencies, although he hastened to add that this was certainly no reflection on the practices of the many private employment agencies which had introduced acceptable rules of conduct. He also recalled that paragraph 30 of the conclusions, with respect to misconduct in the field of employment, would have a strong impact on the social lives of the people concerned. With regard to the principle that fees should not be charged to the jobseeker (paragraph 53), the Workers' members wanted the exceptions to be restricted so as not to charge fees even to high-level professionals if they were unemployed and seeking a job.

90. The Workers' Vice-Chairman endorsed the proposal to adopt the draft resolution and conclusions. He thanked the Government members of the Working Party, who had represented the interests of all three groups, as well as the Employers' members who had recognized the importance of industrial relations and compromise.

91. Speaking on behalf of the Employers' members, the Employers' Vice-Chairman expressed satisfaction at the significant results achieved by the Working Party. The Employers' members were particularly pleased that it had been recognized that times were changing and that private employment agencies could make an important contribution to the functioning of the labour market. In reality the monopoly concept contained in Convention No. 96 was outdated.

92. The Employers' Vice-Chairman said that the draft resolution and conclusions were the outcome of an active tripartite process, to which all parties had contributed with their ideas and concerns in a very constructive manner. He paid tribute to the contributions of the Workers' members and to the role played by the Government members in the Working Party. He also thanked the representatives of the different groups and individuals for their inputs during the discussions in the Committee and in the Working Party.

93. Speaking on behalf of the Employers' members, the Employers' Vice-Chairman recommended the adoption of the draft resolution and conclusions.

94. One Government member, speaking on behalf of the industrialized market economy countries as well as on behalf of some other Government members who had contributed to the work of the Working Party, acknowledged the sincere cooperation which had prevailed in the Working Party. She was pleased that the document, although only a first step, was a basis from which to move forward. It reflected the need to keep in touch with economic changes as well as the dynamism of the labour market. She was strongly of the opinion that any new ILO standard would strengthen employment services in all countries. The challenge was to find a balance between a flexible and useful employment policy and the rights of workers. The cooperation with which the Committee had approached its task boded well for the future. In her opinion the process of tripartism was alive and well.

95. The Committee adopted the draft conclusions without change.

Adoption of the report including resolutions and conclusions

96. At its 11th and final sitting the Committee met to conclude its business. The Chairperson recalled that the Committee had examined and adopted the draft resolution and conclusions at its tenth sitting and invited the Government member of Sweden to introduce the draft report in his capacity as Reporter of the Committee. The Reporter stated that the report reflected an effort to provide a comprehensive summary of the contributions made by members of the Committee. It highlighted the substance of the ideas put forward rather than merely providing a record of who had made the interventions.

97. The Vice-Chairman of the Workers' group, speaking on behalf of the Workers' members, endorsed the draft report. During the consideration of the text, he proposed several changes and additions which were all adopted without discussion.

98. Speaking on behalf of the Employers' members, the Vice-Chairman of the Employers' group shared the view that the draft report reflected the main points made during the discussions. Some subjects could have been given somewhat more emphasis than others, but the members of his group did not feel that this warranted any substantive amendment of the draft text.

99. The representative of the Government members felt that the draft report was a balanced representation of the views expressed during the discussions. Although there were minor changes proposed by members of the Government group, it nevertheless endorsed the adoption of the report.

100. In their concluding remarks, the Chairperson, the two Vice-Chairmen, the representative of the Government group and the Reporter expressed pride and satisfaction at having been part of this truly tripartite achievement. It had offered a new approach to the issues concerning the role of private employment agencies in the functioning of labour markets. In her final address of farewell and thanks, the Chairperson commended the amount of work done in such a short space of time. The spirit of cooperation and consensus that had prevailed throughout the negotiations had culminated in the unanimous adoption of the report. She recalled that by virtue of the work of the Committee, the ultimate goal — the revision of ILO Convention No. 96 — was well on the way to being achieved.

101. The report of the Committee, the resolution and the conclusions, as adopted by the Committee, are submitted to the Conference for consideration.

Geneva, 20 June 1994 *(Signed)* A.O. OKORONKWO
Chairperson

A. KRUSE
Reporter

Resolution concerning the role of private employment agencies in the functioning of labour markets

The General Conference of the International Labour Organization, meeting at its 81st Session (1994),

Having undertaken a comprehensive review of the functions and practices of employment agencies on the basis of Report VI entitled "The role of private employment agencies in the functioning of labour markets",

Recalling that the Governing Body at its 254th (November 1992) Session decided to place the item on the agenda of the 81st Session of the International Labour Conference as a general discussion item,

Having regard to the Employment Service Convention, 1948 (No. 88) and its accompanying Recommendation, 1948 (No. 83) as well as the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96),

Takes note of the following conclusions and invites the Governing Body of the International Labour Office to request the Director-General to give due consideration to them.

Conclusions concerning the role of private employment agencies in the functioning of labour markets

Introduction

1. The Committee discussed the role of private employment agencies in the functioning of labour markets against the background of widespread concern with unemployment and poverty. The ILO strived to make full and productive employment the top priority on the agenda of policy-makers. This social objective should be supported by public, economic and financial policies which enhance sustainable economic development. Developing countries were not alone in facing increasing difficulties to ensure that there was support for the unemployed, those out of the labour force, the working poor and those having to face poor conditions of work. Social and economic issues, as well as policy options, were closely interrelated and had both short- and longer-term dimensions. It was in this wider framework that the Committee had reviewed the contributions made by public and private employment agencies.

2. The Committee had grouped its conclusions under 12 headings ordered in sequence from A to L as follows: (A) definition of a well-functioning labour market; (B) labour-market policy and actors in the labour market; (C) the role of public employment services (PES); (D) definition and typology of private employment agencies (PREA); (E) place and role of PREA; (F) practices of PREA; (G) objective and scope of regulations; (H) means for sound practice by PREA other than traditional regulation; (I) relationship between PES and PREA; (J) the case for better and increased cooperation; (K) relevant ILO standards; (L) prospects for future ILO standards.

A. Definition of a well-functioning labour market

3. The deliberations in the Committee clearly showed that all those involved in the activities of the labour market — workers, their representatives, employers and governments — took great interest in the functioning of the labour market and were concerned about the developments and ongoing changes in that market. The Committee found that all these interests and concerns formed a solid basis for the pursuit of the goal of improving the functioning of labour markets throughout the world, to create new jobs, to help jobseekers to find suitable jobs so that they could support themselves and their families and to help employers to develop their businesses through the recruitment of skilled and suitable workers. The Committee also found that there was still total consent on the fundamental principle, laid down in the Constitution of the International Labour Organization, that labour is not a commodity and that the freedom of jobseekers to search for jobs and the right for employers to take decisions concerning the recruitment of workers were fundamental elements in free market and mixed economies. The Committee also stressed the principles of freedom of association and collective bargaining as well as the promotion of employment creation in an industrial relations context that was effective, and in which workers' rights were fully respected.

4. These principles, however, did not exclude the possibility that measures might be needed to improve the functioning of labour markets and to look closely into the present international standard, namely Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96). The Committee thoroughly discussed the activities of the labour market and examined in depth the actions of those who operated in the labour market.

5. There was general consent that labour markets were no longer stable, that changes in international and national economies had a great impact on labour markets and that there was a general acceleration in those changes which could have enormous consequences, both for enterprises and not least for workers and their families. The conditions which prevailed at the beginning of the twentieth century, and which influenced the labour standard under discussion in the Committee, no longer existed in most countries, whereas they were still present in others. There seemed to be a general worldwide trend to recognize the need to respond to change by employers, workers and governments when it came to forms of employment, interventions to influence the markets and the organization of workplaces.

6. Three fundamental functions could be identified in the labour market. First, it was a marketplace where jobseekers and employers had the opportunity to find each other. Secondly, it was a source of information about jobseekers and vacancies which could be used by jobseekers, employers and governments to follow changes in the market in order to take necessary decisions concerning that market. Thirdly, it was a place where States could introduce the necessary programmes and incentives to influence the functioning of the market.

B. Labour-market policy and actors in the labour market

7. When looking at the labour market and its function as a market-place, the Committee found that a wide range of activities took place to help jobseekers and employers to find each other and conclude contracts of employment. In many countries, public employment agencies were predominant whereas private actors, both those working for profit and non-profit organizations, appeared more frequently in others. Very few countries seemed to comply with the general principles of Convention No. 96 that public agencies should be the rule and private employment agencies should be abolished as soon as possible.

8. The ILO report defined at least 16 different varieties of private employment agencies. It was clear that economic change would cause other kinds of agencies to develop in the future. The Committee recognized the freedom of employers, subject to national law and practice, to fulfil their recruitment needs through the use of these agencies.

9. The Committee also found that it was time to recognize the need for a wide variety of activities to be undertaken to help jobseekers and employers to find each other and to increase the activities on the market-place for jobs. Both public and private actors complemented each other in the market-place.

10. The Committee found, however, that it was a fundamental responsibility of States to see to it that the labour market was functioning well and to assume that responsibility by guaranteeing that there was an adequately-funded and well-functioning public employment service free of charge for jobseekers.

11. When it came to information about the labour market, the Committee found that it should be the responsibility of States to guarantee that information about jobseekers and vacancies was available to employers and workers, and that adequate statistical information existed to meet the need for action on the labour market. Whether the gathering and distribution of information should be public or private was not an issue to be determined by international labour standards, since traditions, legal frameworks and national practices varied between member States. In the upgrading of national employment market information systems and networking, it seemed desirable, however, that the ILO and other international agencies should, upon request, provide assistance to developing countries and to those countries undergoing transformation to market economies. This would enable them to collect, analyse and disseminate accurate and timely labour market information in establishing and developing databanks.

12. The Committee firmly believed that States must take care to guarantee the right of individuals to have their personal integrity protected when information was processed on the labour market.

13. The Committee found that it was an important role for States, through employment programmes and other means, to influence the labour market in order to improve its functioning and facilitate employment for all jobseekers, including the unskilled and the vulnerable jobseekers such as workers with family responsibilities, on the basis of non-discrimination and freedom of access to the labour market. The importance of government activities to create new jobs and to improve possibilities for jobseekers and employers to enter into contracts of employment remained totally undisputed.

14. The background for the conclusions as drawn up by the Committee were further discussed in the following sections.

C. The role of public employment services (PES)

15. The Committee expressed its continuing support for the principles set out in Employment Services Convention, 1948 (No. 88) and, in particular, the duty of the employment services to ensure, where necessary, in cooperation with other public and private bodies concerned, the best possible organization of the labour market.

16. Having recognized this essential role, governments had generally given these services the financial and other means to plan and implement their labour-market policies. In order to implement these policies, they had mainly concentrated on placement, guidance, employment training, labour market information, programmes for job, skill and geographical mobility, promotion and management of subsidized employment schemes, unemployment insurance, etc. In some countries, these programmes had been placed under the responsibility of several public institutions but remained coordinated by the PES.

17. For a very long time some countries were split among those which proceeded on the assumption that the labour market worked best when it was managed exclusively by public entities, mainly the PES, and those which took the view that the labour market worked best when it permitted PREA to operate side by side with PES.

18. Standards adopted by the ILO on the subject in 1949 clearly showed that the predominant view was that the labour market works best in the absence, or with the very limited presence, of PREA. That view also seemed to have been supported by the number of governments which had ratified the relevant ILO Conventions in this field.

19. Given the dynamic conditions of the labour market in recent years, it had become clear that the growing role and place of well-functioning PREA could be positive and that the essential role played by the PES had been and must be maintained. It was the general view that only a public entity such as the PES could be made responsible for such functions as management of unemployment insurance, labour-market information, management of special programmes to lead the most vulnerable jobseekers to the threshold of employability, and the management of subsidized job-promotion schemes.

20. For those reasons, the Committee believed that any consideration of the role and functions of PREA would be incomplete if considered in isolation from those of PES or outside the context of an effective labour market policy. Moreover, in view of their overall responsibilities for the labour market, the Committee found that some States might want to maintain a monopoly in those functions which they considered appropriate.

D. Definition and typology of private employment agencies (PREA)

21. PREA may be defined as private firms directly or indirectly providing a service in the labour market. The definition proposed in Chapter 2 of the ILO report could be considered as being both too extensive and too restrictive when referring to specific national conditions. Similarly, only national situations could give precise substance to the notion of *private*, which could relate to the nature of the capital, the type of law governing its activities or to whether the agency was profit or non-profit making. However, the definition in the ILO report was a useful reference for national circumstances.

22. Similar considerations applied concerning the typology proposed in the ILO report. In some countries some of the agencies listed were irrelevant or non-existent, or classified as service firms outside the employment field. In other countries, PREA were grouped into two categories, those providing a service (brokers or otherwise) in a one-to-one contractual relationship and those establishing a triangular contractual relationship, such as in the case of temporary work agencies. In other countries a legal distinction was made according to whether agencies, whatever their activity, were profit or non-profit making. The Committee considered it useful, however, for the ILO to continue to build on the classification provided in the report in order to make available for permanent future reference, at the request of governments, employers or workers organizations, an updated description of the agencies contained in the typology. This should not, however, preclude the pursuit of a more generic approach of describing PREA when considering a revised standard.

23. Temporary work agencies were one of the major types of firms mentioned in the ILO typology. The role that these agencies played in the market, the very particular nature of the triangular relationship which they entered into, and the legal problems deriving therefrom, explained why some governments had enacted special laws to regulate their activities. In some of these cases temporary work agencies were dealt with as quite distinct agencies.

24. The Committee considered that certain types of agency that were scarcely mentioned in the ILO report, and which operated in markets of developing countries, deserved special attention and possible regulation by national governments in relation to abuses which are committed, particularly in the case of contract labour agencies which hire home workers for processing particular goods (e.g. cigarette rolling, hides, etc.) or those that charge fees from jobseekers in exchange for the promise of employment abroad. These agencies should be considered in any future ILO discussion of private employment agencies.

E. Place and role of PREA

25. The Committee acknowledged that in a rapidly changing world, PREA had increased spectacularly in size and importance and had acquired growing recognition as important elements in labour markets.

26. The Committee concluded that well-functioning PREA could most certainly contribute to the effective functioning of the labour market. PREA could in many instances:

— reduce the time needed to fill vacancies;

— bring vacancies to the surface in the open market;

— sense changes in labour-market requirements and react quickly, avoiding delays and imbalances;

— match supply and demand of skills through relevant selection and recruitment methods, thus saving waste due to avoidable manpower turnover;

— satisfy needs not satisfactorily covered by public agencies due to the growing complexity in demand and supply of skills;

— build a bridge between unemployment and permanent employment by providing, mainly through temporary work assignments, gradual incorporation of jobseekers (especially new entrants or re-entrants) into the labour market;

— multiply the sources of information on job opportunities, thus increasing the overall stock of available information on the job market;

— reduce the time of deployment from one job to the other through outplacement techniques, thus contributing to a better labour force mobility;

— provide short-term employment training thus contributing to bridge the gap between the supply and demand of skills.

27. Overall, PREA' activities added value to the labour market as market-place forces had shown through the growing demand for the services they provided. The fact that the activities of PREA had grown in quantity and quality and that governments had acknowledged that growth in their legislation, as shown in Chapter 3 of the ILO Report dealing with this question, were indicators of their contribution to the formation of wealth and of the value attributed by the market to the services offered by these agencies.

28. The Committee also noted that both workers' and employers' organizations might operate successfully as PREA.

F. Practices of PREA

29. The Committee acknowledged the fact that there were numerous concerns regarding the ethics of PREA, and that PREA were sometimes singled out for poor practices in relation to the interests of workers and jobseekers. During the Committee's deliberations this perception was frequently directed at temporary work agencies (TWAs). Whatever the circumstances, the behaviour of PREA called for rules to prevent or discourage them from engaging in conduct or practices that undermined workers' rights, be they in the areas of wages, general conditions of work, industrial relations or safety and health.

30. Misconduct in the field of employment must be underscored because it was there that people's jobs and people's professional lives were at stake. Means must be available to deal with PREA which were found to be in violation of laws and regulations.

31. The circumstances in which PREA operated and the employment relationships they entered into with jobseekers could often lead to exploitation and improper conduct. The Committee had listened to allegations from Workers' members describing how some PREA had circumvented laws to help employers reduce workers' wages, to render trade union organization difficult or impossible, to ignore regulations concerning equal opportunities, to avoid paying benefits to which workers were legally entitled and to aid in the process of replacing permanent with temporary jobs.

32. The Committee's recognition of the importance and relevance of the role of PREA in labour markets should in no way be interpreted as an endorsement of any infringements they might commit of the laws that exist to protect workers' rights and interests. If new international standards were to be drawn up on this subject, special care should be taken to include provisions ensuring adequate protection against such abuses for workers and jobseekers alike to the extent that these were not guaranteed by other ILO standards.

33. Special attention should be given to those agencies which did placements abroad due to the serious consequences of some unfair practices for both workers and employers.

G. Objective and scope of regulations

34. The Committee acknowledged that PREA should not and might not wish to operate in an environment without rules. The Committee agreed that there might be several sources of rules governing the activities of PREA. These possible sources were: common business law, labour law, business and labour jurisprudence, collective agreements, specific laws and rules dealing with PREA, professional codes of conduct adopted by associations of PREA, internal rules of these agencies as well as ILO Conventions and Recommendations.

35. Each national context determined the nature of the rules governing PREA. The mix of rules originating from different sources depended on the maturity of the labour market, the culture and behaviour of its actors, existing traditions and practice in collective bargaining, etc. In some labour markets, when the risk of unprofessional behaviour was high, specific rules directed at PREA and the adoption of a licensing system might be recommended. In others, where a tradition of fair practice was well established, common business law complemented by codes of professional ethics could form a satisfactory regulatory framework. In others still, collective agreements could provide a reliable legal basis.

36. The Committee was well aware of the dangers of over-regulation. The worst that could happen was for PREA to be governed by several redundant, incompatible or contradictory rules emanating from different legal sources. For example, a law on the protection of confidentiality and a specific law on some PREA could be contradictory in regulating the treatment of computerized personal files. Similarly, different PREA competing in the same segment of the market and offering similar services could be regulated by different laws: common business law for one, a specific law for the other.

37. The general approach that the Committee supported was for governments to adopt a pragmatic attitude concerning the regulation of PREA. Governments should rely on the laws and rules in force, whenever possible, before considering specific regulations.

38. In all cases, regulations concerning PREA should be designed in consultation with representatives of the business concerned and with workers' organizations.

H. Means for sound practice other than traditional regulations

39. The Committee recognized that governments might seek other means than the traditional legal or regulatory instruments to establish fair practice by those who had a role in the labour market. Some of these means consisted in setting common professional codes of conduct governing the following: professionals from the public or private sectors dealing with jobseekers; certification of the profession of employment adviser (in the same way as was done in some countries for translators or accountants); common job classification within the employment service sector, as well as social partner-based councils to discuss policy and performance.

40. Similarly, the Committee believed that both PES and PREA could agree, in a more or less formal way, on common standards of fair practice such as the fair use of appropriate selection tests, vacancy advertisements, interviewing and investigation methods prior to hiring.

I. Relationship between PES and PREA

41. In many countries PES and PREA tended to operate separately. PES were generally available to all job seekers and served in particular the disadvantaged and the lower-skilled jobseekers. PREA addressed the market of the rare, specialized or higher skills where prior selection was crucial to hiring, the temporary job market, or specific segments of the market requiring particular services such as outplacement. Overlapping on the same market by PES and PREA was more the exception than the rule.

42. The Committee believed that there was scope for increased cooperation between the PES and PREA. Many PES could not afford to enter into direct competition, even where such competition might be beneficial. PES must however endeavour to offer the best range of services possible, in order to ensure that they fulfilled their social duties towards all jobseekers, including the disadvantaged, and offered the common employer a means to satisfy his staffing needs. Labour-market cooperation between all the actors would assist in the provision of the broadest scope of services.

43. For this relationship to work effectively, the Committee would, for the most part, agree that fee charging by PES would not apply in relation to access to job vacancies.

J. The case for better and increased cooperation

44. The Committee expressed its firm support for all attempts to establish permanent cooperation between PES and PREA. It was indeed the Committee's opinion that cooperation was a desirable institutional form of behaviour.

45. Cooperation between public institutions and private employment firms was not normally established by law. Rather, it was the result of tradition, administrative culture and behaviour by all actors in the labour market.

46. Yet, measures could be taken by governments to promote cooperation. For example, the practice of using private firms to implement labour-market schemes could lead to more and better cooperation. Similarly, the decision to advertise vacancies in each other's premises, or to allow mutual access to computerized vacancy files could also be conducive to improved working relations. In some countries, inviting staff from PREA to specialized training or seminars conducted by PES can develop a spirit of cooperation and understanding. Exchanging staff or sharing premises can be other unconventional and efficient ways of building beneficial personal contacts among staff of both organizations.

47. In general, cooperation could best be achieved when the PES recognized its value and coordinated with PREA to build the broadest possible spectrum of programmes.

48. For some countries a network of PREA complementing the activities of the PES could best be established through joint planning, delegation of specific duties and sharing of information.

K. Relevant ILO standards

49. Three main ILO standards dealt, directly or indirectly, with the activities of PREA. These were the Employment Services Convention, 1948 (No. 88), and its corresponding Recommendation No. 83 and the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96).

50. Most Committee members found that the principles underlying Convention No. 96 were not relevant to their national situations. It appeared obvious that this Convention had been adopted in line with the provisions contained in the previous standard adopted on this question, namely the Fee-Charging Employment Agencies Convention, 1933 (No. 34), which openly opposed these institutions. The overt objective of Convention No. 96 was either to ban PREA or to place them under tight supervision by government authorities. As suggested in the preceding sections of this document, the Committee believed that all these principles, except the one referred to in paragraph 53 below, no longer corresponded to today's reality in modern labour markets.

51. Part II of Convention No. 96 appeared to be removed from current practice in most labour markets. The Committee was convinced that the four recent denunciations of this part of the Convention were only partial evidence of a more general loss of credibility toward the contents of this part of the standard.

52. Part III of Convention No. 96 in a number of respects did not reflect current realities: narrow scope (only the job brokerage service was considered); inflexible type of supervision (only the licensing system was envisaged); constraining (yearly renewal of licenses) or obsolete provisions in regard to current functioning of modern labour markets (notification to supervisory authority of fees charged to clients).

53. The Committee believed however that one provision contained in Convention No. 96 should be maintained, namely that concerning the payment of services offered by PREA. It was indeed essential to recall that, with very few exceptions such as services provided to high-level professionals and executives, the Committee remained in favour of the principle that fees should not be charged to the jobseeker.

L. Prospects for future ILO standards

54. The Committee held the view that the ILO should proceed to revise Convention No. 96.

55. It was the Committee's view that the revised standard should pursue the following objectives:

— set the pattern for response to the dynamics of changing labour-market functions and recall the role of its actors;

— draw up general parameters to describe the main actors, namely, the PES and PREA, as well as the nature of the relationship both between themselves and with their clients;

— establish general principles and provide guidance that protect:

  (i) labour markets against poor and unethical practices;

  (ii) workers' interests including where the stability of industrial relations' systems might be affected by some practices of PREA (these principles should consider the concerns of some (but not all) Committee members with regard to triangular employment relationships, including contract labour, TWAs and staff-leasing arrangements);

(iii) workers recruited in one country for work in another.

- create environments that allow for the improved functioning of all employment agencies;
- ensure that national governments would be free to determine how the above objectives would be met.

Annex I

INTERNATIONAL LABOUR CONFERENCE

CONVENTION No. 96

Convention concerning Fee-Charging Employment Agencies (Revised 1949)[1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention, 1933, adopted by the Conference at its Seventeenth Session, which is included in the tenth item on the agenda of the session, and

Having resolved that these proposals shall take the form of an international Convention, complementary to the Employment Service Convention, 1948, which provides that each Member for which the Convention is in force shall maintain or ensure the maintenance of a free public employment service, and

Considering that such a service should be available to all categories of workers,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Fee-Charging Employment Agencies Convention (Revised), 1949:

PART I. GENERAL PROVISIONS

Article 1

1. For the purpose of this Convention the expression "fee-charging employment agency" means—

(a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers;

(b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organisation which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.

2. This Convention does not apply to the placing of seamen.

Article 2

1. Each Member ratifying this Convention shall indicate in its instrument of ratification whether it accepts the provisions of Part II of the Convention, providing for the progressive abolition of fee-charging employment agencies con-

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[1] Date of coming into force: 18 July 1951.

ducted with a view to profit and the regulation of other agencies, or the provisions of Part III, providing for the regulation of fee-charging employment agencies including agencies conducted with a view to profit.

2. Any Member accepting the provisions of Part III of the Convention may subsequently notify the Director-General that it accepts the provisions of Part II ; as from the date of the registration of such notification by the Director-General, the provisions of Part III of the Convention shall cease to be applicable to the Member in question and the provisions of Part II shall apply to it.

PART II. PROGRESSIVE ABOLITION OF FEE-CHARGING EMPLOYMENT AGENCIES CONDUCTED WITH A VIEW TO PROFIT AND REGULATION OF OTHER AGENCIES

Article 3

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 *(a)* of Article 1 shall be abolished within a limited period of time determined by the competent authority.

2. Such agencies shall not be abolished until a public employment service is established.

3. The competent authority may prescribe different periods for the abolition of agencies catering for different classes of persons.

Article 4

1. During the period preceding abolition, fee-charging employment agencies conducted with a view to profit—

(a) shall be subject to the supervision of the competent authority ; and

(b) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority.

2. Such supervision shall be directed more particularly towards the elimination of all abuses connected with the operations of fee-charging employment agencies conducted with a view to profit.

3. For this purpose, the competent authority shall consult, by appropriate methods, the employers' and workers' organisations concerned.

Article 5

1. Exceptions to the provisions of paragraph 1 of Article 3 of this Convention shall be allowed by the competent authority in exceptional cases in respect of categories of persons, exactly defined by national laws or regulations, for whom appropriate placing arrangements cannot conveniently be made within the framework of the public employment service, but only after consultation, by appropriate methods, with the organisations of employers and workers concerned.

Every fee-charging employment agency for which an exception is allowed under this Article—

(a) shall be subject to the supervision of the competent authority ;

(b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority ;

(c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority ;

(d) shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force.

Article 6

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 *(b)* of Article 1—

(a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority ;

(b) shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority, with strict regard to the expenses incurred ; and

(c) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 7

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

Article 8

Appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, shall be prescribed for any violation of the provisions of this Part of the Convention or of any laws or regulations giving effect to them.

Article 9

There shall be included in the annual reports to be submitted under article 22 of the Constitution of the International Labour Organisation all necessary information concerning the exceptions allowed under Article 5, including more particularly information concerning the number of agencies for which such exceptions are allowed and the scope of their activities, the reasons for the exceptions, and the arrangements for supervision by the competent authority of the activities of the agencies concerned.

PART III. REGULATION OF FEE-CHARGING EMPLOYMENT AGENCIES

Article 10

Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 *(a)* of Article 1—

(a) shall be subject to the supervision of the competent authority ;

(b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority ;

(c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority ;

(d) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 11

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 *(b)* of Article 1—

(a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority ;

(b) shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority with strict regard to the expenses incurred ; and

(c) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

Article 12

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

Article 13

Appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, shall be prescribed for any violation of the provisions of this Part of the Convention or of any laws or regulations giving effect to them.

Article 14

There shall be included in the annual reports to be submitted under article 22 of the Constitution of the International Labour Organisation all necessary information concerning the arrangements for supervision by the competent authority of the activities of fee-charging employment agencies including more particularly agencies conducted with a view to profit.

PART IV. MISCELLANEOUS PROVISIONS

Article 15

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto ; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

PART V. FINAL PROVISIONS

Article 16

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 17

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 18

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of article 35 of the Constitution of the International Labour Organisation shall indicate—

(a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;

(b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

(d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs *(a)* and *(b)* of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph *(b)* *(c)* or *(d)* of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 20, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 19

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 20, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 20

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 21

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 22

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 23

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 24

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 25

The English and French versions of the text of this Convention are equally authoritative.

Annex II

FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949

Date of entry into force: 18.07.1951

STATES	Ratification registered	STATES	Ratification registered
ALGERIA [1]	19.10.62	GABON [13]	13.06.61
BANGLADESH [2]	22.06.72	GERMANY [14]	08.09.54
BELGIUM [3]	04.07.58	GHANA [15]	21.08.73
BOLIVIA [4]	19.07.54	GUATEMALA [16]	03.01.53
BRAZIL [5]	21.06.57	IRELAND [17]	13.06.72
COSTA RICA [6]	02.06.60	ISRAEL [18]	19.06.61
COTE D'IVOIRE [7]	28.07.92	ITALY [19]	09.01.53
CUBA [8]	03.02.53	JAPAN [20]	11.06.56
DJIBOUTI [9]	03.08.78	LIBYAN ARAB JAMAHIRIYA [21]	20.06.62
EGYPT [10]	26.07.60	LUXEMBOURG [22]	15.12.58
ETHIOPIA	30.04.91	MALTA [23]	09.06.88
FINLAND [11]	22.12.51	MAURITANIA [24]	31.03.64
FRANCE [12]	10.03.53	MEXICO [25]	01.03.91

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[1] Has accepted the provisions of Part II.
[2] Has accepted the provisions of Part II.
[3] Has accepted the provisions of Part II.
[4] Has accepted the provisions of Part II.
[5] Has denounced this Convention.
[6] Has accepted the provisions of Part II.
[7] Has accepted the provisions of Part III.
[8] Has accepted the provisions of Part II.
[9] Has accepted the provisions of Part II.
[10] Has accepted the provisions of Part II.
[11] Has denounced this Convention.
[12] Has accepted the provisions of Part II.
[13] Has accepted the provisions of Part II.
[14] Has denounced this Convention.
[15] Has accepted the provisions of Part II.
[16] Has accepted the provisions of Part II.
[17] Has accepted the provisions of Part III.
[18] Has accepted the provisions of Part III.
[19] Has accepted the provisions of Part II.
[20] Has accepted the provisions of Part III.
[21] Has accepted the provisions of Part II.
[22] Has accepted the provisions of Part II.
[23] Has accepted the provisions of Part III.
[24] Has accepted the provisions of Part II.
[25] Has accepted the provisions of Part III.

C.96 FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949

Date of entry into force: 18.07.1951

STATES	Ratification registered
NETHERLANDS [26]	13.02.92
NORWAY [27]	29.06.50
PAKISTAN [28]	26.05.52
PANAMA [29]	15.07.71
POLAND [30]	25.10.54
PORTUGAL [31]	07.06.85
SENEGAL [32]	22.10.62
SPAIN [33]	05.05.71
SRI LANKA [34]	30.04.58
SURINAME [35]	15.06.76
SWAZILAND [36]	05.06.81
SWEDEN [37]	18.07.50
SYRIAN ARAB REPUBLIC [38]	07.06.57
TURKEY [39]	23.01.52
URUGUAY [40]	07.07.76

Total number of ratifications: 41

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[26] Has accepted the provisions of Part III.

[27] Has accepted the provisions of Part II.

[28] Has accepted the provisions of Part II.

[29] Has accepted the provisions of Part II.

[30] Has accepted the provisions of Part II.

[31] Has accepted the provisions of Part III.

[32] Has accepted the provisions of Part III.

[33] Has accepted the provisions of Part II.

[34] Has accepted the provisions of Part III.

[35] Has accepted the provisions of Part II.

[36] Has accepted the provisions of Part II.

[37] Has denounced this Convention.

[38] Has accepted the provisions of Part II.

[39] Has accepted the provisions of Part III.

[40] Has accepted the provisions of Part III.

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No. 21 — Wednesday, 22 June 1994

International Labour Conference
Provisional Record
Eighty-first Session, Geneva, 1994

Twenty-second sitting

Tuesday, 21 June 1994, 10 a.m.

Presidents: Mr. Gray, Mr. Ould Sidi

TENTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

The PRESIDENT – The first item on our agenda this morning is the adoption of the tenth report of the Selection Committee, which you will find in *Provisional Record* No. 3J.

I submit this report to you for adoption. If there are no objections, I shall take it that the report is adopted.

(The report is adopted.)

COMMUNICATION TO THE CONFERENCE

The PRESIDENT – I give the floor to the Clerk of the Conference.

The CLERK OF THE CONFERENCE – I wish to inform the delegates that, because of an error in the English version of the report of the Finance Committee of Government Representatives on programme and budget proposals and other financial questions, *Provisional Record* No. 15, adopted yesterday, the corrected document has been reproduced in *Provisional Record* No. 15 (rev.). The error was in Appendix II.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT – We will now continue with the discussion of the reports of the Governing Body and of the Director-General.

Mr. TAPIOLA *(Workers' delegate, Finland)* – I wish to congratulate the President and his colleagues on their election, and I also wish to add my warm personal congratulations to the official and institutional ones. It is befitting that in this anniversary year the highest office of the Conference is held by a representative of the workers for whose protection this Organization has been set up.

Later this week, we shall know how the Director-General has kept score of the different views on his Report, for which he deserves to be congratulated. He will be asked by the Resolutions Committee and thus by the Conference to examine and further process these views. This is what we all should do so that the Governing Body can take them up as of next November. I am convinced that the exercise will be more than just a simple tabulation of the interventions for or against any particular question, such as the social clause or strengthened standard setting.

I shall concentrate on these two issues, although many others would also merit discussion. There is just so much you can say in ten minutes. I wish to use mine to clarify further the social clause issue and to make comments on the question of standards.

We probably should find another expression for what in this debate has repeatedly been referred to as the social clause. There is no one ready-made product called the social clause which should or should not be integrated into trade policies and measures. There are many explanations and very many misrepresentations, some of them deliberate, on what we mean by this issue. I shall add my voice to those of my colleagues on the Workers' benches who in this debate have tried to set the record straight.

In his opening address, the President reminded us that the Versailles Peace Treaty already contained a "workers' bill of rights". These covered fundamental workers' rights which have a direct link to international trade and economic relations. They also guaranteed the freedom of association and the right to organize and bargain collectively, non-discrimination and the elimination of forced labour and child labour.

In order to illustrate what we are talking about I shall give a simple example which also shows that we do not even have to dive into the whole North-South issue to see the relevance of this question. In Finland, we are well aware that the wage levels in our two near neighbouring countries, Estonia and the Russian Federation, are quite different from ours. A worker in these countries might earn anything between 2 and 20 per cent of the Finnish wage, and it is quite obvious that Finnish enterprises will continue to invest in this area.

This is not for us a social-clause issue, although we know that there are shifts in employment from Finland to these areas. The Finnish Trade Unions wish to see more development in these regions, which are undergoing transition to a market economy. We understand the current situation and trust that these countries will be expanding markets for us. We have to look at the medium to longer-term perspective. Our assumption, hopefully justified, is that the trend of economic development, including that of wages and purchasing power, will be upward in our neighbouring areas.

Of course this calls for adjustment on our side, and it will not be easy for many workers. What I have said about Finland and its neighbours is true for all countries on or close to the former East-West divide. The key issue here is confidence that there will be positive economic and social development in countries which at present have some competitive edge through lower wages. In any case, shortcomings in the physical and social infrastructure and in domestic markets largely offset this competitive edge. Treating them will call for further investments, which again should be beneficial for the workers in the societies in transition.

All this can, however, in certain circumstances become a social- clause issue. If wage levels are kept low by denying workers the right to organize and bargain collectively, the situation changes. Then what is essentially a question of structural adjustment and transition becomes one of unfair competition. We have to have tools to deal with such situations. Perpetuating them is not a way to economic and social progress, it is exploitation.

I have used an example from our immediate vicinity, and not wanted to go far away or think in further global perspectives, simply in order to illustrate how intimately our concerns are linked to the rights of workers in all countries to organize and bargain freely for their fair share of the hopefully expanding cake. If they cannot do this, the cake will not grow either.

The second topic on which I want to speak is the standard-setting work of the ILO. Originally I wanted to make a statement to the effect that we should seriously think about the Director-General's observation that we may have been too "maximalist" in drafting Conventions, and that we might usefully take another look at the balance between what is in Conventions and what is in Recommendations.

In addition to having an appropriate balance between setting new standards and revising old ones, we could also look at some kind of issue-oriented codification of standards. As we have often noted, no one is suggesting a Convention on, say, poverty, and it might take some time to figure out what a Convention on globalization might look like. But in treating their effects on workers, we could pull out all the relevant standards we already have on the topic, have a look at their application, draw conclusions, and define where we have gaps which have to be filled.

We should have more discussion on these issues. However, this discussion has to be based on trust that all are genuinely looking for solutions. I do not want to feel that it is useless to make suggestions because others have already decided that standards should rather be done away with and that we are just wasting our time in tripartite discussions on them.

Or how am I to understand, for example, the words of the President of the Swedish Employers' Confederation in this debate, when he last Thursday declared that the ILO standard-setting machinery is counter-productive? Incidentally, he himself made the case for new standards on the issue of contract labour when he spoke of different employment relationships as new forms of contract. But where I disagree profoundly is when employers say that ILO standards are based on obsolete views of employer-employee relationships. The notion that these relationships should be a free-for-all is an expression of something I should like to describe as "anarcho-entrepreneurial" thinking.

Some employers who are obsessed by a competitive entrepreneurial environment seem to think that tripartism is almost like the dictatorship of the proletariat. In this vein they are also warning the emerging entrepreneurial class in Central and Eastern Europe about the dangers of cooperation to address employment and social questions. What I am concerned about is that they, in fact, are preaching a new kind of bolshevism: one based on market triumphalism. If this view gains serious ground, it will also be more, and not less, difficult to address sensibly the connection between workers' rights and trade issues.

I trust that at the end of the day, sensible women and men will once again sit down and address in practical terms the future of the ILO, including its standard-setting mechanism. But it would not hurt if the calls for reform could be taken up in an atmosphere of confidence. A genuine commitment to tackling change in a tripartite way, instead of using change to weaken tripartism, is a particularly appropriate confidence-building measure.

Original Portuguese: Mr. NHACA *(Workers' adviser, Mozambique)* – May I, on behalf of the Mozambique Workers' Organization, the OTM-CS, and the Mozambican workers in general, sincerely congratulate Mr. Gray on his election as President of this 81st Session of the International Labour Conference. We are convinced that under his wise leadership, the Conference will be able to achieve the results expected of it by the social partners and by the workers in particular.

This Conference is of historical significance because it is being held in the year that the ILO is commemorating its 75th anniversary and the 50th anniversary of the Declaration of Philadelphia.

Throughout these years of unstinting commitment, the ILO has played a crucial role in the struggle to promote social justice.

At the present time, with the challenges which we are facing, the ILO is more than ever needed to strengthen its position to ensure that international labour standards actually act as a reference point for national labour legislations.

The tripartite system, which the ILO pioneered, has shown how effective it is. Hence, we favour greater participation on the part of the social partners at all levels in the adoption and implementation of macroeconomic development policies.

In this context, governments should create the conditions necessary to strengthen the role of the social partners.

As far as we are concerned, strengthening the tripartite system cannot be viewed as an obstacle to economic reforms. On the contrary, the strengthening of this role constitutes an important factor in the effective participation of the social partners in designing and implementing macroeconomic policies for economic and social development.

As for the structural adjustment programme, which has been under way in our country since 1987, we Mozambique workers consider that, since each country has its own specific characteristics and situations, no single model can be transferred in a rigid, automatic or standardized manner from one country to another.

In the specific case of Mozambique, the structural adjustment programme has been fundamentally influenced by three endogenous and interdependent processes, namely: the move from a single-party system to a multi-party system; the move from a centralized economy to a market economy; and the move from a country devastated by prolonged war to an economy restimulated for national reconstruction.

Obviously, the simultaneous occurrence of such complex processes of transition superimposed on weak and deeply rooted structures, and widespread poverty, shows that Mozambique's development problems can be overcome only through political and social stability and through a change in attitude of potential creditors in the face of Mozambique's specific post-war problems.

The problems of the African continent, and of Mozambique in particular, require a more realistic attitude and the application of measures adapted to reality. It is necessary to progress very slowly and to attack, in a realistic and objective fashion, the problems of dependence on foreign debt, the unbearable weight of the debt burden, the lack of foreign financing, and the lack of inputs, due to the constant devaluations of the currency and rising debt servicing costs.

Since three-quarters of the world's population are to be found in the developing countries, these are questions that may legitimately be asked. For us it is socially unfair that such a large part of the world's population is excluded from any possibility whatsoever of participating in the design of feasible economic and social development strategies and is considered a mere spectator, with all the negative consequences on social equilibrium and the survival of fragile emerging democracies.

That is why it is indispensable and urgent for international credit institutions to show understanding for the seriousness of these problems, not only through formal declarations of intentions as has been the practice in the past, but through specific concrete and comprehensive actions so as to rectify everything which is not able to withstand the pressure of reality.

We, Mozambique workers, are constantly and increasingly disappointed and disillusioned with the ruinous results of the structural adjustment programme; if its mentors cannot take into account the signals sent out by the trade union movements day after day, these programmes will no longer be able to count on our sympathy.

Original Arabic: Mr. RASSOUL *(representative, Arab Labour Organization)* – I am proud to address your Conference on behalf of the Arab Labour Organization, which I have the honour to represent at this landmark session. I should first like to congratulate the Conference on its felicitous choice of Mr. Charles Gray as President of this session. The results achieved by the Conference to date confirm the wisdom of that choice for this historic session as well as the qualifications and competence of the workers to occupy the highest offices in the Organization's decision-making bodies.

I take this opportunity to congratulate the States that have recently joined the ILO family, including our brother country the Sultanate of Oman, whose membership completes the list of Arab States forming part of this Organization pending, God willing, the membership of the State of Palestine in the near future, an event that will complete the universality of this venerable Organization.

Last April the tripartite members of the Arab Labour Organization celebrated at their General Conference the 75th anniversary of the founding of the ILO and the 50th anniversary of the Declaration of Philadelphia. The guest of honour at the celebrations was our friend Mr. Michel Hansenne, who saw for himself the esteem in which the ILO is held by the representatives of production, development and labour in the Arab nation, the pride they take in their membership of the ILO and their attachment to its values and lofty aims, which have been consolidated and have spread with the passage of time, and which may be summarized as the protection of the dignity of labour. We in the Arab Labour Organization rely on tripartite representation and dialogue among the Arab social partners as our model for fulfilment of its mandate, policies and national programmes. We are fully aware that your Organization has accomplished a great deal for humanity and the world of work. In particular, it has succeeded in sowing the seeds of a social conscience in our materialistic world and consolidating the principles, values and foundations that are indispensable for the building of a society based on social justice.

However, we feel at the same time that the Organization's enormous moral weight and heritage leave it with major responsibilities – and likewise its member States – in a modern world faced with problems of unemployment, poverty and social exclusion that are many times more serious than in the wake of the First World War – this at a time of a gradual but general and perceptible curtailment of the role of the State as a model employer and custodian of the nation and its destiny, and of a lowering of the priority given to labour legislation and the fundamental right to work.

Human ingenuity invented the machine and technology to help lighten the burden of labour, increase well-being and make working conditions more humane. But unfortunately the machine has been diverted from its purpose and technology is now jeopardizing people's livelihood and future. Technology has turned structural unemployment into a semi-permanent phenomenon. Indeed it has become a rival and is sometimes viewed as an enemy of employment since it deprives people of jobs or prevents them from keeping those already available. We hear daily of layoffs of thousands of workers, who swell the ranks of the unemployed and of new arrivals in the labour market, of the undermining of social advances and the erosion of workers' purchasing power, problems that stem from the redistribution of world labour, the domination of capitalism and advanced technology, the increased globalization of the economy and the liberalization of international trade, which leave working men and women at the mercy of multilateral corporations and fierce international competition and without adequate social protection.

In our view, the criterion for the future success and enhanced influence and credibility of the ILO does not depend on the drafting of an international labour charter or new simplified and clear labour standards nor does it depend on the number of ratifications of previous or supplementary standards nor on stricter monitoring or supervision of their implementation. Moreover, the development of the ILO should not be measured in terms of the increase in the volume of expenditure on technical cooperation programmes, however essential they may be. The real success or failure of the Organization depends on its success in promoting contacts with member States and helping them to curb unemployment, to alleviate poverty and to widen the basis of popular participation, in other words to ensure the efficient management and full employment of trained human resources. Success further depends on working out solutions, not just one solution but many solutions, to the pervasive problem of unemployment, which has become the greatest concern of all countries without exception.

Although your Organization has successfully passed the test of time in terms of building up experience and know-how, for a 75-year test is a relatively stiff one, we fear that it is in danger of resting on its laurels or becoming self-absorbed, unable to react as required to the upheavals stemming from world change, particularly the globalization of the economy. Unlike in the 1920s, the international scene today is occupied by a plethora of social, economic and humanitarian international organizations and agencies which are competing to be first or alone in putting forward solutions to national and world problems. As a result, the mandate and fields of competence of the ILO, especially in terms of the development of human resources, the fight against unemployment and the promotion of social development, are the subject of an underlying conflict involving existing international organizations, pending the emergence of other organizations to address international trade problems and their social dimensions. We therefore agree with the Director-General when he stresses the need not so much for a special status for the ILO within the United Nations family but for its existing status to be in conformity with its role and its social vision of world problems and their solution. We fully support the principle of complementarity and partnership in work and in international cooperation between bodies having complementary mandates – economic, social, financial and political – since the product of such coordination must of necessity enhance the degree of cooperation and redound to the benefit of all peoples through the reduction in international administrative spending. We also urge that these bridges of cooperation be extended to include regional and national organizations addressing problems of labour and social development in general, since the purpose of regional cooperation is to strengthen the links on which international cooperation depends.

Perhaps one of the objective criticisms that we may level against the line of action and way of thinking of the ILO is its well-nigh absolute theoretical association with a single economic philosophy, its defence of its advantages and its endeavour to persevere in the effort to find solutions to the problems of a particular group of countries to the detriment of the majority. I cite as proof the fact that the main items on the agenda of this session of the Conference are only remotely related to the problems, concerns and needs of the countries of the Third World. Admittedly, safety and health in mines, part-time work and private employment agencies are important subjects, but only for a particular group of countries, which does not include either the developing countries or those with chronic problems in other areas of employment, in particular the informal sector. We urge the organs of the ILO to pay more attention to the social problems of those countries so that appropriate solutions may be found, since the peoples of the countries in question represent the overwhelming majority of the peoples of the world and most of them stand in need of the expertise and assistance of the International Labour Organization.

In conclusion, the Organization must rise to meet the challenges before it and prove at the same time its ability to adapt to events and changes. The World Summit for Social Development, to be held in 1995, will be a new test for the ILO if it wants to retain its position as a world organization catering to the needs of workers and labour, whose primary concern is social justice, labour standards and technical cooperation. The issues raised at the Summit are priorities for the Organization, particularly the question of employment generation which is seen as the instrument for guaranteeing an equitable distribution of resources and establishing peace. The Fourth World Conference on Women: Action for Equality, Development and Peace to be held in Beijing will also provide an opportunity to take stock of the ILO's achievements with regard to respect for the principle of equal opportunities for men and women in employment, at a time of growing unemployment, when women workers are the first to suffer.

Finally, I would like to say how honoured I am to have witnessed the demise of apartheid in South Africa and the establishment of a Government of national unity following the first free and democratic elections to be held there. From this rostrum, I would like to commend the struggle of the South African people and the courage of their President, Mr. Nelson Mandela, and express my hope that they will be able to live in peace, freedom and justice.

Mr. MOORHEAD *(Employers' delegate, United States)* – On behalf of the United States employers, I would like to offer to the President, our heartiest congratulations upon his election to chair this session of the Conference. His election is recognition of the outstanding contributions he has made to this Organization over the years, and it is a very special feeling to have a fellow citizen in the Chair.

The United States employers commend the Director-General for focusing on the future of the ILO and the need for renewal in his Report. In this connection, we endorse his suggestion to rename the Organization. The International Organization for Employment and Labour will, by its name, bring to the fore an area which we believe has not received enough attention from the ILO – that of job creation.

The most salient and true point made by the Director-General in his Report is that "There can be no doubt that the creation of productive and freely chosen employment is the number one priority of policy-makers in countries throughout the world and must therefore be the central focus of the work of the ILO in the coming years."

In the time allotted, I will touch on three areas: standards; the social clause; and global regulation, and examine how the observations in his Report measure up against this point.

If standard setting is the core of the ILO, as many contend, then any report card reviewing the ILO will have to give it very low marks for relevance. As of 31 December 1993, just six countries (3.5 per cent of the membership) had ratified 50 per cent or more of the Conventions. Of those six, only three had 50 per cent or more in force. More significantly, over two-thirds of the membership of this body have ratified 25 per cent or fewer of the Conventions. Clearly, the standards which are being set at the Conference, or proposed by the Office, are simply not responding to the needs of the world at large.

United States employers share the Director-General's frustration at the attitude certain governments take at the time an instrument is adopted by the Conference and the stance they take when the same instrument comes up for ratification. My own Government, in particular, will vote to adopt a Convention when there is little likelihood that it can be ratified in our country. Perhaps if governments were more realistic at the Conference, fewer Conventions would be adopted and left to languish, and those which we adopt would enjoy a greater rate of ratification.

The Director-General clearly recognizes in his Report that the ILO has difficulty responding to requests for technical assistance given the variety of cultures and different stages of development of the countries concerned. It is curious that he does not recognize that the same problem exists with standards, and the one-size fits all approach which they embody.

Given the appalling rate of ratifications, one must question if the goal of social justice is truly being furthered by standard setting in its present form. Moreover, because of the low rate of ratification, the country that now ratifies a Convention may put its workers and employers at a competitive disadvantage vis-à-vis the majority of countries who do not ratify – an ironic result when one considers that one of the reasons behind the founding of the ILO was to eliminate unfair competition based upon poor working conditions.

By the Director-General's own criteria which I quoted, one would have to ask if all ILO standards have contributed to the creation of productive and freely chosen employment. The United States employers doubt it. Therefore, we propose that the process by which standards are chosen for Conference decision be re-examined by the Governing Body as the Director-General infers in his Report. The United States employers propose that a general discussion on the future of standards policy would be a proper agenda topic for a forthcoming session of the Conference.

There is much discussion about social clauses in the Director-General's Report. It is a popular concept in certain circles today. But this gives priority to form over substance. An emphasis on social clauses is not new. In my own country we enacted in 1930 highly protectionist legislation called the Smoot-Hawley Act. This was followed by an Act that allowed the President to adjust tariffs in order to equalize the differences in the costs of production between a domestic article and a similar article imported from a foreign country. This was called cost equalization and was intended to deal with the problem of low-wage foreign production at a time when labour costs accounted for a high proportion of production costs. Smoot-Hawley had a devastating effect upon the world economy and prolonged the worldwide depression which gripped the world in the 1930s.

How do we define an internationally accepted labour standard? No responsible person can favour exploitation of workers or inhumane working conditions. Yet only one Convention – the Forced Labour Convention, 1930 (No.29) has been ratified by 75 per cent or more of the member States. In its present form it would be difficult to use as a basis for trade sanctions under a social clause because compliance involves more than complying with the central purpose of the Convention. It includes numerous peripheral details that are not central to the abolition of forced labour, making it difficult to apply in a trade regime. Moreover, if ILO standards are to be enforced by trade sanctions in social clauses, this will change the basic 75-year approach of the ILO to voluntary acceptance of international obligations and undercut and reduce the credibility of the existing supervisory machinery.

Who can argue with freedom of association? However, just as there is a right to organize freely, there is a reciprocal right not to join a labour organization. The central core feature of a democracy is the right to a secret ballot. Employees in my country have the right through a secret ballot to join or not to join a labour organization. Many countries, including some who have advocated the use of worker rights in trade agreements, do not allow workers this right. Are we to discriminate against them because workers are denied one of the inalienable rights of a democracy?

When reduced to its simplest terms, the use of a social clause is simply a protectionist measure under the guise of human rights to be used against somebody we do not like, but only if they are weak enough not to be able to do anything about it. For these reasons, the United States employers reject the attempt to link worker rights with trade sanctions.

Finally, a brief word about global regulation. The Director-General makes one absolutely incredible comment in his Report, and I quote: "It will indeed be difficult to promote social justice if we do not very quickly identify ways and means of regulating the world economy satisfactorily." His theme of regulation comes to the surface when he muses over the "state-centred" nature of ILO standards and would like to see their application applied to "non-governmental actors in the globalization of the economy". And again, when he discusses the forthcoming World Summit for Social Development as providing "an excellent opportunity to develop international mechanisms to ... regulate ... world trends and developments". If he truly believes this, then no lessons have been learned from the collapse of state centrally run economies. Any form of global regulation will stifle growth and strangle job creation. The flexibility to act must be at a local level.

If I may be permitted a personal observation. I am a locally elected official of the town in which I live. I have experienced first-hand what it is like to have mandates imposed locally by state and national government. These are imposed by officials who, like the Director-General, believe in regulation because they think they know better than we do. These officials do not understand, or blatantly ignore, the needs and wishes of the local citizens. At least in this case, we have a ballot to cast to determine our fate. One shudders at the thought of a far-removed bureaucracy doing this at the international level.

There is a revolution under way in the world of work which the Director-General recognizes. There is a universal need for skilled and productive workers who can be called upon to use their individual and collective skills to solve problems and increase productivity. This will require greater democracy in the workplace and the ability of each enterprise to adapt its organization to competitive needs and reality.

The ILO cannot stop this revolution. It can, however, influence the direction and scope of it. Through technical assistance and tripartite consultations, the ILO can help employers and workers cope with the disruptions created by company restructuring and the globalization of the economy. Instead of a mindless concentration on new standards, social clauses and global regulation, we should be using the strength of the ILO – its tripartite nature – to focus upon and come to grips with these problems.

(Mr. Ould Sidi takes the Chair.)

Mr. BERGE *(Minister of local Government and Labour, Norway)* – I am honoured to once again have the opportunity to address the International Labour Conference and I would like to congratulate Mr. Gray on his election to the important position of President of the Conference.

It is a special pleasure for Norway to welcome the Republic of South Africa back to the ILO. We look forward to close and fruitful cooperation with the new Government of South Africa. The international community has a responsibility to assist in the consolidation of this new democracy.

The peace process in the Middle East – in which Norway has been actively engaged – must also be supported. The economic stabilization of Palestinian autonomy and the region in general will be crucial. This cannot be achieved without outside assistance. We must now adjust the work of the ILO to reflect the positive changes in these two areas.

The ILO is this year celebrating its 75th anniversary. It is 50 years since the ILO signed the Declaration of Philadelphia. During these years, the ILO has been working steadily to expand the protection of fundamental human rights and the protection of workers.

On this anniversary, we must focus on how the ILO can best meet the challenges facing the international community in the years to come, and I think the Director-General's Report will serve as an excellent basis for our discussions on this issue.

As reflected in the Report of the Director-General, we are living in an age of dynamic international change. Old conflicts are reaching their end-game, while new tragedies are unfolding in former Yugoslavia and in Africa.

But global change is not limited to the political arena. Above and beyond politics, the globalization of the world economy continues at accelerating speed, now spurred by the successful outcome of the Uruguay Round.

The global market-place needs rules and regulations to function properly. I fully agree with the Director-General that it would be difficult at the International level to find anything to rival the International Labour Code, developed by the ILO over its 75-year life span. But the question is whether this Code, which sovereign States have to ratify and apply, is sufficiently suited to present-day realities. The Code, which covers the whole field of standard setting will have to make a distinction between what is necessary, what is useful and what is transitory, as the Director-General rightly points out.

The adoption of well-conceived employment strategies, based on a sound knowledge of the national economic and labour market situation, is essential. For the ILO this involves helping member States to formulate and implement comprehensive employment and development strategies.

Structural reform to increase employment and improve the functioning of the labour market should not be viewed in isolation. The implementation of structural reform calls for close cooperation with the social partners in order to find socially acceptable solutions.

I would also like to comment on the issue of standard setting. The five Nordic Governments submitted a memorandum focusing on the future of the ILO to the Director-General in December 1993. We proposed that, during the rest of the nineties, the ILO should be more restrictive in its consideration of new instruments. Instead, the ILO should consider revising older Conventions more often. We should aim to give the Conventions a form which better reflects the challenges of today and tomorrow. We should consider removing some of the present obstacles to more widespread ratification. Our objective should be to elaborate Conventions which a majority of member States can ratify, without taking away their basic substance.

We believe that the ILO's supervisory system should be thoroughly evaluated. It is a paradox that so many organizational resources are used on supervising the few governments who have ratified a large number of Conventions, while so little is done to focus on the situation of the workers in the majority of member States who have ratified only very few of them. The ILO should give priority to general surveys on the Conventions on basic workers' rights in order to investigate more frequently working conditions in countries which have not even ratified these Conventions.

In a period of zero growth in the ordinary budget the ILO must establish clear priorities. In my opinion, there are four main problems that should be given the highest priority of the ILO. The first is obstructions to the right to organize free trade unions, the second is child labour, the third is forced labour, the fourth is discrimination in employment due to race or sex.

This does not mean that the other problems of working life should be left unattended. The fight against unemployment is a number one political priority for many governments, including my own. But if we cannot secure the workers of this world at least the most basic workers' rights, we will not be able to solve the problems of unemployment. We want work for all people, but we want them to have decent jobs, not forced labour or jobs where they are seriously abused.

The issue of social clauses has become an important one at this Conference. We can see a growing wish to include in international trade agreements conditions that call for the elimination of exploitation and violations against basic human rights.

I know that many of the developing countries are very much against discussing this issue at all as they believe that it could become an alibi for raising protectionist trade barriers. To some extent, I can understand these worries. On the other hand, it should not be possible for the international community to completely disregard situations where goods and services are produced under conditions where workers are abused and exploited. Studies on the link between the trading system and international labour standards are under way at the OECD.

If we want to promote decent working conditions in a country, the right to organize free trade unions and employers' organizations and the right to collective bargaining remain essential. As the Committee of Experts on the Application of Conventions and Recommendations mentions in this year's report, the application of the Conventions on freedom of association cannot be made contingent upon the level of economic development of a country because these are instruments which involve basic human rights.

In conclusion, I fully agree with the Director-General that there are no simple answers to the issue of social clauses. But the ILO cannot turn its back on this problem. I will urge the Governing Body and the Director-General to develop further a comprehensive approach for the ILO on this matter. This approach should include complementary measures that would facilitate the necessary adjustments in the countries concerned. The developing countries especially will need substantial practical support from the ILO whenever social clauses are introduced.

Mr. HERMINIE – *(Government delegate, Seychelles)* – It is a great pleasure and privilege for me to address this 81st Session of the International Labour Conference as leader of the delegation from the Republic of Seychelles.

First, I would like to join my colleagues in congratulating the Director-General, Mr. Hansenne, for his well-thought and forward-looking Report. He has identified the subjects of the Report with a skill that vouches for the kind of vision the ILO and the world needs right now. I shall return to his Report later.

I now wish to say a few words about my country. The Republic of Seychelles consists of 115 islands and has a small territory with a total land area of 445 square kilometres. The main island, Mahe, accounts for 50 per cent of this land area. We are a nation of 72,000 people, of which 90 per cent are concentrated on the main island. The labour force is made up of 25,000 people employed in a fairly large public service, fisheries, tourism and other service industries. There are no natural resources such as oil or minerals. However, we have a tropical climate, sandy beaches, nice people and we welcome visitors to our beautiful shores.

As you will have noticed, Seychelles is tiny in many respects. As a sovereign State, we have to be able to organize our Government and country as other bigger countries do.

The information I have given will enable you to put in perspective my observations and comments on the Director-General's Report.

Day by day, the world is becoming smaller and smaller. This means that global economic and social developments affect all of us at national level. The Director-General in his Report urges us to forget our national problems, at least for a moment, and see the world as our home. From the perspective of Seychelles, I can only commend him for his vision.

We too are preoccupied with our own hardships but also have come to recognize that solving our problems requires the cooperation of our brothers and sisters in the rest of the world. No country can operate in isolation now that there exist worldwide trade agreements and financial markets.

I now turn to the Director-General's observation that social and economic development must be linked more closely at the international level. As in so many other issues, the international community has compartmentalized economic development plans and social development plans, to such an extent that we have often landed in disasters in one area if we have succeeded in the other. It is only a balanced pursuit of both goals that can bring prosperity and remedy the causes of poverty so much in evidence in the developing countries, but more recently, also in the developed countries. Whilst I am proud to report that poverty, in terms of hunger, lack of education, and health service is non-existent in Seychelles, we do have unemployment, especially among unskilled women and youth.

We therefore support the Director-General's proposals that all institutions and organizations which are looking for answers and solutions to the different problems of the world today, should get together. They should realistically analyse the situation and seek solutions which will guarantee social justice to all, along with the benefits of economic development.

Let us not forget, on this 50th anniversary of the Declaration of Philadelphia, some of the early statements which have come to symbolize the very existence of the ILO. I quote "poverty anywhere constitutes a danger to prosperity everywhere".

Similarly, the preamble of the ILO's Constitution says it all in its declaration, "universal and lasting peace can be founded only on the basis of social justice".

As many speakers before me, I would like to recall here that the ILO, with its 75 years of experience, is in a pivotal position to help coordinate efforts towards the better world of tomorrow. The tripartite nature of the ILO further strengthens its unique position as a representative of all social partners. The initiatives the Director-General has taken in preparation of the World Summit for Social Development, to be held in Copenhagen next year, already point towards the natural process for the ILO to assume a more prominent role in world affairs.

As a priority issue, I have spoken in support of the new prominence of the ILO in the area of policy making for the economic and social development of the world.

I would now like to say a few words about the Director-General's Report, and specifically on the subject of standard setting.

The Republic of Seychelles has ratified 19 Conventions so far and we are in the process of considering ratification of others. It has become clear to us, however, that there is a need for the ILO to review the labour standards prescribed by the older Conventions. This exercise will enable the updating of some and perhaps result in completely discarding others, as all this will help to make those Conventions that are retained more adapted to today's realities.

I also wish to indicate our support of the proposal of the Director-General that labour standards in the future should define the general framework, rather than establish a rigid detailed standard. This approach will, in our view, facilitate the adaptation of the ILO standards in the national context of member States. The flexibility the approach promotes, must always ensure that the fundamental principles provided by the standards are respected.

In introducing new labour standards, we recommend that subjects are chosen with extreme care, from top priority areas only. It is quality rather than quantity that the ILO standards must aim at.

I now turn to the ILO's role as an organization at the service of its constituents.

The ILO, particularly for a small country like ours, represents a major source of information, technical assistance and training opportunities in specialized areas. Due to our smallness and lack of resources, we are in need of assistance. In the case of Seychelles, we look forward to ILO support in the development of industrial relations, and the review of the labour market information systems.

More and more, we also appreciate the opportunities the ILO provides for debate and exchange of experiences among members.

This is also an area where our country envisages participating more actively in the future.

In conclusion, I would like to pledge the support of the Republic of Seychelles to the ILO's efforts in reviewing its role and activities for the betterment of the world for all of us. We have all witnessed the often drastic effects of structural adjustment programmes, especially in Africa. Was it really not possible to soften the blow dealt to so many families whose breadwinner lost his or her job? Would the decision-makers have benefited from the advice of ILO? We, the members, look to the ILO as our spokesperson in international forums where issues of economic development tend to overshadow those of social justice. After all, we know by now that there cannot be one without the other.

You may have noticed that in the last few years my country has not been too active in ILO activities. We have, however, followed closely the good work of the Organization, from which, as a country, we have benefitted. You can rest assured that my country remains committed to the cause of the ILO. In future we promise to play our role more actively.

In Seychelles we are confident that, under the able leadership of the Governing Body and the Director-General, the ILO will forge ahead for a better world for us all. Last but not least, happy birthday ILO.

Mrs. PEDERSON *(Workers' delegate, Norway)* – Allow me on behalf of the Norwegian Confederation of Trade Unions to congratulate the President on his election to chair this year's session of the Conference, and I would also like to congratulate and welcome the new member States of the ILO, especially South Africa.

The Report of the Director-General in this year of the ILO's 75th anniversary is useful. I would like to comment on some of the topics it deals with.

The ILO was founded shortly after the First World War, and at the end of the Second World War the Declaration of Philadelphia was adopted.

Although much has changed, and the world of labour finds itself in a constant state of flux, the challenges remain the same today as in 1919 in large parts of the world.

Now, as then, we find ourselves confronted with unemployment, social injustice, poverty, a detrimental and hazardous working environment, discrimination, forced labour, child labour and the violation of human rights, trade union rights included.

Such conditions create uncertainty, despair and social unrest, conditions which may lead to serious conflicts.

We can contribute to preventing such conflicts by following up the mandate of the ILO and the Declaration of Philadelphia.

The most important tools of the ILO are its labour standards and their implementation in the member States.

From the side of the employers and from several governments, there are suggestions that the number of new standards be limited and older ones be revised. There are also opinions in favour of more general and less detailed standards. It is claimed that too few countries will be able to ratify standards with their actual form and content.

I wonder whether the same employers and governments have considered the fact that if most countries would find it possible to ratify standards without problems, then the standards would probably have so little substance that they would be of little use or guidance to those needing them.

I would like to point out the emphasis placed by the Director-General in his Report on standards as a point of reference. As he says, "standards have been widely used in policy debates, in framing legislation and in collective bargaining". This means that the standards have been of much greater importance than the number of ratifications would indicate.

Rich countries and employers' organizations in rich countries take on a huge responsibility if they do not ratify standards or try to prevent ratification, and at the same time use non-ratification as an argument to justify a limitation in the number of new standards and a weakening of the form and content in the elaboration of new and in the revision of older standards.

It is the task and responsibility of rich countries to contribute, inter alia, through the ILO to development in other parts of the world, both with regard to the labour rights situation and in the social and financial context. Support to and participation in technical cooperation is important to develop tripartism wherever such mechanisms do not exist. A point of prime importance here is to support the development of representative and competent organizations of workers and employers with a view to their active participation in negotiations, and the establishment of binding agreements, and the elaboration of systems and legislation in accordance with the requirements of the ILO.

To support positive developments, the ILO must exert pressure on international institutions like the IMF, the World Bank and the World Trade Organization, to ensure that they actively avoid negative consequences in their work. So far, structural adjustment programmes have been synonymous with, inter alia, cuts in public expenditure, leading to unemployment and a reduction in welfare for the public in general. This is a dangerous development. The importance of introducing a social clause in international trade must be underlined at the establishment of the World Trade Organization. This means requirements for the abolition of child labour, forced labour and discrimination, and requirements on the respect for human rights, trade union rights included, and the right for free negotiations. The same initiatives must be advocated by the ILO at the World Summit for Social Development in Copenhagen in 1995.

The very special construction and role of the ILO is of paramount importance. No other system or organization has the same inherent possibility to create understanding and cooperation between groups that are traditionally counterparts, and across national borders. There is no other system offering such possibilities for the development of instruments to be used actively and on a permanent basis, and so close to those they are intended to serve.

The parties attending the Conference come from the most representative organizations of the various countries. It is important that the ILO should not be weakened by way of representations by interest groups other than today's parties, as the Director-General indicates in his Report.

Summing up, the ILO must preserve and continue its highly valued work on the development of new standards. The ILO must press for standards to be ratified. In the case of the non-ratification of standards, pressure must be exerted to steer development in the right direction for countries to be able to ratify them. The ILO must influence the IMF, the World Bank and the World Trade Organization with a view to having a social clause incorporated in the mandate and the work of the above organizations. Technical cooperation must be used actively to develop tripartism in all ILO member States.

The work of the ILO has not been completed. The mandate of the ILO is as relevant as ever. We do not need, and we cannot afford, a Third World War to document those needs. The challenges are many. It is our responsibility to carry on the work of the ILO for human rights, social justice and peace.

Original Spanish: Mr. ZAVALA-COSTA *(Employers' delegate, Peru)* – It is an honour for me once again to address this assembly this year, 1994, in which we are celebrating the 75th anniversary of the establishment of our Organization, and the 50th anniversary of the Declaration of Philadelphia. On behalf of the employers of Peru, we would like to say how happy we are to see the end of apartheid in South Africa and greet its President, Nelson Mandela. We consider this a victory for justice, peace and human dignity.

In the Report of the Director-General this year, a whole series of fundamentally important questions are raised, all of them linked to the rapid changes the world has experienced in the past few years. As he says in his introduction, the creation of the ILO was closely linked to the birth of Communism in Russia, which had an enormous influence on our Organization, and its principles and achievements at the outset. With the fall of Communism whose fate was sealed by the fall of the Berlin Wall, and the end of the Cold War between the East and the West, the world has made a great turnabout, and this has led to a decisive shift in the life of our Organization. The triumph of the market economy which amounts to no less than the success of liberal ideologies as practically the only option open to governments forces our Organization to reassess its goals and purposes on an immediate and long-term basis. The changes in the world impel the Organization to adapt to the new requirements of the international community or else lose its relevance.

We share the views of the Director-General in the conclusion of his Report that the basic aims of the ILO are to improve working conditions, by combating any remaining form of exploitation. But we believe that the development of economies and the ever greater integration of countries has led to the appearance of new problems merit the special attention of our Organization.

As it says in the Report, it is not a question of establishing norms left, right and centre, according to present conditions, nor should we suspend the standard-setting activities of our Organization. Instead we should spend time on analysing the present implementation of a whole series of Conventions and Recommendations, in the light of the development of nations and economic trends. To deny the importance of these elements would be absurd and, in the future, would no doubt mean a failure to implement the standards assumed by the member States and a reluctance to adopt new commitments.

Indeed, we must ensure the relevance of the actions of our Organization bearing in mind the new trends of the world economy. The change towards a market economy and private enterprise, the liberalization of trade, the growing importance of transnational enterprises, international capital movements and the increased participation of foreign investments have all contributed to the globalization of the economy. Nobody in this auditorium can fail to recognize that the support of international economic bodies is conditional on a range of amendments being made to countries' internal policies. One such condition is that we ensure flexibility in the labour market, which would, for example, mean the elimination of certain customs barriers, or allow greater mobility of workers.

The Director-General of the ILO raises the question of whether, in the face of the globalization of the economy, we should provide for regulatory mechanisms at the international level. He says that "the ILO cannot afford to remain on the sidelines of this debate as it clearly has a regulatory vocation. It would be difficult at the international level to find anything to rival the International Labour Code that the ILO has developed over its 75-year lifespan. But the question is whether this Code, which the sovereign States have to ratify and apply, is well suited to present-day realities".

We agree with the task suggested by the Director-General, namely to reassess the achievements of the ILO and decide on the future thrust of its activities. The time has come to slow down the pace with which we establish new labour instruments and make it our priority to consolidate, review and improve the important standard-setting activities of the ILO.

We think the ILO can acquit itself well, in terms of these requirements regarding the role and content of standards but only if it works on the premise that if at the international level flexibility is preferred, our Organization should follow suit and take stock of which of its Conventions are too rigid for present times. We should consider international legislation in the light of the various needs of ILO's member States and try to find minimum common standards which do should not hamper but stimulate economic growth and development.

This realistic revision of ILO standards will improve the rate of ratification (which has not happened in the last few years) and greater compliance with the standards already ratified. We must bear in mind that the ideological and economic conditions of most member States at the time of ratification of certain Conventions has now radically changed. Thus, it is necessary to adapt these standards or withdraw them, with the consequent estrangement of certain States. The international legislative framework cannot act as a straitjacket hampering States' economic development. It would be a shame if the efforts made by the Organization over 75 years should be wasted because of a failure to adapt to a changing world.

In economically backward countries, such as Peru, this is very important. In the last three years we have made significant changes to our economic policy. From a populist approach with a paternalistic welfare State we have adapted to a more liberal approach, reducing the State apparatus, and stimulating and guaranteeing free enterprise, where national and foreign investments are subject to the same conditions. This has gone hand-in-hand with a serious effort to become part, once again, of the international economic community, with all the regrettable costs this entails for society. Thus, in Peru which is streamlining its economy, weakening the State apparatus through privatization programmes, opening up its markets to foreign investment, this has entailed enormous social costs which should be tackled, as a priority by the Government. This can be seen through the high levels of unemployment and underemployment which alongside the fall in wages and an increased tax burden very often lead to non-productive technical taxes, such as the tax on assets, and have raised the spectre of recession in many sectors of our economy. The adoption of clear labour standards and regulations and a policy to provide and "formalize" employment make up the essential legal framework to reactivate the Peruvian economy.

On the other hand, with respect to ILO technical cooperation, the difficulty of relying on common standards to be applied by all the member States of the Organization requires in the next few years that the Organization should go beyond a purely legislative role and act in an advisory capacity. In other words deregulation of labour legislation at the international level requires from the ILO greater technical cooperation in drawing up the internal labour legislation of member States and in improving their administrative practices, pursuant to article 10(2) of the Constitution of the ILO, 1919.

It is true that this direct cooperation between the ILO and States is, in principle, a difficult and complex task. However, we believe that at the present time it is the most efficient way to make tangible legislative progress such as upholding minimum standards regulating employment relationships. But, at the same time, we must prevent this technical cooperation from being used as a means of pressure by the Organization to ratify given Conventions because this would distort our task.

Although the Report of the Director-General is entitled *Defending values, promoting change*, it is essential that we reassess the role of private enterprises in economies where the State is relinquishing participation. Essentially, it is a question of ensuring favourable conditions for an active policy to foster full, productive and freely chosen employment. Here we need to support small and medium-sized enterprises to trigger employment generation. The ILO instruments should not, above all, slow down economic growth and the competitiveness of enterprises. This is a prerequisite for the success of any social policy, and particularly the creation of much needed employment. Economic growth without employment generation would lead, in the medium term, to an inevitable fall in the standard of living of the workers. Private enterprise, therefore, is the great instrument of change.

Finally, we wish to express our belief that the work and credibility of the ILO can and must emerge successful and stronger from these changes and, by way of support for the points made by the Director-General, we would like to recall that the 75th anniversary of the Organization gives us, the international community, an opportunity to reaffirm "its belief in social justice as one of its fundamental values and its determination to further this cause; its confidence in active tripartism as a motivating force; its determination to adapt the Organization and its secretariat to the tasks that lie ahead".

Mr. BARAK *(Government delegate, Israel)* – It is quite appropriate that, on the occasion of the 75th anniversary of the ILO, the Director-General has chosen to present us with a report aimed at reviewing the role, functions and agenda of the ILO in the forthcoming decade.

The Report covers a wide range of issues facing the Organization today, as a result of vast global economic and political changes, and provides us with an extensive, in-depth and relevant analysis of what our goals should be and how we can achieve them.

Although the Report tries to cast some doubts on old beliefs, it adheres essentially to the traditional values of our Organization: seeking social justice, promoting social dialogue and preserving the standard-setting process together with its supervisory mechanisms.

While endorsing all these principles, I would like to comment in more detail on some aspects of the Report.

Many views have been expressed concerning the ILO's standard-setting activities. Some suggest the division of the Conventions into different categories of importance, such as Conventions guaranteeing basic human rights vis-à-vis other less important Conventions, which might be turned, perhaps, into Recommendations or codes of practice. Others regard the normative work of the Organization as an important safeguard against the harmful effects on workers' rights which sometimes result from the excessive deregulation and flexibility exercised in some economic systems. While it is true, as the Director-General indicated, that some adaptations should be made in view of the global realities, we feel that the standard-setting efforts of the ILO should continue to be the basic means for promoting progress.

The value and influence of the ILO's standard-setting work should be assessed not merely by the number of ratifications – although this aspect is important in itself – but also by the effectiveness of its supervisory machinery, to which we attach great value. As an example, in Israel just recently a parliamentary committee in the Knesset, while preparing a Bill touching on trade union autonomy, took into consideration in its debate the views of the ILO's Committee on Freedom of Association, as reflected in some of its past decisions on analogous matters, so as to bring the Bill more into line with ILO standards.

There is no real contradiction between the support of ILO legislative functions and the examination of standards with a view to revising and updating Conventions and testing their effectiveness.

This examination should take into account, on the one hand, the need for more flexibility in order to combat unemployment, and, on the other hand, our moral and indeed legal obligations, according to the spirit and the letter of the principles on which our Constitution is based, to promote social justice.

Is it possible to keep this delicate balance between these seemingly conflicting factors? The solution to this dilemma is by no means simple and easy, but it is possible, as can be illustrated by our experience in Israel.

From 1959, when our State Employment Service was established, the operation of private fee-charging employment agencies was practically impossible. That was the situation until 1991, when it was argued that private employment agencies might have an important role in the national effort to combat unemployment. A bill was therefore introduced in the Knesset, our Parliament, to amend the law so that the operation of fee-charging private employment agencies would be lawful, subject, however, to strict licensing and supervisory conditions, as required by the provisions of Convention No. 96, which Israel had already ratified in 1961, accepting the provisions of Part II of the Convention.

At that point, many objections were raised against the proposed law, to the effect that the restrictions imposed on private employment agencies actually impaired their ability to function in the labour market.

In order to expedite the legislation, a compromise was accepted, whereby the law would be based on the following principles: first, the State Employment Service retained its exclusive authority as regards the implementation of the unemployment insurance law; second, a distinction was made between employment agencies acting as labour brokers and labour contractors, who were exempted from the provisions of the law; third, private employment agencies were absolutely prohibited from collecting fees, expenses, etc. from the workers who used their services; and fourth, private employment agencies were obliged to refrain from any discrimination whatsoever against jobseekers who applied for their services as regards job placement.

The law then enacted turned out to be a success in terms of the increasing size and the importance of private employment agencies in the labour market. One hundred and sixty-six private employment agencies have been registered and licensed since the enactment of the law, which is a notable number for a small country like Israel.

On the other hand, some 210 labour contractors, employing approximately 60,000-100,000 workers, who account for nearly 6 per cent of all Israeli employees, also operate without the obligation to register and obtain a licence.

The added value of this type of operation in the labour market was drawn from several factors. Private employment agencies proved to be more efficient than the public employment service when a quick response to changes in the labour market was essential. They developed advanced methods for more adequate utilization of labour, enabling a better match between supply and demand, and they helped new entrants to the labour force to get employment or to be gradually incorporated into permanent employment.

On the other hand, since the enactment of the new law in 1991, problems have begun to appear, mainly in relation to the misconduct of some labour contractors concerning workers' rights. It seemed that in some workplaces workers who were employed by labour contractors were discriminated against in terms of wages and other benefits, as compared with the regular workers employed in the same workplace.

In view of increasing complaints of poor practices concerning workers' rights, an amendment was proposed, in order to bring labour contractors within the purview of the licensing and supervisory machinery which already applied to private employment agencies operating as labour brokers. Another amendment was proposed to equate the rights of workers employed by labour contractors and those of regular workers employed at the same enterprise.

In response to these proposed amendments, the advocates of deregulation and flexibility protested again, as a result of which the proposed legislation was temporarily suspended, pending discussions between the interested parties as to the best manner of resolving the problem.

Meanwhile, a breakthrough has occurred which may indicate the way to a proper solution of the problem. The Histadrut has signed a collective agreement with a firm employing, as a labour contractor, the largest number of workers in Israel, providing adequate wages and other benefits to these workers.

At present, another labour contracting firm employing a large number of workers has expressed its willingness to enter negotiations with the Histadrut for the purpose of drawing up a collective agreement.

We hope that these positive developments will pave the way for the settlement of this problem, and we are already considering ways and means by which the Government can and should prompt other labour contractors to join the collective bargaining process.

The conclusions to be drawn from the Israeli experience are that, with the cooperation of all the social partners – Government, employers and workers – labour standards can be maintained and even strengthened for the benefit of the workers and of society as a whole. At the same time, we cannot be content with past achievements. Labour standards must be continually examined in order to take into account social and technical developments. In doing so, the views of all the social partners must be fully reflected in order to preserve a broad consensus. This is what tripartism is all about. The Israeli experience just described, shows how this can be achieved.

Mr. ZELLHOEFER *(Workers' adviser, United States)* – I would like first of all to congratulate Brother Gray on his election to the presidency of this, the 81st Session of the International Labour Conference. It is an honour well deserved by him for his thoughtful and dedicated contributions over many years to past conferences and, in recent years, the articulate and active role he has played as a member of the Governing Body. It is also a most timely and well deserved honour for the Workers' group who represent the millions of workers around the world on this, the 75th anniversary of the founding of the ILO and the 50th anniversary of the Declaration of Philadelphia.

There is an advantage to being able to speak in the latter part of the Conference schedule. It can give one the opportunity either to listen to or read the interventions of nearly all those who have come before. In reading through so many of the speeches given in the last several days here, I was struck by the communality and clearness of so many of the workers' representatives' speeches as well as others, that this year, on this anniversary, the ILO has an unquestionable choice to make.

It must not back away from its mandate. That mandate is social justice. The ILO's unique standard-setting, supervisory machinery – technical expertise, indeed its full competence and authority – must be reinforced and strengthened. At a time when the world is about to embark with a new framework to expand global trade, the ILO should be gearing up to meet the challenge to ensure the benefits of greater global economic integration are shared fairly by everyone. It is after all the value of human dignity that is at stake.

Seventy-five years ago the ILO was founded after what had just been the most devastating war in known history. The ILO's Constitution and its unique tripartite structure made it the first organization to forge a genuine social pact at the international level. Tragically, the Second World War, with its unspeakable atrocities, brought the progress that had been made to a halt. Yet, as the Secretary-General of the United Nations Organization reminded us in his address here a few days ago, there occurred an unprecedented process of rethinking in the social sphere, resulting in the Declaration of Philadelphia in 1944. That Declaration, and I quote Mr. Boutros Boutros-Ghali "is remarkable both for the broad sweep of its views and for its surprising modernity. In every line of that text, the objective of social justice is affirmed". In addition, the Secretary-General highlighted the Declaration's underscoring of the primacy of the social sphere, the links between peace and development, and the danger that poverty constituted to prosperity.

That Declaration should do more than guide our actions in terms of principles and ethics on this dual anniversary. It should inspire this Organization, the International Labour Organization, to redouble its efforts and reinforce its resolve to underpin the development of democracy and democratic institutions to achieve genuine peace and security and to ensure sustainable global development through the principles and practice of solidarity and social justice.

Now, 25 years later, after the 50th anniversary of the ILO in 1969, we can see for the most part the end of the Cold War. Very recent events in North Korea serve to remind us that the Cold War had some very violent periods. Decades of struggle to bring down the totalitarian regimes in the former Eastern Bloc, often led by the independent trade union movements and at considerable cost, were finally successful only just a few years ago. The Polish Solidarnosc Workers' adviser's speech here a few days ago made a clear point when he said the communist system became bankrupt not because of economic failure but rather because of its moral bankruptcy which generated an inevitable economic crisis. One of the primary challenges facing the ILO in this new era is to ensure that a comprehensive social dimension is a tangible and integrated component in the reform process in Central and Eastern Europe and the newly independent States.

It is plainly apparent that one of the other overriding challenges facing the ILO as it approaches the next century is the increase in both global economic integration and poverty. The Director-General's Report and numerous speeches before my own have cited the appalling statistics of unemployment, underemployment, marginalization, child labour, discrimination, rising poverty and starvation. Competition within and between nations for liberalized foreign direct investment flows has intensified and the influence of multinational corporations to move resources around the globe and play a major role in determining the policies of national governments and international institutions continue to be some of the salient features of the global economic and social landscape, and I would like to add that soft or flexible Conventions won't fix these problems. Attacks on trade unions in nearly all parts of the world are on the increase. It is not surprising to note that the more authoritarian the regime, the more violent the attack.

Rising unemployment and poverty in the developing countries, coupled with its re-emergence in the industrialized countries, represent nothing short of a social time bomb. Rising income gaps, social and economic marginalization and isolation can lead to the belief that the "law of the jungle" is in fact re-emerging. Social Darwinism seems to be the foundation of the altar at which the hard-core free-market ideologues preach. It is a path on which the elite and their *apparatchiks* and supplicants would lead the world into a downward spiral marked by greater violence, xenophobia and fanatic extremism.

The shock therapy, deregulatory, social – protection-slashing policies of the IMF and the World Bank have not and will not work. As the US Secretary of Labor observed at the recent informal Tripartite Meeting on Employment, rarely in international discourse has the word "flexibility" gone so directly from obscurity to meaninglessness without any intervening period of coherence.

The International Confederation of Free Trade Unions has long maintained that sustainable global growth through increased non-inflationary demand in both developing and industrialized countries in parallel with rising standards of living for the world's population is achievable. The ICFTU's articulation for a global social clause is not new; it has in fact been around for some time. Now that the Uruguay Round of GATT negotiations have been completed and the preparations are under way for the formation of a larger and potentially more effective World Trade Organization, a lot more attention is being given to the idea of a social clause.

Unfortunately, there also seem to have been some misunderstandings and misinformation generated about what is meant by a social clause and whether and how the ILO may play a role. I must repeat what the many Workers' delegates and others who have preceded me at this Conference have underscored, that a social clause is neither protectionism nor "cultural imperialism".

In order to meet the challenge to live up to the Declaration of Philadelphia and move forward within its mandate, the ILO must ask itself how it can ensure that ILO Conventions covering fundamental rights – including freedom of association, organization and collective bargaining, equality of opportunity and freedom from force and child labour – are used effectively to promote the fair distribution of the benefits of expanding world trade and global economic integration. The creation of the World Trade Organization and the cooperation of the ILO – through its unique competence, authority and tripartite structure – to ensure a clear linkage of social justice with economic growth, is indeed the next challenge before us all.

Original German: Mr. NEUGEBAUER *(Workers' adviser, Austria)* – In his Report, *Defending values, promoting change*, the Director-General has devoted a section to "a changing world" in which he is sceptical on a number of points. Inter alia, he asks the following questions: By promoting social justice, can the International Labour Organization continue to contribute to world peace in the future? Is the ILO's tripartite approach still relevant in today's political, economic and social context? Are trade unions also suffering from a loss of credibility?

The main argument given for these uncertainties is that the "bipolar" world has come to an end. Without any doubt, the demise of communism has led to a change in economic conditions, but it has also brought about a new style of discussion between blocs that used to be enemies; and this has also had an impact on the climate of dialogue in the International Labour Organization.

There are, however, still many contradictions. In many regions of this world, there are frightening levels of child labour encouraged by adults. Thirty-two wars are being waged on our planet as I speak – wars that are costing thousands of people their lives. And who is actually taking any energetic action to halt this? Who is really bothered by the North-South divide and the enormous gap between poor and rich? This list of contradictions can be extended ad infinitum.

For peaceful coexistence, it is necessary to ensure that the social dimension is not neglected, particularly today when the spotlights are on the market and its modern mechanisms. A renewed interest in the social market economy – with an emphasis on the need to care for the environment and maintain an ecologically and socially responsible approach – constitutes, in my opinion, the basis for an economically sound society and peaceful coexistence. If we adopt this standpoint, it is vital that the major actors in society, i.e. representatives of governments, workers and employees, still continue to meet and sit down around a table together to discuss their problems.

In Austria, the system of social partnership has truly proved its worth. It provides an opportunity to resolve social and economic issues in the lobby before they come up for debate in Parliament.

The Austrian Confederation of Trade Unions plays a major role in all of this. It is strong and effective not only because it has a large number of members at grass-roots level, but also because since the end of the Second World War, it has become a well-established tradition for trade union leaders to be actively involved in political parties and in Parliament and governments. Consequently, during the past 50 years, we have taken it for granted that the Federal Minister of Labour and Social Affairs comes from the ranks of the Austrian trade union movement. Indeed, this minister is nominated by that movement and, for the record, I should like to recall that our present Minister of Labour and Social Affairs is also the Chairman of the Building and Woodworkers' Union; he addressed this assembly yesterday.

I therefore view new developments not so much as being a threat as a challenge. In an ecologically and socially responsible market economy, in which governments, workers and employers are fully integrated as partners on an equal footing, we must strive for full employment and social justice. This will remain a concern of and task for the ILO in the future.

Last week the OECD published a comprehensive study which included ideas on a new social policy for the industrialized nations. According to this study, we must dismantle obstacles on the path to a revived labour market, but we must also uphold the level of social protection that every society would like to offer to its citizens. In order to achieve that goal, we must take a series of measures such as: more flexible working time, better further training opportunities and the promotion of innovative technologies.

Unemployment is the first step down the slippery slope towards a disintegration of society. The next is the loss of credibility of the democratic system. Whoever see this danger understands the need for the International Labour Organization.

The World Summit for Social Development, to be held in Copenhagen in 1995, again offers the International Labour Organization a magnificent opportunity to put its intrinsic potential to successful and productive use.

Original Spanish: Mr. GRIÑAN MARTINEZ *(Minister for Labour and Social Security, Spain)* – May I be allowed first of all to congratulate the President on his unanimous election to guide the work of this session of the Conference, a job, I may add, that he is doing very well and very fairly.

The excellent Report of the Director-General presents the problems of our times in a skilful manner. As we say in our country, it has taken the bull by the horns, describing with accuracy the crucial stage at which the International Labour Organization now finds itself. This time, the Organization must face not only a new world, but one that is changing as well. We therefore must urgently adapt the structure, functions and operational methods of the ILO, to enable it to continue playing its important role.

Historically, the various period and stages of the ILO's experience have reflected the development of the world's economic and political conditions. It could not have been otherwise. At the present time, after the disappearance of the bipolar mentality of bloc politics, we now see a universal acceptance of the market economy. This has led to new and complex problems. It brings with it the need to find new ways to ensure that the rights of workers are respected and social protection systems are implemented in practice. It is, in particular, necessary to find ways and means to overcome the lack of minimum social guarantees which has appeared as the markets have opened. Minimum levels must be found which, while respecting the development conditions of the least advanced countries, will ensure that they make progress on the road of freedom and solidarity.

The analysis of the changes brought about by the globalization of the economy or by technological developments should concentrate on the question of how these changes affect working conditions and, particularly, how they influence possibilities of maintaining existing employment and of creating new jobs.

This requires a reassessment of the role which labour laws have played in fostering the creation of jobs. If we are going to discuss the globalized economy and its effects on labour relations, then we must necessarily also discuss the role of the only international organization which is specialized in this field.

Labour standard setting must change so that it can serve as a basis from which to facilitate economic growth which generates employment and, above all, to ensure that competitiveness and social progress are compatible. It is precisely in order to preserve the values which have been protected by labour legislation in general and by ILO Conventions in particular that we must examine, as the Director-General has done very lucidly in his Report, these economic changes which influence employment and working conditions. We also must consider the way in which labour laws should react to these changes.

This has been one of the priorities of the Spanish Government in this last year. It launched a reform of the labour market, inspired by the first line of the White Paper of the European Commission: "The one and only reason is unemployment". In order to combat it, we have based our work on two principles. First of all, to affirm that economic growth on its own is not sufficient, and that it is thus necessary to make growth serve the purpose of creating jobs and, secondly, to defend the importance of the social order in the process of creating jobs. The role and functioning of the labour market must also take into account this objective.

We would like once and for all to make economic growth and the legal order into tools for the promotion of the commodity our society most cherishes: work. If they serve this purpose, they must in any case always respect basic rights, such as the right of trade unions, freedom of association, the right of collective bargaining, the right to strike and the right to social protection.

The reform of Spanish labour legislation was the subject of negotiations between the social partners from 27 July to 30 November 1993. It was not possible to reach an agreement after 33 meetings. The matter was brought before Parliament on 28 December and, after the parliamentary procedures were completed and with the broad support of the Houses, the law was passed on 23 May.

The first effects of the reform have shown that those who defended the idea that the sole objective of the reform was to "promote job creation and maintain existing employment" were quite right. What is more, this has been done by making use of adaptation and guarantees.

I believe that these reforms and new approaches to the techniques and approaches of labour legislation can also apply to international legal instruments.

In a globalized economy, there must be not only economic growth, but also social rules applicable in this field. These rules must be clear-cut as to their objectives and flexible in their approaches to attaining them. They must therefore be capable of adapting to the specific nature of the different systems of labour relations and also to different social and economic conditions.

When these international social rules – the counterpart of open trade in an already globalized economy – are being laid down, a balanced view is needed of the social and economic situation, which by its nature is very complex and diverse.

We will have to know how to reconcile minimum guarantees with the inegalitarian reality of our world. There is, to our mind, no doubt that there must be labour guarantees for questions ranging from freedom of association and collective bargaining to the protection of workers' health, including such basic subjects as the elimination of child labour, not to speak of forced labour. But the guarantees must take into consideration the very different situations of economic development.

The use of free trade to improve one's position on the international market while there is a complete lack of these rights is absolutely unacceptable. .

But, having said that, something else must be added. It would also be unfair to attempt to export the entire set of social conditions achieved at a certain level of development, not only economic development, but political as well, to countries or areas which unfortunately have not yet achieved such levels. Such a rigid approach would only put obstacles in the way of economic development which, to a great extent, must be the very motor which raises social levels. And at the same time, it would lead to new, hidden forms of protectionism which, if they are combined with attitudes which lack flexibility with respect to migratory flows, could lead to socially explosive situations and serious political instability.

I wish to conclude by once again emphasizing the problem of unemployment. It is no doubt the priority, if not the obsession, of my Government. It is a problem whose solution can only be found in a healthy, open, decentralized, flexible, competitive economy. And, let us not forget, in an economy which has solidarity. The problem of unemployment requires new responses, and perhaps much more daring ones.

In political and cultural areas such as the European Union, we have made progress which would have been unimaginable a few decades ago on the question of equal opportunity. None the less, a bigger problem, the most important source of inequality in our times, remains to be solved. I am talking about unemployment, the inequality between those who enjoy the benefits of a job and those who are searching for one in vain. We must therefore focus all our efforts on employment. We must emphasize the distribution of work, but not in terms of rationing a precious commodity. Indeed, one of the original defenders of the idea of "work sharing" complained of the "semantic disaster" the slogan had caused.

Let us therefore speak about distributing work to create more work. Let us distribute more equitably the three factors which determine employment: price, time, and quality.

This corresponds to wages, working time and skills, and the quality which stems from them and is of such great importance. Hence the overriding importance of training. The intelligence of the people is the essence of their well-being and wealth and, dare I add, of their freedom. Thus, vocational training has become the essential ally of employment policies. We must thus decisively place our stakes on vocational training policies.

In this, I feel we must show solidarity in the international field through a commitment to cooperation so that the ILO is given the means and authority to act. Its presence as an intermediary is no doubt a guarantee which we must all strengthen.

As I have just said, this support should be given in the more general framework of placing our stakes on the promotion of employment in an open, competitive economy, but also in an economy with more justice and greater solidarity.

Original French: Mr. OECHSLIN *(Employers' delegate, France)* – May I once more say how very pleased I am to see that this session of the Conference is being presided by a Workers' representative.

French employers and employers in general wish to associate themselves with the celebration of the ILO's 75th anniversary. It is their anniversary as well, since they may look back over three-quarters of a century during which they have made an active and positive contribution. They also wish to commemorate the Declaration of Philadelphia, to which they were parties, and they are particularly pleased to see here at this session, our old and respected colleague, Fernando Yllanes Ramos, who was one of the authors of this fundamental text.

As Chairman of the Employers' group, I should like to recall today my prestigious predecessors, Jules Carlier, Hans Christian Oersted, Sir John Forbes Watson, David Zellerbach, Pierre Waline, and Gullmar Bergenström. Our group's policy is one of continuity. It has always been our role to highlight the economic conditions inherent in social progress, but we have not acted, as is too often said, as the ILO's brakes. In particular, it was we who directed the Organization towards development that produced a bold, major programme of technical cooperation in the post-war years, and the names of David Morse and Francis Blanchard must be recalled in that context. We especially fostered support activities for vocational training and the development of small enterprises, which are crucial for the creation of productive jobs.

We were also involved in standard-setting work. We have always called for the strict application of Conventions ratified by member States as they were set down on paper, and we have not swerved from that course. Flexibility clauses should be incorporated when the standards are being negotiated, not when their application is being supervised.

We are also proud to have taken an active part in the Freedom of Association Committee, whose proceedings were marked significantly by Pierre Waline and Fernando Yllanes Ramos. The cases dealt with largely relate to workers' organizations and the recommendations have always been adopted unanimously. We have unswervingly voiced our conviction that without national employers' and workers' organizations that are truly free, independent and representative, there is no point in tripartism.

I believe that I need to state this at the risk of being accused of blowing our own trumpet. I am duty bound to do so, because no one else will, and because a sort of black legend appears to be forming around the Employers' present attitude. I must therefore be very precise.

ILO Conventions only become effective if they are freely ratified by States. This is one of the fundamental principles of our Constitution. The number of ratifications is apparently on the increase, since we have topped 6,000. In reality this rise is deceptive because it is the automatic result of the growing number of texts adopted by member States, often as a consequence of the splitting up of States. If you compare the number of ratifications with that of member States likely to ratify, you will see that on average the latter have only ratified a quarter of the instruments proposed. Even what are considered to be fundamental texts have only been ratified by approximately two-thirds of the States. As has been noted by the Director-General in his Report, this trend has become clearer over the last 20 years, and it also applies to Conventions which do not seem controversial at the time of adoption, like those relating to occupational health. It is true that it would be better not to ratify than to ratify them without the will or ability to apply them correctly.

This is why we recommend a new standards policy. Too many governments vote for texts that they know they will not be in a position to apply, and hence ratify. The complexity of the instruments and their excessive requirements render them ineffective in reality, since the majority of developing countries regard them as inaccessible, and at the same time they are not ratified by the most advanced nations. We must, therefore, establish a coherent, systematic plan for revising instruments that have not been ratified by enough countries, and in so doing bear in mind the reports of the Committee on the Application of Standards, which are not sufficiently taken into account when the Governing Body sets the agenda for the Conference. The establishment of new standards must be restricted to situations recognized as indispensable for achieving one of the ILO's accepted goals, when a large number of workers in virtually the entire world are affected, and there is sufficient consensus to produce a significant result. We have submitted detailed proposals to the Standards Committee on these lines, which I shall not repeat here for lack of time.

But, however important standards are, they are not the ILO's sole means of action. Cooperation with member States and their employers' and workers' organizations is an equally essential means of achieving the ILO's goals. The Declaration of Philadelphia proclaims the Organization's "solemn obligation to further implement, among the nations of the world, programmes which will achieve full employment and the raising of standards of living". Technical cooperation, in its most general sense, is one of the best and most independent ways we have of promoting economic and social development, which are closely interlinked. Practical methods may change, but the principle of cooperation must remain at the heart of the ILO's ambitions. In many fields, general texts like those of Conventions are less effective than practical action that sets an example. This, inter alia, is the case with measures adopted to develop employment, a major priority in almost all States. In this field the ILO has most valuable resources, both at headquarters and in the regions, and especially at the Turin Centre, which is an establishment of particular importance servicing the goals of cooperation with and assistance to member States.

The setting-up of multidisciplinary teams is a source of great hope for us. For them to be effective, they must show a true team spirit and ensure smooth interaction with Geneva and its technical departments and also Turin. They must be schools of tripartism, and their priority must be to pass on to headquarters the needs and concerns of the ILO's constituents. This is the sense that we wish to attach to the partnership concept. We must serve our customers rather than impose pre-set ideas upon them.

The employers intend to participate actively in this collective action, and we also hope that our proposals and ideas will be better recognized in the ILO's general orientation. This orientation should include a true enterprise policy, reinforcing and complementing its traditional activities. It is quite obvious that the creation of the necessary productive jobs to meet the requirements of those entering the labour market must take place in the enterprise and in particular in new enterprises. Support for the enterprise creation is as much a social as an economic objective, and the ILO has the relevant qualified specialists in Geneva, in Turin and in the field. Nor should the enterprise be considered either as the object of ever-increasing obligations and constraints, but as the place where industrial relations are born and develop every day, and as a place for social innovation. The ILO's departments as a whole appear unfamiliar with this reality. Hence, measures must be adopted to bring our Organization closer to the business world. The ILO's highly valued action in support of employers' organizations in developing countries and the nations in transition is no longer sufficient. In all of our Organization's units, business concerns must be taken into account to the same extent as those of workers. The ILO will thus be better integrated into the trends of the major international, economic institutions.

It is my hope that these ideas will be taken into account when the final assessment of this important session of the Conference is drawn up.

Original Spanish: Mr. BROWN YOUNG *(Workers' delegate, Costa Rica)* – First of all, I should like to congratulate our friend, Mr. Gray, on his election to the presidency of this 81st Session of the International Labour Conference.

The word "crisis" comes from the Greek "Krino", which means to judge or decide; thus we must consider that the widespread changes the world has been undergoing – and which we consider a crisis – can serve as a lesson for our future action. We are indeed living a period of transition.

The ILO has celebrated its 75 years, and it must not stay out of the fray; on the contrary, it must strengthen its sense of purpose – its *raison d'être* – and confront the changes which are taking place in the labour world.

The ILO must never give up its natural role which is to look after labour relations. The steps it takes must always respond to this maxim, and it must disregard those who wish to push it dangerously to the precipice of increasing flexibility of the workforce.

The ILO must maintain its role as an arbiter and a critical conscience of the tripartite forum it represents; but it must be on its guard, now that the labour market is undergoing profound changes, not to allow this so-called increasing labour flexibility to undermine working conditions.

In the face of these challenges, the ILO cannot remain on the sidelines. Its action must be based on the fact that it is the only legitimate forum of the workers. It is necessary to strengthen and preserve the universal labour standards enshrined in the Freedom of Association and Protection of the Right to Organize Convention 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention 1949 (No. 98). Throughout the world incalculable and painful acts of injustice are being committed which violate these fundamental principles of freedom.

There are those who wave the banner of labour flexibility – employers and some governments, and even some technocrats of the ILO itself; in so doing, they are committing an abomination and sounding the knell of this important institution.

We workers are not ready to abandon an inch of the defence of the principle of freedom. We believe that the ILO should continue to be the champion of international labour standards.

For years we have been witnessing changes in the style and nature of bargaining. At first, the approach was bipartite and specific and particularly developed within the area of collective bargaining and labour agreements. The trend then changed to tripartite negotiations – at both sectoral and national level – as a result of changes occurring in the 1970s and 1980s. We have now reached a stage characterized by social dialogue, where negotiations are at national and multisectoral level and claims and approaches are increasingly generalized.

We believe that it is necessary to place the area of competence of the ILO in its true perspective; i.e., we must emphasize the tripartite nature of this Organization with the help of the three distinct sectors – government, employers and workers. We would draw attention to the latter because, in the name of democracy, attempts are being made to promote the participation of pseudo-labour organizations which will undermine the true, genuine representation of workers.

This era requires that the ILO take a stand on the changes which are taking place in the labour market and the repercussions on the employment structure. These have arisen as a result of the emergence of new labour categories – and the disappearance of old ones.

Indeed, poverty, marginalization and widespread lack of protection, which are the outcome of economic systems geared exclusively to profit, have generated categories of workers such as migrants, home workers, child workers, sweatshop workers, workers in export processing zones, and new categories of workers in the rural and informal sectors.

Confronted with these new, emerging sectors, the ILO must set out to try and organize them and ensure that working conditions are adequately protected, especially as there are additional problems, such as: new forms of precarious work, new forms of modern employment, changes in work patterns due to flexibility and technological developments, privatization of the administration and the expansion of the informal sector.

We, as workers, must draw attention to any atypical standards or clauses providing for exceptions which are used to undermine labour legislation. We must avoid any exceptional "temporary" legislation or prerogatives which provide comparative advantages over other mechanisms, and to which governments have recourse to promote investments, facilitate the internationalization of the economy and encourage processes of labour in transit – such as sweatshops and export processing zones.

We must put an end to these abysmal situations, in which workers are exploited, and regulate labour relations in these areas; and we must call a halt to the violation of human rights and the rights of workers by enterprises.

We advocate a closer linkage between labour rights and human rights, so that the latent and persistent violation of labour laws can be dealt with by the various human rights agencies.

We believe that the ILO should adopt a firm stand on the consolidation of free trade treaties; indeed it should promote standard setting for labour laws within the scope of the World Trade Organization and in subregional trade treaties, bearing in mind the specific nature of subregional markets.

Consequently, it could elaborate special standards for sweatshops and export processing zones; and, more generally, it could draft standards on the internationalization of labour processes in order to avoid the exploitation of workers.

Furthermore, it must take concerted action to cope with the increase in economic globalization and proposals to make labour relations more flexible.

The labour force must not be seen as one more commodity to serve the mechanism of supply and demand. On the contrary, standards must be drafted to guarantee human development and the growth of the economy to satisfy its needs. In similar terms, a response must be given to the changes in labour relations on the basis of new theories of administration.

We are celebrating with joy the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia. We firmly believe that the principles which lay behind the founding of this Organization are as valid today as they were 75 years ago.

In spite of the so-called progress achieved in freedom of association and collective bargaining, the workers of Costa Rica are aware – as reported by the Committee of Experts on the Application of Conventions and Recommendations – that trade union leaders and workers are being dismissed for organizing freely in some private sectors such as transport, construction and export processing zones.

Collective bargaining is still a problem in the public sector.

As it cannot exercise a coercive role, the ILO should strengthen its activities to promote justice and social equity in the world of work.

These are the challenges before us all if the Organization is to thrive.

Mr. HADISUWITO *(Employers' delegate, Indonesia)* – It is a great privilege indeed for me to be given the opportunity to address the 81st Session of the International Labour Conference on behalf of the Employers' Association of Indonesia (APINDO).

Firstly, I would like to congratulate the ILO on its 75th anniversary. Since its inception, the Organization has made marvellous achievements in its unending quest for ideal conditions for all peoples of all countries around the world and for full and quality employment.

Secondly, allow me to congratulate the President and the Vice-Presidents upon their assumption of the deserved positions in the Bureau of the Conference. I am confident that, with their vast experience and wise leadership, this session will end with the success expected by all participants.

Special words of appreciation and congratulations are also due to Mr. Hansenne, the ILO Director-General, for his outstanding and comprehensive Report on the ILO's past activities and achievements, which contains thought-provoking ideas to strengthen the role of the ILO in this fast-changing world.

APINDO, which represents the Indonesian employers, has witnessed the successful results of 25 years' hard work by the Government of the Republic of Indonesia with its 185 million population – the fourth biggest in the world. During the past 25 years of the first long-term development plan, Indonesia has substantially increased the prosperity of its people, and greatly reduced the number of people living below the poverty line. However, to reach the ideal of full employment and quality employment for all, as the set goal of the ILO, Indonesia still has a long, long way to go.

By ILO standards, the rate of unemployment in Indonesia is still very high, as stated by His Excellency, the Indonesian Minister of Manpower and, every year, at least 2.5 million school and university graduates enter the labour market, substantially increasing the unemployment rate. To avoid social unrest, this high rate of unemployment must be redressed as fast as possible. Otherwise, it will eventually jeopardize growth, stability and development.

At present, Indonesia is facing two crucial manpower problems: how to create more jobs to absorb the ever-increasing labour supply; and how to improve the working standards of employed workers.

Entering the Sixth Five-Year Plan (1994-98), the Government will give a greater role to the private sector, since this sector's contribution to the development of the country is also growing.

While APINDO, on behalf of the Indonesian employers, is already prepared to support the Government in its efforts to implement national development plans, in particular by absorbing more and more labour, the Indonesian employers have clear realization of their limits. Should the Indonesian employers concentrate only on measures to improve the working conditions and standards of existing employed workers, it would hamper expansion of industry, and leave the unemployed people helpless.

Similarly, if it concentrates on measures to absorb more labour, it will be unable to improve the working standards of its workers as stipulated by the ILO and as expected by all parties involved. In view of this dilemma, it is necessary to analyse the situation as it is and not just merely apply the standards of developed countries, which are unlikely to fully match existing conditions. I believe that this difficult situation is one experienced not only by Indonesia, but one also faced by other developing countries.

Sufficient time must be allocated for Indonesian industries to catch up with their more developed neighbours. While trying to expand industry to absorb more labour, it will be very difficult for Indonesian industries to fully comply with the existing standards, no matter how much they wish to achieve compliance. However, we are sure that, in the not too distant future, we will be able to catch up with other ILO Members and comply fully with ILO standards. In this context, we find it very difficult to accept any attempt to link any form of social clause with international trade.

We believe that this approach will solve the most crucial problems that Indonesia and other developing countries are now facing. Some time in the future, all these countries will be able to comply fully with ILO standards.

In Indonesia, tripartite cooperation has been practised successfully between the Government, employers and workers. One example is the agreement on the new minimum wage, that was implemented in January and April 1994. Although the employers see the new agreement as giving the workers a big increase – approximately 35 per cent – nevertheless, they feel that the new minimum wage is another necessary and significant step towards improving workers' welfare.

Furthermore, many labour disputes can be solved satisfactorily for all parties concerned after consultations at the tripartite level. We believe that, through tripartite discussion, we will eventually reach harmonious labour relations which will contribute to the country's steady development and to the people's welfare.

Mr. MACIEJCZYK *(Employers' delegate, Poland)* – It is a great honour to address the 81st Session of the International Labour Conference on behalf of the Confederation of Polish Employers. Allow me to congratulate the President and the officials of the Conference on their election and, as the Conference will end this week, express gratitude for their responsible work.

Poland has been a Member of the ILO since its foundation in 1919. The activities and the input into our Organization's achievements have been different in different periods of our history.

The 75th anniversary of the ILO causes us to reflect on the Organization's contribution to universal and lasting peace through the promotion and development of social justice, and to rethink the basic directions our Organization's activities should take in the future.

I would like to congratulate the Director-General on his Report to this Conference. Its title, *Defending values, promoting change*, already gives an indication of where we are and where we intend to go.

Totalitarian systems are on their way out. Newborn democracies are trying to find their way. Transition to a market economy requires more flexibility on the part of all partners, and places on the State the obligation to create a balance between economic changes and social justice.

The ILO's standard-setting activities, by their great ethical value, have a large influence on local standards. Nevertheless, we have found that some Conventions have not passed the most important test – ratification and application by member States. Moreover, some Conventions, although ratified, are no longer relevant to the new economic and technological scene.

With its high number of member States, the ILO is the most universal of the international organizations and the values it defends are themselves universal. The standard-setting procedure should pay due attention to the member States' diversity of socio-economic conditions.

Conventions should exhibit a universal character. The inclusion of numerous details in Conventions creates limits and barriers to ratification. The Confederation of Polish Employers would like to express the hope that this will be taken into consideration in upcoming Conventions.

We support the statement in the Director-General's Report that: "In these difficult times our attention should therefore turn not so much to the work to be done, but to the values that we have to defend".

The guarantee that these values will be protected and defended in the new democracies of Central and Eastern Europe is tripartism. This is also the best instrument for guiding changes in the direction of democracy.

The economies of Central and Eastern Europe have experienced cumulative falls in industrial output and a general increase of unemployment. We quite often hear that, in the former socialist countries, the key to successful transition to a market economy lies in the privatization of state enterprises. In our countries, at the same time as we undertake our economic transition, we also have to transform the mentality of society – and this may be the more difficult task.

The social and labour problems which appear during transition to a market economy have never been encountered before. Dealing with them requires the implementation of new policies and the use of highly qualified specialists in new areas.

The values espoused by the ILO and the support given by the Technical Cooperation Programme play an important role in addressing those problems and in strengthening the fragile democracies.

Social dialogue in Poland should strongly depend on tripartism. The Confederation of Polish Employers hopes that the ILO will assist technically in implementing this to the full.

Collective bargaining between workers and employers can lead to creative and effective solutions. The State should play a regulatory role in economic and social affairs.

At present, in Poland, relations between the social partners are strongly influenced by the historical domination of the trade unions. Although, in 1991, the Polish Parliament adopted a new law creating a legal basis for tripartism, the lack of balance as regards rights between trade unions and employers' organizations is evident.

Moreover, existing financial regulations are blocking the existence and development of employers' organizations. In respect of the planned changes in the Labour Code and the predominating role of collective bargaining in the new economic and social system, Polish employers expect the Polish Government to take action to provide equal status and treatment for all social partners.

I would like to finish by saying that the time has come for the ILO to promote change and continue defending values like democracy, human dignity, tripartism – the time has come for the social partners in my country to do so as well.

(The Conference adjourned at 12.30 p.m.)

Twenty-third sitting

Tuesday, 21 June 1994, 3 p.m.

Presidents: Mr. Mendoza, Mr Matinchev

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(concl.)*

The PRESIDENT (Mr. MENDOZA) – We shall continue the discussion of the Reports of the Governing Body and of the Director-General.

Original Spanish: Mr. ELÍAS SAINZ *(Government delegate, Bolivia)* – It is on behalf of the Government of Bolivia, our constitutional President, His Excellency Gonzalo Sánchez de Lozada, the Minister of Labour Mr. Reynaldo Peters Arzabe, and of the delegation accredited to this great and historic 81st Session of the International Labour Conference and on my own behalf that I wish to express to the President of the Conference and his Officers our most sincere congratulations, both on their election as well as on the excellent work they are doing.

We come to this session in full awareness of the significance for all the member countries of the International Labour Organization and especially for the founding Members, of the celebration of the 75th anniversary of the founding of the ILO and of the 50th anniversary of the adoption by this Organization of the Declaration of Philadelphia. Both events have historic significance, they were born of a generative process closely linked to the social struggles of the workers in a world that remains threatened and vulnerable. Such historical precedents justify the fact that the 81st Session of the International Labour Conference gives special recognition to the courage, sacrifice and fortitude of the workers of the world, values upon which leaders like Ernesto Mahaim, Arthur Fontaine, Charles Guide and others based the structure of the ILO. Against this background we consider it historically appropriate that Mr. Charles Gray, an imminent leader of the workers of the United States of America, has been chosen to preside over this event.

The Report presented this year to the Conference by the Director-General, Mr. Michel Hansenne, in both content and structure constitutes a document that is not only of great topical significance, but contains the very concept of the ILO of today and above all, the projection of the ILO of tomorrow. In its spirit it is encouraging to note that the ILO will continue to carry out the fundamental mission for which it was created: to contribute to world peace through the promotion of social justice. It will continue through its tripartite structure to be a mobilizing and effective force, and it will adapt its action as an international organization together with its Secretariat, to the new tasks and challenges of an era of profound change.

Bolivia, its Government and its people are also facing times of change and structural adjustment, both nationally and on the international level. Twelve years of democratic life have given rise in the political arena to a high level of civic and administrative responsibility. Socially speaking a range of protective measures and of training initiatives is being promoted, and economically speaking programmes to promote economic activity that, while requiring some initial sacrifices, will enable the community in the short and medium term to improve their living conditions, and have access to better jobs and to earnings that are in line with their aspirations.

The action of the Government on the basis of the "Plan for All" programme, the capitalization of enterprises, popular participation, the educational reform and other collateral measures such as the policy of dialogue and consensus which has been put into force, is set to respond to the challenge of the emerging and ever more extreme globalization of the economy, to the defence of human capital and its spiritual and traditional values, to the struggle against poverty and to maintaining a sustained effort that avoids the Government having to limit its capacity to apply its programmes and develop the most effective policies to promote social progress, and at the same time it guarantees citizens the free exercise of their rights.

The Government of Bolivia emphasizes the realistic and modern concept of the contents of the Report of the Director-General and considers it necessary to maintain the universal character of the ILO, to reactivate and above all to update ILO standards and the mechanisms to supervise their application, to preserve tripartism, to maintain sustained and direct contact with all of the organizations of the community of the United Nations, putting emphasis on those that are economically oriented, stressing the role of the pillar of social policy that should characterize the ILO today more than ever before.

The majority of the peoples of the world are facing a turn of the century that is characterized by manifest change. However, the majority of these peoples are living in conditions of poverty and unemployment, with critical levels of health, education, housing and employment. Faced with this reality we ask ourselves, can the ILO alone through its sole efforts even show the way towards the solution of the labour problem, which is the best approach to reducing the other negative indicators I have mentioned? We honestly do not think so. However, if all the member countries with their governments, their employers and their workers assume the responsibility of preserving values and promoting change, then we do think that the ILO will indeed be able to play its revolutionary role in the coming millennium.

Original German: Mrs. ENGELEN-KEFER *(Workers' delegate, Germany)* – At the end of this biennium, we are confronted with greater problems than we have experienced since the Second World War. Patently, the world's economy is at present working so badly that it is harming both the direct and long-term interests of all nations.

The problems of unemployment, poverty, hunger, population explosion, devastation of nature and the environment are all becoming more and more burdensome. Each day men and women are exposed to humiliating violations and trade union rights are being trampled underfoot. The aspirations of the founding fathers and mothers of the International Labour Organization to construct an international community marked by social equality and justice, have as yet remained unfulfilled. How is it that, now that the East-West conflict has dissipated, we are not able to give the International Labour Organization the kind of boost that it received from its Constitution and the Declaration of Philadelphia after the First and Second World Wars? The opportunities to establish a social development agenda are not being exploited. Are we lacking the serious political will to carry out a social and economic redirectioning, or have our social senses been dulled and our behaviour become determined by short-sighted confrontation and the drive for personal profit? It is simply just not good enough to relegate the celebration of social justice to periodic international conferences whilst in practice the concept becomes empty words. Nationally and internationally, we have to be prepared to share with the have-nots. There is no way that we can successfully respond to present-day challenges with a system of winners and losers. We need to defend the values and standards of the International Labour Organization more than ever before. Without them, there can be no true economic development and even less justice and democracy. Globalization of social hazards calls for a policy reaching out beyond the shadows of church towers and the horizon of national borders. It would be disastrous if the triumph of the market economy were to bring about a throw-back to wild-west capitalism. Our experience in what was the German Democratic Republic demonstrates that market processes have to be maintained within a social framework defined by the State to ensure that private activities for personal gain do not conflict with social priorities and the freedom of others. If we want to prevent unacceptable and dangerous extremist solutions, a balance has to be found between economic market efficiency and social equity. This applies in particular to the World Bank and the International Monetary Fund adjustment programmes. The International Labour Organization should, at the same time, be given the opportunity to examine the economic and financial policy activities of other international organizations to see whether they are observing and complying with key Conventions. The centre point of any social strategy must be to restimulate production, because countries everywhere are suffering from the canker of unemployment. We must not succumb to the danger of repeating the economic and political mistakes made after the First World War and throttle world trade. On the contrary, we need to learn the lessons of the past and crank up the world economy. This is a task for G7 countries in particular. Coordinated activities between several industrialized countries will have more than double the employment-generating effect of isolated national measures. Here, however, we have to ensure that the economy and the environment are kept in tune. Poverty belts, in particular in Africa, also need more international assistance in order to carry out longer-term projects – for instance in irrigation, transport, reforestation and soil erosion control. The ILO should relaunch its discussion on employment and basic needs strategies dating from the 1970s. Further development of such strategies could make a key contribution to a successful conclusion of the World Summit for Social Development.

When it comes to investments to raise productivity and incomes, the poor must, wherever possible, be given priority because economic growth achieved by increased capital spending will not automatically lead to higher employment levels and better standards of living for all. The way we make the cake also determines how it will be shared out. Due attention must be paid to the basic needs of the poorest segments of society and to job creation. One key factor in the long-term survival of free world trade and the ratification and implementation of the decisions taken in the Uruguay Round is the establishment of fair competition. In our worries about jobs, we often forget that north-south trade is not a one-way street. The German trade unions expressly support the principles of open and fair world trade. The demand for social clauses is often misunderstood and incorrectly interpreted. It is not our intention to discriminate against the developing countries or whittle away their natural advantages nor demand a new protectionism for industrialized countries. Rather we are proposing a differentiated system that would function with positive incentives; trade sanctions should only be applied in cases of extreme violations and only after multiple warnings. If, for instance, wages are negotiated by free trade unions in free collective bargaining and are not artificially maintained at unacceptably low levels then there should be no case for applying to social clauses. We do not want to involve all ILO standards, just certain inalienable fundamental ILO standards such as Conventions Nos. 87, 98, 28 and 111. States which actively implement these standards and apply the profit they obtain from world trade to social progress should be given positive encouragement and trade facilities. The inclusion of elementary social clauses into trade should strengthen cooperation and go hand in hand with the mutual obligations and rights of industrialized and developing countries. The ILO must be accorded a central role in this and, thus ensure cooperation with the World Trade Organization. The German trade unions have made a specific discussion proposal on social clauses, and will be happy to provide you with copies on request. We welcome the fact that the Director-General, in his excellent Report, has dealt with the subject of social clauses. This also goes for the question of how multinational enterprises can be brought to comply more with international social standards. We are specifically calling for an international Convention on specific aspects of international enterprises. Undertakings should voluntarily adhere to this Convention and, in this way, submit themselves to ILO supervision. The non-compulsory nature of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy shows just how important further development is here. "The end of the Cold War and of the ideological divisions between blocs will usher in a new era in which we will witness a strengthening of basic social and labour rights", as the Director-General says in his Report. Despite this realization, we are very concerned since the attacks sometimes overt and sometimes couched in diplomatic language, against the ILO's supervisory machinery are not being fended off; in addition, there are complaints about an allegedly "maximalist strategy" in standard setting. What is being missed is that the ILO is itself becoming the target of worldwide deregulation efforts. We too definitely support the concept that the ILO's operations can and should become more interdisciplinary. Under no circumstances should this be accompanied by a weakening of the supervisory machinery that has proved its worth; rather this machinery should be reinforced. If we are not to endanger the ILO's foundations, then we must reject out of hand any attempts to restrict the right to strike and trade union rights via international interpretations of ILO standards. Our fears that the world is distancing itself more and more from the objective of development on the basis of solidarity appear well founded. We all have an obligation, not only to keep the ILO alive, but also to make it a central and indispensable force in the international development process. We cannot afford to disappoint these hopes for an international community worthy of the name.

Mr. SHABANGU *(Minister of Labour and Public Services, Swaziland)* – Let me begin by congratulating the President on his election to the office of conducting the proceedings of the 81st Session of the International Labour Conference. At this stage, it is already clear that under his able leadership this Conference will achieve its objectives.

We meet at an important point in the history of this Organization, as we celebrate the 75th anniversary of the ILO itself and, of course, the 50th anniversary of the Declaration of Philadelphia. The Report of the Director-General of the ILO places an appropriate challenge before all member States, and especially the delegates and officers of this Organization. The challenges facing our Organization in the future require us to define clearly the future role of the ILO in a world suffering from high rates of unemployment, deteriorating economies, wars and persistent poverty. The contribution which the ILO, as the oldest United Nations agency, must make to the Social Summit must be viewed as a major challenge. The ILO is the only agency that brings together the three major actors in development, that is labour, management and government.

It is our firm belief that, if these three factors were to work in cooperation, no problem would be too difficult to solve. The ideals that inspired those who came before us in 1919 and 1944 have been given new prominence by the greater and more emphatic globalization of trade in goods and services, which gives rise to structures designed to facilitate the satisfaction of needs through more open trade among nations and among regions. For purposes of trade and the satisfaction of our basic needs, we are citizens of a global village. This means that we have to think and act as citizens of the same world. This, however, in our view, should not be interpreted to suggest that national identities will have to disappear. The diversity of cultures, national identities and national personalities can enrich the global village and ensure its strength and not add to its weaknesses. Consequently, the ideal norms and aspirations of the ILO apply to nation States. It is on this basis, therefore, that we have to think nationally and act globally. In size, Swaziland is a very small country, but as a Member of the ILO, it has the same needs and aspirations as any other member State. We also support the mission of the ILO in its pursuit of social justice and respect for human dignity. Although we support the abolition of the exploitation of people, and are religiously committed to fair and equitable trade among nations, we are not convinced that the much-talked-about social clause and its conditions are positive ways of addressing these social and economic issues. We in Swaziland are convinced that the existing statutes and Conventions of the ILO are sufficient, as instruments, to handle these matters. The inclusion of a social clause over and above the existing ILO instruments would be viewed by us as a form of action to reduce the trade and capacities of certain nations and thus cause more social problems than it would solve. At worst, such clauses may cause us to suspect that the real intention was to weaken our countries' productivity and trading abilities, and lead to less employment and more social problems. It is on the basis of this that we call upon the ILO firmly to organize a frank discussion on the likely impact of regional and global trade agreements, before we can talk about social clauses. This haste seems rather undignified and could lead some nations, including Swaziland, to suspect that there is more to this matter than meets the eye.

Opening up trade through such structures and institutions as GATT is understandable and desirable in our view. Any conditions that go with it must be openly and thoroughly negotiated by the States in a spirit of equality. Swaziland believes that the ILO will resent being used as a forum for pursuing the objectives of power blocs. It is under the ILO that we feel we are equal partners as nations, and any move to tilt this delicate balance has to be given careful consideration.

Having said all this, we in Swaziland firmly believe that the ILO, through its standard-setting machinery, should pursue the ideals of social justice as the foundation of national, as well as global, economic development.

At this stage I would like to add my voice in welcoming those States that have recently joined the ILO. The family of States represented by this Organization looks forward to their meaningful contribution to the challenges facing the world of labour, a world in which world economies threaten the growth of small economies. May I welcome in a special way the delegation of free and democratic South Africa. As a Member of the ILO, and, as a southern African State, Swaziland is proud of the achievements realized after such a long struggle for democracy in that region. We are encouraged to hope that similar struggles for democracy elsewhere in the world will be victorious. Developments in the Middle East give us hope that peace will soon prevail in that part of the world as well.

Finally, may I conclude by commending the Director-General on his thought-provoking Report. We are living in a changing world and therefore we have to change the strategies of this Organization to adapt them to the changing environment in which we live. Swaziland is appreciative of the role the ILO is playing in the development of good industrial relations. We look forward to gaining more under the active partnership policy implemented through the multidisciplinary teams. Our Government is working hard to create employment opportunities. However, our Government is also fully aware that, in this competitive world, good industrial relations are a prerequisite for attracting investment to our country.

Mr. NOAKES *(Employers' delegate, Australia)* – May I take this opportunity to congratulate the President on his election to chair this important session of the International Labour Conference, which commemorates the 75th anniversary of the International Labour Organization.

It is entirely appropriate that the ILO should at this time engage in a process of reflection and re-evaluation concerning its fundamental concerns and objectives and, in that context, concerning its current and future activities.

The Report of the Director-General which is the subject of discussion at this session of the Conference serves to focus our attention on some of the principal issues which need to be addressed. However, the Report, this discussion, and the Director-General's reply to the discussion, cannot be seen as the end of the process. Further thought and reflection, particularly within the Governing Body, is required before the Organization can be set in a new direction which will confirm and strengthen its relevance.

While no report of this type would ever hope to be the subject of universal agreement as to its scope and its proposals, the Report under discussion does, in my view, have a number of deficiencies which detract from its usefulness.

The Report accurately summarizes the seriousness of unemployment throughout the world and the need for the ILO to play a major role in addressing this social disaster. But it is over-cautious in its prescriptions for a re-ordering of the ILO's priorities. Given the dimensions of the problem, a more radical reorientation is required. The Report is also over-pessimistic and over-critical in its treatment of some major elements such as technological change, the liberalization of trade, globalization and multinational enterprises, all of which produce major benefits which have largely gone unrecognized.

The global move towards the market economy and private enterprise provides the greatest and indeed the only opportunity to reduce the scourge of unemployment through the only means possible, which is economic growth. This will also require continuing structural adjustment, privatization and greater flexibility in markets, including the labour market.

New technologies and processes are being developed with increasing rapidity and enterprises are under increasing pressure to change and adapt their operations. This involves both the creation of new jobs and the development of new workforce skills through training. It is for this reason that human resources development has become a top priority for enterprises. It is disappointing that this issue attracts so little attention in the Report.

Similarly, the role of the modern enterprise as the engine of development is unrecognized, as are the many constructive and positive developments in the relationships between management and labour at the enterprise level. In many countries employers and employees have discovered a community of interest in their responses to economic pressures and have learned to work together for mutual objectives rather than against each other in an atmosphere of conflict. This may well be one of the most important labour market developments of recent years, and the ILO should be fostering its extension actively. This failure to appreciate the changes which have taken place at the level of the enterprise is an example of the tendency of the Office to view labour relations in a legal, technical and institutional sense rather than in a practical workplace sense.

Similarly, the Report fails to deal with the importance of productivity growth as an indispensable means of improving living standards and economic growth.

I want to make some comments on tripartism which is, of course, a fundamental principle of our Organization, and one which is essential to its proper functioning. And yet there is obviously still a degree of misconception about tripartism.

The Conference has been told in this discussion that tripartism is out of date, that it disenfranchises other interest groups and that it gives associations of employers and workers undue prominence. These assertions have validity only in the minds of those making them.

The essence of tripartism is that associations of employers and workers should be allowed to be formed and to develop in freedom. They must be able to formulate their programmes and pursue their activities and objectives free of interference so long as they operate within the law. That law must not unreasonably restrict their freedom and activities. The existence of these two groups forms the basis for dialogue with governments. It is that dialogue which is the expression of tripartism.

Tripartism does not require that employers' and workers' associations be intimately involved in government decision-making; if they are so involved then that is a choice made by the government concerned. However, it is necessary for them to be consulted adequately about the matters which concern them, and for them to understand that their views are being heard and taken into consideration.

This process does not, of course, prevent governments from taking account of the views of other interest groups. Clearly, tripartism cannot give to associations of employers and workers a monopoly in relation to influence on governments.

However, the proposal made by the Director-General to give other interest groups a voice within the ILO itself raises issues of quite a different nature. The ILO cannot be equated in this sense with the governments of its member States. Governments make decisions which are applied to the citizens of the country concerned and if they do not take account of the views of all those citizens then, in a democracy, they will not survive.

The ILO, on the other hand, was founded to allow governments, representatives of employers and representatives of workers to come together to attempt to formulate common objectives and to develop policies which might be adopted by its member States if they so wish. The ILO does not impose and cannot impose its decisions on anyone.

To dilute the ILO's forums by the addition of other interest groups would serve no purpose except to assist those who wish to weaken the influence within the ILO of employers and workers. This proposition and its inevitable consequences are totally unacceptable. The ILO is not a world forum for every interest group which now exists or might develop in the future.

I also wish to make some comments about the ILO's approach to standard setting.

Standards are an important means, but not the only means, of achieving the ILO's objectives. The Report correctly identifies some, but not all, of the problems associated with the current standard-setting procedures. It should be clear that in a world which is showing increasing concern to provide for less regulation of the labour market so as to leave more possibilities for negotiation, there is a fundamental problem for an organization which devotes itself to facilitating more regulation. This is an important factor in the stagnation of the number of ratifications, and it is one reason why governments which vote for the adoption of standards never ratify them.

It should also be clear that it is becoming increasingly difficult to adopt standard-setting items which have a high degree of relevance.

The question which needs to be asked is whether the adoption of new standards on a particular subject would have a positive or negative effect on job creation.

A number of steps should be taken to improve standard-setting procedures: more relevant topics should be chosen and there should be more possibilities for the revision of existing instruments; recommendations should be given an improved status as stand-alone instruments. It is not always necessary to produce a Convention and a Recommendation on a particular subject, and in the process to treat Recommendations as mere appendages to Conventions; the method of drawing up questionnaires and Office texts requires review and improvement so as to emphasize flexibility and the possibilities of consensus; the timetable for technical committees should allow sufficient opportunities for consultations and the development of consensus; the problems created by the grouping of member States cannot be ignored. This is particularly important in the case of the member States of the European Union and the consequence of their exerting too great an influence on standard setting to the detriment of ratification prospects. This issue is mentioned only in passing in the Report; the conditions under which a Convention comes into force should be revised, so as to avoid the problems of Conventions coming into force but receiving few subsequent ratifications; and lastly, there should be more possibilities for denunciation of a Convention in recognition of the speed with which economic and social conditions change.

Finally, I wish to endorse the suggestion made by the Director-General that consideration be given to the establishment of procedures similar to those of the Committee on Freedom of Association in order to deal with complaints on other basic human rights issues, such as discrimination. This would, I believe, be a genuinely innovative way in which to adapt the ILO's procedures to the realities of today.

In conclusion, I would like to thank the Director-General for providing a Report which, while provocative in some respects and deficient in others, has none the less established a focus for this discussion, which is a crucial step in the reform of our Organization.

Mr. TROTMAN *(Workers' delegate, Barbados)* – Permit me formally to congratulate the President on his election to chair this session of the Conference, and to thank the relevant governments for giving way to allow the Workers' group to have a nominee in the chair at this historic 75th anniversary session of the Conference. I also wish to congratulate the President's entire team on their efficient use of our time throughout the Conference.

Permit me to depart slightly from my script to congratulate the Government and people of South Africa for the work that they have done to bring them to the position of being present in the Conference on this occasion.

I am authorized to inform you that although I am the Workers' delegate from Barbados, I am empowered to speak for organized labour within the Caribbean basin covered by their affiliation to the Caribbean Congress of Labour. I particularly speak for the delegations from Antigua, Bahamas, Bermuda, Belize, Grenada, Guyana, Surinam, Trinidad and Tobago and, of course, Barbados, all of whom have participated in this session of the Conference.

We all wish on this occasion to repeat the concerns of the labour movement in the Caribbean at the lack of proper regard by international financial institutions for the welfare of small or developing economies, such as those existing in our region as well as many in Africa and in parts of Asia and Latin America.

We are forced to repeat here our rejection of the "castor oil mentality" which causes these financial medicine men to prescribe the same laxative for all ailing patients as long as they are from a developing region, and our horror that those legislators with influence, who are fully aware of such atrocities, do nothing about it. It is difficult to understand, if I may use an example, how we can be complacent in any environment in which a country, which has been raped and ravaged for foreign profit, is diagnosed as one which will be able to recover, but which is then prescribed an impossible course of medicine which demands that almost 90 per cent of its GDP is used up in debt repayment annually. And if this case of Guyana is extreme in the level of demand, let us think of the other comparable examples across the world and ask ourselves whether they serve the cause of anyone.

Indeed, it is clear that many of these patients will weaken and collapse entirely if they strive to complete such a course of medicine. We in the Caribbean, are satisfied that "enlightened self-interest" – if nothing else – should propel the industrialized world to initiate a new prescription which calls, among other things, for a "debt-forgiveness programme"; the establishment of institutions which will ensure appropriate human resources development, the provision of certain minimal social and human rights standards and the implementation of what may be regarded as an international central bank role for the International Monetary Fund which will permit that institution to regulate and to counter undue exploitation of the money market by any one power.

We are encouraged in this submission by our awareness of the worldwide level of unemployment and underemployment and our recognition that the recovery programmes which are being enunciated cannot be successful if there are pockets of substandard, subhuman living conditions interrupting the global landscape. While such conditions may appear to suit the personal or the corporate goals of the few, it must by now be accepted that the broader objectives of the communities even in industrialized countries will be severely undermined. In short, labour in the Caribbean still believes that "poverty anywhere constitutes a danger to prosperity everywhere".

We, in the Caribbean, have tried to live in accordance with that universal dictum. I do not say that to suggest that we are paragons of virtue, but merely to suggest that for us as an ILO family to advance, we have to do so from a common acceptable point of departure. The dictum quoted is not the intellectual property of any specific region or select group. It is the "common call to arms" of this illustrious Organization whose 75 years of existence can honestly be said to have been 75 years spent in the promotion of peace, democracy and human dignity.

The international labour standards agreed to at sessions of the Conference have proven to be invaluable to us. It is true and inexcusable that our governments have failed to ratify any significant number of Conventions since our various Caribbean countries have obtained independence. However, much of the social engineering which has taken place in the last 30 years owes its origin to one or other of the various ILO standards which have been set. We go further to record that even where standards have not been ratified, employers and workers' unions have used them as their reference point in addressing certain aspects of our collective bargainings in the region. We have, for example, agreed to remove discrimination clauses and practices from our labour management contracts and even within our legislation, even where the ILO standard has not been ratified. Similarly, we insist that our children should be given the freedom to socialize through school and play before being exposed to the world of work as teenagers.

Additionally, we have moved to institutionalize the practice of discussion and consultation, firstly on a bipartisan basis and now through tripartism. Our arrangements still leave much to be desired, but we make the point here to show the relevance of the ILO as the setter of trends and standards. Where this approach is found acceptable to the governments and employers, they may find, as we have found, a labour movement willing to take the initiative in putting forward discussions for productivity issues or for protocols for wages and incomes policies as we have managed to do.

On such an historic occasion, it is proper that this house should reflect on its terms of reference and on its record of performance. There will be some who will say for the ILO, as there are many who will say for the United Nations especially when it continues to address social issues without reference to the social partners, that the Organization has outlived its usefulness. Labour in the Caribbean does not share that view; we see the ILO as the conscience of the market-place in an otherwise harsh and inconsiderate world. We therefore salute the Organization for its achievements so far, and we urge you all to remain focused and committed to the objectives of our founding fathers.

Mr. MALENTACCHI *(representative, International Metalworkers' Federation)* – I would like to follow the many other speakers in congratulating the President on his election and wish him every success, especially in this key 75th anniversary session of the Conference which will set the stage for many sessions of the International Labour Conference on activities in the future.

Many of the crucial challenges facing us have been and will be addressed at this session of the Conference, and I would like to add my voice in the name of the 18 million metalworkers worldwide to some of these issues.

In April this year, in Marrakesh, the world's governments agreed to set up a new World Trade Organization. The International Metalworkers' Federation fought long and hard for some reference to workers' rights in the mandate of the new body, and we were glad that the question was raised forcibly in Morocco.

I am specially grateful to leaders of unions in certain Asian, Latin American and African countries who supported the call for a world social clause in the GATT, even if they met with the hostility of their governments to this concept.

But the fight is not over yet.

The Preparatory Committee for the World Trade Organization has a mandate to include new issues on its agenda, including workers' rights, and we will have to continue to put pressure on governments and international agencies to ensure that workers' rights are not forgotten; and the ILO has a special responsibility here to work with the GATT and the new World Trade Organization for a social clause to be included in the rules of international trade.

We continue to insist that the new world of trade and production must have a social element built into it by means of respecting ILO Conventions. Nations that do not respect human rights at work, which force children to work or which forbid the right of workers to form independent trade unions, must be exposed. It is not low wages but the violation of human rights at work that is the unfair subsidy too many authoritarian governments award themselves.

We are also concerned at what many others have seen as a concerted and organized offensive to reduce the ILO's role as a universal upholder of international labour standards. We believe that, on the contrary, the time is ripe to reaffirm the ILO's values and strengthen its capacity for intervention in defence of its standards.

In my own organization, the International Metalworkers' Federation, we have been grappling with many of the issues that have occupied the thoughts of many of the speakers in this forum. Just a few weeks ago, our Central Committee discussed and adopted a Metalworkers' Charter for Social and Economic Alternatives.

There are many sad benchmarks of our societies on the eve of the twenty-first century which threaten peaceful development and human progress. But the real shackles on economic growth, job creation and rising living standards throughout the world are not a lack of natural, financial or human resources, but outdated institutions and political concepts.

Obviously, there are vast and unfulfilled needs in the developing as well as in the developed world, but our institutions have proven incapable of transforming that human need into economic demand.

Our basic strategy is simple: economic growth must be relaunched wherever it is lagging, and workers must share in the wealth that they create.

We demand that respect for political democracy, human rights and environmental protection be made a condition for participating in international economic exchanges. We do not accept that the existence of different stages of economic development is a licence to destroy the environmental basis on which growth depends or to violate basic human, democratic and trade union rights.

There are growing flows of trade and investment that ignore international standards of rights, and environmental protection, which increase international competition based on social and labour costs, thereby threatening employment, wages and working conditions.

In the developed economies, there is insufficient private investment because of depressed demand. Public sector deficits are growing primarily because of rising unemployment. To reverse this situation, a concerted public sector investment programme is needed.

Fair conditions for the developing countries and those in Eastern and Central Europe must be created by reducing interest rates, stabilizing prices for primary products, and the opening of markets in the developed world.

Aid programmes must be adapted to real economic circumstances, to grant help so that these countries can help themselves to satisfy the basic needs of their people and to protect and restore the environment.

The anarchy in the world's financial markets deprives the productive economy of resources and is a serious impediment to effective economic policies.

The international financial system must be restored to its proper role – that of facilitating international exchanges in the real economy.

Industrial development must be shared between developed and developing countries, and the process of change must be controlled, not chaotic.

In addition to such industrial policies, monetary and fiscal policies must be coordinated as well. Unemployment, inflation and unsustainable trade balances cannot be allowed to shift uncontrollably around the globe, stifling economic growth and social development.

Education and training must not be confined to narrow, job-specific skills, but prepare workers for the wide variety of challenges that the future will bring. Programmes should be managed by a tripartite (union-employer-government) basis.

An imaginative use of worktime reductions could strengthen the link between economic growth and job-creation, encourage the continued education of the workforce and help balance family responsibilities. All the restructuring at the enterprise level, and the introduction of new work organizations can be used to reduce working time and encourage employment.

Such changes must of course be negotiated by the parties concerned, but obviously these are far better alternatives than mass lay-offs.

In the current environment of insecurity, and without a role in decision-making, change cannot help but be perceived as threatening by workers and their trade unions.

The current drive to enforce the labour market's so called "flexibility" by destroying social safety nets is bound to be resisted by working people and their representatives – they will seek "security against change".

Instead, we propose that workers be given "security in change" by buttressing social safety nets, and putting in place a framework of negotiations between government, employers and unions on the management of necessary changes.

Time restrictions, unfortunately, limit the possibility of pursuing this debate, but it is one that will continue to occupy the ILO and this session of the Conference.

We will return to many of these issues in the run-up to the World Summit for Social Development which should be a great opportunity for the ILO to reassert its influence and play a leading part in the whole United Nations system.

Mr. MICHALZIK *(representative, Miners International Federation)* – First of all, I have the privilege of congratulating the President of the 81st Session of the International Labour Conference, and I also wish to thank the Director-General of the ILO for the excellent Reports produced for this session marking the 75th anniversary of the ILO.

I also wish to seize this opportunity to congratulate the workers of South Africa on the successful completion of their struggle against apartheid, a system which prevented the South African people from taking their rightful place in this very Organization.

I represent an organization, the Miners International Federation, which was founded 105 years ago in order to safeguard and to protect the interests of mineworkers on an international level.

The Director-General in his Report deals particularly with the features of a changing world, that is the disappearance of the Communist bloc, the globalization of the economy, and the proliferation of social problems. All these are elements that have had tremendous influence on our structure, and our membership, which has grown over the last four years from 1 million to almost 5 million.

But contrary to other international workers' organizations, the growth of our membership is due not only to political and social changes in Eastern and Central Europe, where the mining industries, while undergoing a process of restructuring, still provide employment on a massive scale, but also to a phenomenon described as a shift of mining operations from the Northern hemisphere to the South, that is from high-wage to low-wage countries. Whilst pits in Sweden, Belgium, Germany, England, Spain and Japan have been closed, new mines have been opened in countries like Colombia, Venezuela, Brazil, Chile and in a number of African and Asian countries as well.

Another concern of ours is caused by the big gap in the application of mining technology. It is not uncommon that, even in one country, some mines operate with advanced technology, while others operate under conditions reminding us of the last century. The effect of this is that, even in the same country, the wage ratio could be seven to one, and working conditions are not comparable.

We also consider the small-scale mining sector to be problematic. On the one hand, it produces 25 per cent of all world mining products and is rapidly expanding. On the other, it lacks the barest minimum of state supervision and inspection.

Against this background, an international workers' organization can only thrive if it is fully prepared to act, to the fullest extent, upon one of its historic prime objectives, namely extending solidarity across national boundaries.

There is one characteristic that mineworkers from all over the world have in common: it is their concern for safe working conditions and health.

The statistics of this very Organization indicate that, every year, more than 15,000 miners, that is the population of a small town, lose their lives through mining accidents. The real number, however, including the small-scale sector, may indeed be much higher, perhaps double that.

To us in the Miners International Federation, the fatal and non-fatal accident figures which are higher than comparable figures in any other industry, are shocking, and we believe these sad facts do not have to be accepted as inevitable. Research carried out by the MIF and presented to our Federation's International Conference on Health and Safety in the Mining Industry, which was held two years ago with the support of the ILO, showed that many of these accidents could have been avoided if up-to-date safety standards had been in place, and adhered to.

Miners know that they have dangerous jobs, but they also know that most accidents are avoidable, provided that the best available mine safety techniques are applied. The MIF and its member organizations have always held that the problem is not only a technical one, and that what could best be described as a proper "safety culture" must be developed. Miners and mining communities must be able to participate in the control of their environment and their workplace and where they live.

Since our conference was held, the first moves have been made, nationally and internationally, to get our own programme started, with health and safety seminars and workshops, production of education material, publications and intensive lobbying at all appropriate forums.

The ILO has been a reliable partner in all our efforts to improve safety and health in the mines. The Governing Body of the ILO four years ago pointed out that mining remained one of the most hazardous industries, but complained that no instrument existed to extend international protection to miners. After a number of in-depth consultations between the MIF and the ILO, the Governing Body finally decided at its 254th Session in November 1992 to place on the agenda of the 81st Session of the International Labour Conference the question of health and safety in mines.

The relevant report of the Office argues that "both on the surface and underground, miners are experiencing continued heavy loss of life due to problems of occupational safety and health and catastrophic events associated with the unique and constantly changing working environment. The development of an international standard was considered to be important to member States for the following reasons: firstly, because of the value to workers, employers and governments of an instrument or instruments that address areas where existing instruments are deficient and, furthermore, consolidate such standards as do exist for the benefit of the sector-specific regulatory authorities already established in member States. Secondly, the provision of an instrument or instruments would mark the recognition of the considerable economic importance of mining in both industrially developed and emerging countries".

This session of the International Labour Conference coincides with the ILO's 75th anniversary and the 50th anniversary of the Declaration of Philadelphia. To us these events seem a very appropriate context for preparing to adopt a Convention and a Recommendation on occupational health and safety in mines.

Although we are aware that certain groups within the ILO have become critical of international standards, the events of the recent days at this very Conference have shown that a large majority of employers in the mining industry who took part in the consultations on agenda item V, share our concern for health and safety, and we are pleased at having found a wide consensus concerning the principle that the fate of a miner should not depend on whether the company he works for has a highly developed policy in terms of occupational safety, or has virtually none. To achieve this we do need international standards in our industry.

I hope that all the governments of mining countries, including those who until now have had some reservations concerning the adoption of a clear-cut Convention, will, in the light of the deliberations at this Conference, adopt a positive attitude when it comes to the last reading of the draft instruments at next year's 82nd Session. We have from the early outset made it clear that we wanted a ratifiable and applicable Convention.

Finally, allow me to come back to one of the most important passages in the Report of the Director-General concerning the social clause. We believe that once an international labour standard has been set by this Organization and ratified by a certain country, it should by all means be applied.

What can be wrong with enforcing the application of ILO standards by a clause in international agreements?

If the practice of the future is that countries that violate ILO standards are rewarded by these dubious benefits of the so-called free market, then not only ILO standards are endangered, but the very existence of this Organization.

Original French: Mr. KUBWIMANA *(Workers' delegate, Burundi)* – I am particularly happy to address this august assembly, in order to first of all carry out a very pleasant duty, that of congratulating the President and the Officers on their unanimous election to direct the work of the 81st Session of the International Labour Conference. There is no doubt that the trust thus placed in them is a guarantee for the success of our work, for their wisdom and their experience in forums of this kind guided the choice of all of the participants in selecting them.

I must also pay a well-deserved tribute to the Director-General and to the Governing Body of the ILO for the remarkable quality of the Reports which they have submitted to us for discussion, and which have been the subject of continuous praise on the part of all the speakers who have preceded me at this rostrum.

I believe this praise is all the more justified as this year the International Labour Organization had not only to give us an account of the activities of the ILO since the last session of the Conference, but also to give us an assessment covering the 75 years of existence of this prestigious specialized agency of the United Nations and coinciding with the 50th anniversary of the Declaration of Philidelphia which defined the goals and objectives of the Organization.

This double anniversary also gives us a very valuable opportunity to mutually congratulate ourselves – managers of the ILO system, governments, employers and workers – because of the gigantic task that has been accomplished in the struggle for social peace, human rights in general, trade union rights and freedom of enterprise in particular, as well as security and peace in a world which is continually changing.

While the social partners can take legitimate pride in the various achievements and the progress of the ILO in the fields of social justice, democracy and human rights, this feeling must not hide the new dangers and threats which hang over the same accomplishments and the future of vulnerable social categories.

There is a growing tendency, even within the ILO, to question the standard-setting activities of our Organization. The sacred mission of the member States to ensure that a balance exists between the economic and social interests of the partners in the world of work has also been challenged.

It would not be appropriate at this point in time for the ILO to accept philosophies aimed at diverting it from its mission and which are presented as corollaries of democratization. Unbridled economic liberalism, "flexible" labour markets and the deceptive "social clauses" in economic cooperation agreements, financial and commercial agreements have all been presented in that light.

This is the best forum for the social partners to give in-depth consideration to the very relevant theme proposed by the Director-General of the International Labour Office in the second part of the name of his Report, namely "Social justice in a global economy". The values we must defend through these changes should, for the ILO and its constituents, be more than a mere "project". They represent a wager that must be won at any cost rather than a challenge.

The ILO should become the last bastion of social justice in a world economic environment which is governed increasingly by the harsh rules of competition, that is, the law of the jungle.

If the crucial role of the ILO – that of advising governments, employers and workers in their social and industrial relations – frittered away as the economy became more global, how could our tripartite Organization claim to promote fundamental human rights and to defend social justice?

The ILO has to be more vigilant than ever during this last decade of the twentieth century so that the positive fruits of political democratization are not embezzled by "new bureaucracies" allied with the forces of capital to maintain the social forces on the fringe of world development.

There are no better indicators of this daunting problem than the complaints of occupational organizations of workers and employers denouncing certain governments, which on top of it all call themselves democratic, for having openly interfered in their internal affairs.

How many governments respect the principle of tripartite representation at ILO meetings or in the working committees of regional organizations without making the partners have to go through obstructive procedures to claim, sometimes without success, their statutory and legal rights.

I can cite as an example the case of my country, Burundi, the Government of which was the subject of a denunciation for violation of article 3 of Convention No. 87 in November 1993. To date, no explanation has been given for this violation, in spite of the request which was addressed to it by the competent bodies of the International Labour Office. Similarly, the tripartite composition of the Burundian delegation at this session was only achieved thanks to the joint insistence of the Confederation of Free Trade Unions of Burundi and the Association of Employers of Burundi.

Apart from the duty of the ILO to defend the fundamental values of social justice and democracy through apparently unavoidable changes, there are also situations which are particularly urgent and which require the kind of solidarity on the part of the international community that the ILO can mobilize.

At this very time, as I speak to you, in the east-central subregion of Africa, a human tragedy is taking place which is unprecedented since the persecution of the Jews by the Nazi empire during the first half of this century.

In our subregion, in particular in Rwanda and Burundi, the democratization process has exacerbated the differences between ethnic groups which had coexisted for thousands of years, rather than galvanizing the national conscience and creative energies into a political, economic, social and cultural environment which would be more beneficial for all.

The genocides which are being perpetrated in these two countries and which the international press modestly calls "inter-ethnic massacres" should bear on every human conscience and on the civilized nations so that they put an end to them without giving rise to an interventionism aimed at reconquering lost or uncontrolled territories.

In addition to mobilizing international opinion to respond with greater human assistance for the peoples of Burundi and Rwanda, the ILO should become more involved in the search for resources for the reconstruction of these two member States, which are at present in dire need and ravaged by civil war.

I appeal, on behalf of the Confederation of Free Trade Unions of Burundi, to the services and decision-making bodies of the ILO to establish urgent assistance programmes for the workers and employers who are victims of the tragic events which have been taking place in Burundi since October 1993, and I also feel that they should establish medium-term projects which could be part of a national reconstruction plan.

The social and political crisis is taking place at the same time as another crisis, which is no less deadly, namely the economic crisis. It has been exacerbated by structural adjustment policies. The international organizations and other partners of Burundi should direct their assistance to reconstruction, the creation of jobs and the improvement of living conditions of populations, both rural and urban, which no longer have any income from agriculture, crafts or other work.

To conclude, I dare to hope that this appeal of the Burundi working class will be heard, and above all that it will be followed by rapid and positive reactions on the part of the ILO and its allies, whom we thank in advance.

May our work conclude with results which will be satisfactory to all participants, and may they genuinely benefit our respective constituents.

Long live the ILO and long live international solidarity.

Mr. RIBIC *(Workers' delegate, Croatia)* – On behalf of the Croatian workers and their delegation here, I would like to congratulate the President and the Vice-Presidents on their election and successful leadership of this 81st Session of the International Labour Conference.

We are very proud to take part in this 75th anniversary of the ILO and of having the honour to speak here. The very fact that the Croatian workers are here is also an occasion for rejoicing. For this they can thank the establishment of their independent State, whose liberty has mainly been attained by the efforts and lives of workers. Thanks to their sacrifice in the war against Serbian fascism, they were able last year, for the first time, to attend the Conference and contribute actively to the ILO's high human and social principles.

Their first and ancient dream to have their own national State has been realized; their second pursuit – to live and work in stable peace – is far from being achieved; and their third dream – to have a State and society based on social justice – is still a dream. The Croatian workers hope that the ILO will help to make this dream come true and promote the effective protection of its own standards and instruments – which are more important than ever, for the prosperity of each individual.

In the war tragedy Croatian workers have experienced the inefficient nature of the international community, which has only paid lip-service to its highest principles of human rights. Indeed, ILO Conventions have been violated, tripartism overthrown and social dialogue thwarted; and all this undermines the ILO's authority to protect its profound values.

Consequently, a shadow of pessimism has been cast on those world institutions whose goals extend beyond purely economic considerations and whose existence is based on the protection of human values.

There is a real threat that only one criterion will determine the quality of our social life – the economic criterion. This threat could result in a denial of basic human values, such as social justice, tripartism, solidarity, tolerance and education. Some of these values have always had their price. Therefore, we must ask ourselves: at what stage do these values put a brake on economic development; and when can the overriding need for economic growth justify our neglect of basic ideals and values? Can the "law of the jungle" prevail and nullify social and democratic achievements that have been acquired during the twentieth century – including the invaluable contribution of the ILO?

There is no doubt that the ILO should continue protecting and promoting basic social principles in spite of the pressure of a rough neo-liberalism. We believe that ILO conventions cannot become a "soft law". We believe that there is no alternative to tripartism and to collective bargaining. All of these items should be enshrined in a world charter of workers' rights; they should be considered as part of a human being's birthright. We believe that they do not have an economic equivalent – just as free elections in democratic societies do not have a price either.

We maintain that the growth of international competition, the globalization of economy and broad opening of the world markets cannot justify the decline or postponement of the sustained application of our values. On the contrary, these phenomena call out for the global standardization of social rights. If the global economy erases many of the differences existing between national regulations, the argument that the implementation of ILO standards runs counter to specific national conditions seems totally unconvincing to us.

The global economic crisis must not be used as an excuse to slow down on the implementation of our standards. We sometimes hear it said that now is not the time to be observing ILO standards. We assert that by this assumption everybody can easily understand that there never has been an appropriate time – neither today, nor in the future: there never will be, if we live in a market economy, undergoing the rules of economic competition. Such opinions undermine the universal principles contained in international labour standards, which are not only prescribed for periods of economic prosperity.

Social justice was not devised as an ideal that cannot survive an economic crisis. If social justice loses its intrinsic meaning and universal nature, then the ILO will have lost its *raison d'être*. It will then have to abandon the most important provision in the Declaration of Philadelphia, that "labour is not a commodity"; and after that our world will have changed and be quite different from the world we believed in.

Therefore, the ILO should prove to the world community that it is the social conscience of the world, quite able to answer to the task of defending values and promoting change. The World Summit for Social Development is the place where the ILO should reaffirm its basic values and the social clause. We agree with the Director-General's proposals to: reinforce supervision of the respect of basic social rights; draft an annual report on the world employment situation and adopt a multilateral approach.

Workers' representatives inside the ILO should participate in ILO policy-making, helping to reach more convincing solutions to various issues: the right to work; labour law; fair labour standards and international trade. Our first task is to make it clearly understood that strict compliance with ILO standards cannot be a real obstacle to employment creation.

Croatian workers in the country are also in a similar situation. We are not experiencing a crisis of tripartism because we do not have tripartism. It has not been established as a mechanism for social dialogue. We do not even have a formal structure for tripartism. Similarly, we have not resumed the system of collective bargaining. The Croatian Government, as the largest employer in the country, does not wish to bargain collectively in good faith with the unions. The unions have been ignored for a long time, particularly in the public services.

Resuming with the sharp anti-inflation and economic stabilization programme last October, the Government decided to regulate wages by decrees. For the first four months, unions supported the new economic programme. Owing to the unions' support, the programme was very successful indeed. For eight months, there has been no inflation, although the country has a very unstable external environment.

However, the Government cut salaries unequally, sharply reducing the wages of employees paid under the state budget, adopted decrees and refused to resume bargaining; not surprisingly, this provoked a few strikes in the educational sector.

The strikes were interrupted on the grounds that teachers were obliged to work under the Act of Defence. The Government justified this decision by maintaining that the country was in a state of direct danger.

It is undeniable that 25 per cent of the country is occupied by Serbian fascists, that Croatia has more than 200,000 refugees, that war is being waged in a neighbouring country and that part of Croatian industry is destroyed.

However, we do not believe that teachers' strikes can constitute a direct danger to the country. We maintain that the failure of the Government to observe its democratic duties towards the unions has undermined its authority. We believe that it has violated the ILO's basic Conventions Nos. 87 and 98.

The ILO Committee on Freedom of Association will assess the case in accordance with the ILO's role, which is of crucial importance for the development of democratic and social rights all over the world; and this role can never be overestimated.

(Mr. Matinchev takes the Chair.)

Original Spanish: Mr. PENINO *(Employers' delegate, Uruguay)* – It is an honour for me to take the floor at the 81st Session of the International Labour Conference.

On behalf of the Chamber of Industries of Uruguay I wish to extend to the President the congratulations of the employers of the Eastern Republic of Uruguay on his election for the delicate task of chairing this session of the Conference.

There can be no doubt that the subject chosen by the Director-General for his Report was the most suitable in view of the totally unprecedented events we have witnessed in recent years.

Among these are the irreversible adoption of the market economy by a constantly growing number of countries in which structural adjustment policies are promoting private enterprise and reducing state intervention in the economy.

The market economy, synonymous with democracy and freedom requires a legal framework which recognizes private property as well as the right for industry to operate freely and to trade in the form of private enterprises.

The globalization of the economy and the creation of regional entities aimed at lowering trade barriers and establishing areas of free trade, make it necessary for some countries to apply structural adjustment programmes in order to improve the competitiveness of enterprises and their capacity for accessing international markets.

Economic and social development is the result of conditions that stimulate profitability and increased productivity, and of the growth of productive undertakings based on private initiative and investment.

Under these conditions it is essential to redefine the role of the State in the order of economic relations with a clear statement of the changes that must be made in the system of labour relations in order to bring it into line with the goals of the democratic institutional system which itself aims at achieving both political freedom and prosperity for the people.

Thus, for example, in our region at the same time as MERCOSUR is being planned on the basis of the liberalization and deregulation of economic relations, parallel to this, and in the very same bodies that are set up to this end, proposals are being made which are aimed at generalizing and standardizing the field of labour, as well as the functioning of the labour market, all of which is incompatible with the very idea of the free market.

What is needed is labour reform providing for both flexibility at the level of individual relations and management of human resources at the level of the enterprise, as well as the framing and implementation of a system of collective labour relations in those areas in which the necessary conditions exist based on free and voluntary negotiations.

We should clearly state that the imposing of standards which concretely determine the terms under which collective agreements are negotiated and implemented is inappropriate, leaving no room for the free play of those variables which affect the labour market and the necessary autonomy in enterprise management.

Labour flexibility merely means to recover conditions of freedom, adaptability and the capacity to respond to the changing requirements and the reality of the economy – recognition of the authority of employers to manage enterprises in efficient conditions in the framework of free competition.

In order for collective bargaining to constitute a system that is consistent with the basic principles of the democratic system of government and political freedom in general, as well as freedom of association in particular, we must have collective bargaining that is voluntary, free and autonomous, both with regard to negotiation itself, and the content of the collective agreements, and which allows genuine verification of the level of effective participation by all sides.

The collective labour agreement, therefore, should play the role belonging to it, namely expressing the balance between the parties prevailing at the time it is signed, by means of which both parties, employers and trade unions, assume their responsibilities.

For such a system to function effectively a precise legal reference framework is essential. It is up to legislation to define tangibly the nature of the collective agreement, the temporary nature of its influence on individual contractual terms, its duration or termination in the event that the trade union fails to adhere to its inherent obligation to respect the conflictual commitment made by virtue of the agreement.

Labour relations under a democratic system can only have a collective form in those areas in which the collective autonomy is expressed through the establishment of broad-based workers' and employers' organizations.

The concept of social bargaining as a series of operations going from the macroeconomic level through successive stages to the microeconomic level is clearly a corporate concept based on a regulatory view of labour relations which is totally incompatible with the market economy and the principles of freedom.

Centralized negotiations of a type often called "national agreements" can be useful to the extent in which they are a means of ensuring the consensual application of a system of collective bargaining that is both free and voluntary, ensures transparency in the real collective capabilities of the respective actors, will contribute to social and economic progress through labour flexibility and provides security with regard to labour standards both at the administrative and legal level.

According to the democratic republican representative system of government that prevails in my country it is incumbent on the political organs of the State, namely the Legislature and the Executive to assume the task of drawing up labour legislation in terms that without diminishing protection for the workers against possible abuse guarantees the employer the freedom needed to manage the enterprise's human resources.

The Judiciary must also ensure legal protection based on the direct interpretation of the law, guarding against extensive interpretations that are not within the grasp of the average citizen whose conduct they govern.

In the final analysis, the validity of democratic principles, the possibilities for economic development and the true application of human rights in the field of labour relations all depend on the definitive repudiation of intervention and on replacing it with a system of genuine autonomy in employment relationships both at the individual and the collective level.

Mr. BAFYAU *(Workers' delegate, Nigeria)* – On behalf of Nigerian workers and their trade unions, may I congratulate the President on his election to the chair of the 81st Session of the International Labour Conference. We wish him a very successful tenure.

May I also seize this opportunity to congratulate not only Mr. Nelson Mandela and the humane and courageous minds that kept the struggle alive against apartheid in South Africa, but also the ILO for the role it played in seeing that South Africa is a truly democratic nation. We hope, however, that the political democracy won in South Africa will equally transform the economic fortunes of all races in South Africa.

In extending the above appreciation and best wishes to the people of South Africa, we are fully aware of the fact that Nigeria is under a military dictatorship, and Nigerian workers and their trade unions are, of course, determined and are involved in a relentless struggle to ensure that democracy returns to our country very soon. We are very confident that the date on which these objectives are achieved is not distant.

Permit me to comment on the Director-General's Report and his seeming support for the globalization of world economy and preference for the market economy. To us in the developing countries, the market economy is clearly a grand strategy by the developed nations to perpetually enslave developing countries, socially and economically.

Standards of development and characteristics differ from one country to the other. The conditionalities and terms imposed by the World Bank, the IMF and other international finance agencies on the developing countries have not only destroyed and devalued their national currencies, but have also effectively killed productivity, pauperized workers and made developing countries almost totally dependent on developed nations. This is an international operation.

It also has to be said that the implementation of these conditionalities has led to gross inflation in all commodities in these countries, low capacity utilization in industries, massive retrenchments in all sectors of the economy and of course instability in governments. That is why any insurrection in the developing countries is closely linked to the economic performance of that country as a result of implementing the structural adjustment programme.

This brings me to the concern expressed in the Report of the Director-General over the employment situation in the world. Unemployment in developing countries is almost at a crisis point. The cause of this is directly associated with the market economic conditionalities clamped on the developing countries. No country can pay back huge debts in hard currencies and at the same time liberalize trade in their homes and be expected to make economic and political progress. Whereas the developed nations have opportunities to plan their economies, they do not want the countries of the Third World to plan theirs. Whereas they preach gainful employment here in the ILO, they preach rationalization of workers in industries in the Third World, all, according to them, to assist efficiency. Who is fooling who? We are today in a world where the international financial institutions are strangulating the Third World with their heavy debt burdens and high vending interest rates on one side, and manipulation and economic exploitation by multinationals on the other side. We cannot talk in an honest manner about unemployment if the ILO cannot come out and intervene decisively in the activities of the IMF, the World Bank and the international financial institutions and the conditionalities that they are imposing on the developing countries.

It is a matter of joy to see that the Director-General has put emphasis on the matter of tripartism in his Report. It is through this forum that we hope that the issue of retraining retrenched workers can be adequately discussed. Multinationals and employers of labour in developing countries never see the need to retrain workers for other jobs when they are retrenched. We therefore call on the ILO to send a clear message to employers not only to urge that workers are retrained for higher responsibilities but also to ensure that employers examine ways and means of finding alternative employment for retrenched workers.

In conclusion, I wish to draw the attention of the ILO to the need to intensify worker training programmes in our country, Nigeria. To achieve the necessary mental environment among Nigerian workers for the constructive struggle for durable democracy, as advocated by the Director-General in his Report, trade unions need to carry out massive training programmes of workers. This is equally necessary in almost all developing countries of the world in order to sustain their democracy.

And finally, Nigerian workers and their trade unions congratulate Israel and the Palestine Liberation Organization for their engagement in essential dialogue in order to bring decades of hostilities to an end.

Original Laotian: Mr. VANNABOUATHONG *(Workers' adviser, Lao People's Democratic Republic)* – On behalf of the Lao Federation of Trade Unions of the Lao People's Democratic Republic, I feel very honoured to participate in the 81st Session of the International Labour Conference in this beautiful city of Geneva. I would like to thank the organizing committee for having provided us with the opportunity to express our opinion on the theme issues. We congratulate the Director-General on the selection of the issues to be reported on to the Conference, in particular the important issue of part-time work. I am convinced that you are satisfied with what has been achieved.

With more than 80,000 members throughout the country, the Lao Federation of Trade Unions is a large, popular organization which protects the interests of and represents the Lao workers and labourers in the Lao People's Democratic Republic. These members represent the core of the organization and set a good example for the workers and labourers. The Lao Federation of Trade Unions comprises seven main branches, 24 autonomous grass-roots bodies, 16 provincial trade union federations and one municipal trade union office. The Federation plays a role in educating, uniting and mobilizing the workers to participate in the defence of the rights of all workers without any discrimination, and in protecting their just rights and interests according to the state law. The strategic tasks of the Lao Federation of Trade Unions during the transitional period of socio-economic development in the Lao People's Democratic Republic are to stimulate the movement of workers and labourers and to actively contribute to the implementation of the Lao Government's socio-economic development plan which has been approved by the National Assembly. We strive to build a prosperous country and to gradually improve the living conditions of working people. We also make a contribution to the observance of regulations and state laws to ensure social order.

Through the monitoring and stimulation of the implementation of various laws related to the interests of workers and labourers, the Lao Federation of Trade Unions is especially concerned with labour law. Thus, together with the Ministry of Labour and Social Welfare and the Ministry of Justice, the Lao Federation of Trade Unions studies labour law and makes suggestions for amendments to suit the present conditions of labour. A new labour law was endorsed by the National Assembly on 14 April 1994 and will soon be enforced by the Government. The labour law is a tool to protect the interests of employers and employees and to mediate their labour disputes, in conformity with the spirit of the fundamental ILO principles which the Lao Government endorsed in 1964.

The issue of part-time work assigned for a second discussion by the Conference is of great interest to our delegation since it is crucial to national construction and development and helps reduce unemployment in the country. According to our labour law, working hours amount to 48 hours a week or eight hours a day. Part-time work is allowed at some production units for the convenience of the workers concerned, but it is not available to all production units since our country is still underdeveloped. Ninety per cent of the Lao people are engaged in agriculture and in handicraft production. They have their own land and houses. Agriculture and handicrafts are also ways of generating additional income for government officials and employees after their work.

To cope with our huge responsibilities, we still need comprehensive assistance. In particular, technical and financial assistance in the field of skill development, staff training in legal labour protection and information systems are badly needed. We wish to obtain technical assistance in the form of consultation, provision of experts and necessary materials, and personnel training.

The Lao Federation of Trade Unions is very pleased to extend and strengthen our cooperation with all trade unions in Asia, as well as throughout the world, without any discrimination and on the principle of respect for independence, sovereignty, equality and mutual benefit.

In conclusion, we would like to express our sincere thanks to the International Labour Organization and the organizing committee for providing us with the opportunity to attend this Conference. I would like to wish delegates and guests good health, and the Conference great success.

Mr. SHAMENDA *(Workers' delegate, Zambia)* – On behalf of the Zambian workers' delegation, I wish to offer our sincere congratulations to the President and his two distinguished Vice-Presidents on their election to these very important offices.

I would like to pay tribute to the Director-General of the ILO, Mr. Hansenne, for his thought-provoking Report to this Conference, which also marks the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. These two occasions should encourage us to reflect and see in which direction we are going, whether we are taking three steps forward and four steps back. The Report entitled *Defending values, promoting change* underscores the main principles of the foundation of this noble Organization 75 years ago.

It is important that we defend, maintain, retain and improve on the values which we struggled to achieve over the difficult 75 years of the ILO's existence. Promoting change – this should mean change for the better. The workers are worried by the attitude of some of our employers and governments – on the African continent in particular – who are taking away even the few privileges that were previously granted to the workers. There are speeches every year from some employers and some governments at the ILO who are trying to dilute the basic standards which were granted to the workers of the world. The workers of my country, believe that, given its historical background, mandate, expertise, long experience and tripartite structure, the ILO has a determining role to play in any effort to ensure that the benefits of expanded trade and economic growth are shared by the majority of the workers. We therefore strongly support the Director-General's point that the launching of the World Trade Organization and the globalization of the world economy have made it more important and imperative that this Conference should give the Director-General a clear mandate for the further development of the ideas contained in his Report on how the World Trade Organization and the ILO can work together at improving our common objectives in improving labour conditions for a better quality of human life and the promotion of social justice, as articulated in the Preamble of the ILO's Constitution and the Declaration of Philadelphia 50 years ago.

In my country, Zambia, despite many promises by our Government on the introduction of economic reforms with a human face, it is sad to note that this beautiful face is covered with an ugly mask. The social dimensions of the reforms are non-existent. When you talk about development, development should be for the improvement of the quality of life for the majority of the people. If development means measuring the affluence of 3 per cent of our citizens, then we are highly developed.

When my country achieved independence some 30 years ago, we had 4 million people and close to 200,000 to 300,000 people in formal employment. Thirty years later, with a population of 8 million, we have dropped below 200,000 people in formal employment. Is this the economic reform that the world should be preaching? Is this the development that we look forward to? Even if we have no more political headaches and are fully enjoying the new wind of democracy, our democracy is once again being in danger of becoming a sham. Citizens are faced with a high rate of unemployment; the majority of our people are now living in poverty; industries are closing down every day, resulting in the loss of jobs in the country with no social protection for the unemployed. Without economic development, we cannot talk about any meaningful political development or democracy. As a result, there is a danger of leaving the political arena to the few who have the affluence to control the livelihood of the majority of our people. What is democracy to a person who has got no employment? What is democracy to a person who is not certain of what he is going to eat tomorrow? It is another form of dictatorship.

I would like to thank the Director-General, for having sent his Assistant Director-General in charge of Africa, to Zambia to participate in our May Day celebrations. I am sure he saw misery and helplessness of the workers who were marching on this very important day. As workers, we believe that real development will only take place through meaningful consultation among the three social partners, and the ILO can play a key role in this area.

Human rights should not be confined to political reforms and political rhetoric. The issue of human dignity through economic development and well-being of all citizens, as articulated in the Declaration of Philadelphia should be considered in the same way as other forms of human rights. Therefore, the issue of social clause is a must for the workers all over the world who believe in social justice.

At this point I would like to pay special tribute to the South African Government for having accepted tripartism in the Southern African Labour Commission. I further pay tribute to them and the employers' organizations in our subregion for having adopted the Workers' Charter. I have no doubt that having ratified this Charter both the governments and employers in our subregion will give their support to the proposed social clause.

Allow me in conclusion to pay tribute to the South African delegation, following their recent admission to membership of the ILO. For the workers of Zambia the victory in South Africa is also their victory. We used to be subjected to the same evils whenever we visited our relatives and friends in that great country. We are part of them and they are part of us. So we celebrate together. Their presence should always remind us of the evils of social and human injustice that the ILO has vigorously fought against for the past 20 years. This should never again emerge in any country in whatever form to be discussed at the ILO. Let us defend our values and promote change in order to enhance the dignity and quality of human life and promote social justice for the majority of our people.

Allow me to end with an old Ghanaian proverb: The ruin of a nation begins in the homes of its people.

Mr. PASKA *(Workers' delegate, Papua New Guinea)* – It not only gives me pleasure but also considerable pride to congratulate Mr. Gray on his election as the President of the 81st Session of the International Labour Conference.

That an American labour leader known throughout the developing world as a champion of the cause of the workers has assumed the high status of President of this Conference, which marks the 75th anniversary of the ILO, is also a fitting tribute to the pioneering labour leaders who founded not only the ILO but also its uniquely tripartite structure.

So many encomiums have been heaped on the ILO by previous speakers that it would be merely an exercise in backtracking if I were to repeat the praises of the ILO. Suffice it to say that I fully endorse the compliments given to the ILO by speakers who took the rostrum before me, and also that as a tangible manifestation of our regard for the ILO and the service it has rendered to the world of labour, the Government of Papua New Guinea declared 10 June as a public holiday to honour the ILO. As the representative of workers in my country I hope that my Government will follow the rest of the world in declaring 1 May as a regular holiday in my country.

As a further acknowledgement of the crucial role played by the ILO during the 75 years of its existence, the Government had responded to trade union initiatives and set up a national tripartite consultative council charged with the task of formulating labour-related policies and programmes. However, the full potential of the national tripartite consultative councils has not been exploited on account of a number of variables. We have submitted memoranda in this regard and we are hopeful that the Government will respond to our overtures positively.

This Conference has assumed more than ordinary interest as the Director-General has covered a wide array of topical issues currently riveting the attention of the global community. Among them is the key issue relating to the social clause of the GATT, leading towards the World Trade Organization. The question of human rights, structural adjustment programmes and their repercussions are all interlinked to constitute yet another great divide in the world.

Whilst the acceleration of globalization has been brought into sharp focus by the Director-General, the fact remains that divisive wages continue to open up chasms based on conceptual differences regarding development in the developing countries. Thus, we see the North-South, the East-West, the poor and the affluent, the developed and the developing countries being bequeathed with a further legacy – the social clause.

It is now clear that there is a great deal of suspicion on the part of the developing countries about the true import of the social clause. It is seen as an attempt to promote protectionist policies and halt the developmental progress of Third World countries. Therefore, I believe that a special effort must be made to allay such misgivings and to devise a formula that will be transparent and easily discernible.

As a result of structural adjustment policies that countries like ours do not have the option of accepting or not accepting, we have had consequences that have acted to the detriment of the workers and the less affluent.

The rubber stamping of the economic medicines prescribed by the IMF and the World Bank has seriously depressed the living standards of the workers. Regulation and economic liberalization have reduced the take-home pay of the workers. The social cost of this is of ominous dimensions.

All this points to the more effective and more dynamic role that the ILO must play not only to maintain its distinctive character and the scope and content of its outreach stemming from the 75 years of its existence, but also to re-establish the ILO as the fountain-head of the social concerns of the nations which constitute the global community.

Before concluding, I wish to confess my puzzlement over the Director-General's reference to the fall of Communism and its impact on the work of the ILO. Similarly, the reference to the Declaration of Philadelphia and the beginning of the Cold War appears to give the impression that the establishment of the ILO was a response to the advent of Communism and the Declaration of Philadelphia a countermeasure of the Cold War. I trust that this misunderstanding will be cleared up by the Director-General in due course.

I submit that the collapse of Communism and the end of the Cold War have not lessened or in any way reduced the paradoxes facing the world. In place of these ideologies new fissures have developed that are tearing unitary nations apart by a rise in sectoral interests.

Therefore, it cannot be said that the ILO's basic concerns can be relaxed or that it should demarcate for itself a new direction to in which proceed alone.

Current developments dictate that the United Nations system itself must align itself to the successful formula in the make-up of the ILO. If other intergovernmental agencies designed to give recognition to the social partners, I believe that it would be possible to introduce structural changes with due regard for social costs.

Finally, I wish to convey to the President and the other distinguished delegates attending the 81st Session of the International Labour Conference greetings from the workers of Papua New Guinea. I also wish to extend congratulations from the workers of my country to the people of South Africa for their victory over apartheid. It goes without saying that their victory was as much a victory for the workers, through the collective efforts and sacrifices of trade unions, as it was for the world and for mankind.

Original Arabic: Mr. TABET *(Employers' delegate, Yemen)* – In the name of God, the Merciful, the Compassionate! I have pleasure in congratulating Mr. Charles Gray on his election to the Chair of this Conference. I also wish to congratulate the ILO on behalf of the employers of my country, the Republic of Yemen, on the 75th anniversary of its foundation and the 50th anniversary of the Declaration of Philadelphia. In addition, I should like to welcome the delegation from our brother country, the Sultanate of Oman, and also Tajikistan and South Africa who have recently joined the Organization.

I also congratulate the Director-General of the ILO, Mr. Michel Hansenne, on this special occasion and thank him for this year's Report entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda.*

We share the views that he set forth in the Report and commend his deep understanding of the needs of the member States of the Organization, especially in the light of the changing political and economic circumstances, and his policy of encouraging the defence of values and social justice in the world economy. We believe that social development, the creation of employment opportunities and general economic development are bound up with the existence of active enterprises, which require flexible labour standards and general stability as an aid to development.

We further believe that government policies should focus on improving balance and economic competition and on strengthening cooperation among social groups, since this leads to the type of growth on which economic development and social justice are based.

Thanks to the ending of ideological conflict in the world, the new international circumstances and the efforts and struggle of the Yemeni people, the unity of Yemen was achieved, inspiring us with great hope for participation based on democratic principles in order to share in development and the achievement of social justice and peace.

At the same time, we Yemeni employers feel that obstacles to the achievement of full democracy exist and are impeding growth.

In this connection, we believe that the ILO should take steps to assist the neediest countries through advice and options so that they can make appropriate choices with a view to eliminating the causes and circumstances that are impeding development and social progress.

In conclusion, I should like, on behalf of the employers of my country, to reiterate our thanks to the ILO, its regional office in the Arab region and the Assistant Director-General Mr. Shukri Zaki al-Dajani, for their continued valiant efforts to improve the quality of life.

I also thank the International Organization of Employers for its assistance and determination to bring about a market economy and to develop the role of private enterprise in the world economy.

Mr. WOEWIYU *(Minister of Labour, Liberia)* – I would like to congratulate the President and other elected Officers of the Conference on their election. It is an honour and a privilege that I have made it through the will of God to this rostrum during the last hours of this historic Conference of the ILO.

As you all know, Liberia has been embroiled in one of the most devastating civil wars in the history of Africa. Please bear with me for deviating from the protocol of addressing broader and global labour issues because the current situation in our country leaves us with no alternative but to concentrate our efforts on the survival of our country.

I came straight from the airport and our mission at the very last hour of this historic Conference of the ILO is, first, to express the commitment of the Government and the people of Liberia to all the Conventions and resolutions adopted by this Conference; second, to confer with leaders of this Organization regarding the active participation of the ILO in the institutional reconstruction of the Republic of Liberia, especially the labour sector. ILO technical assistance will be very very essential during this critical period of reconstruction, if Liberia is to maintain her commitment to internationally accepted labour standards.

On behalf of the Liberian national transitional government and the people of the Republic of Liberia, I again express our profound congratulations to the ILO on its 75th anniversary.

Original French: The PRESIDENT (Mr. MATINCHEV) – We have concluded our discussion of the Reports of the Governing Body and of the Director-General. I wish to thank all the speakers who have participated in the debate.

(The Conference adjourned at 5.15 p.m.)

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Fourth item on the agenda: Part-time work

Report of the Committee on Part-Time Work

1. The Committee on Part-time Work was set up by the International Labour Conference at its first sitting on 7 June 1994. It was originally composed of 203 members (81 Government members, 56 Employers' members and 66 Workers' members). To achieve equality of voting strength, each Government member with the right to vote was allotted 308 votes, each Employers' member 429 votes and each Workers' member 364 votes. The composition of the Committee was modified seven times during the session and the number of votes attributed to each member was adjusted accordingly. [1]

2. The Committee elected its Officers as follows:

Chairperson: Mr. M. Rood (Government member, the Netherlands).

Vice-Chairpersons: Mr. B. Noakes (Employers' member, Australia); and Mrs. I. Van den Burg (Workers' member, the Netherlands).

Reporter: Mrs. L. Samuel (Government member, Cyprus).

3. At its sixth sitting the Committee appointed a Drafting Committee composed of the following members: Mrs. L. Caron (Government member,

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[1] The modifications were as follows:

(a) 9 June: 218 members (86 Government members with 385 votes for each with the right to vote, 55 Employers' members with 581 votes each and 77 Workers' members with 415 votes each);

(b) 10 June: 215 members (89 Government members with 3,869 votes for each with the right to vote, 53 Employers' members with 6,351 votes each and 73 Workers' members with 4,611 votes each);

(c) 11 June: 206 members (89 Government members with 3,332 votes for each with the right to vote, 49 Employers' members with 5,916 votes each and 68 Workers' members with 4,263 votes each);

(d) 14 June: 198 members (89 Government members with 2,860 votes for each with the right to vote, 44 Employers' members with 5,655 votes each and 65 Workers' members with 3,828 votes each);

(e) 15 June: 198 members (89 Government members with 946 votes for each with the right to vote, 43 Employers' members with 1,914 votes each and 66 Workers' members with 1,247 votes each);

(f) 16 June: 195 members (89 Government members with 903 votes for each with the right to vote, 43 Employers' members with 1,827 votes each and 63 Workers' members with 1,247 votes each);

(g) 21 June: 190 members (90 Government members with 609 votes for each with the right to vote, 42 Employers' members with 1,276 votes each and 58 Workers' members with 924 votes each).

Canada), Mr. B. Noakes (Employers' member, Australia), Mrs. I. Van den Burg (Workers' member, the Netherlands) and the Reporter of the Committee.

4. The Committee held ten sittings. It had before it Reports IV(1), IV(2A) and IV(2B), prepared by the Office on the fourth item of the agenda of the Conference: "Part-time work".

Introduction

5. The representative of the Secretary-General presented Reports IV(1), IV(2A) and IV(2B), which had been prepared by the Office to serve as a basis for the Committee's second discussion on part-time work. The first discussion, which had taken place in June 1993, had led to the adoption of conclusions. On the basis of these and in accordance with article 39 of the Standing Orders of the Conference, the International Labour Office had prepared and transmitted to the governments of member States, and through them to national organizations of workers and employers, Report IV(1) which contained a draft Convention and a draft Recommendation on part-time work. The governments had been requested to transmit their comments on the draft instruments to the Office. On the basis of the replies received, the Office had prepared Reports IV(2A) and IV(2B). Sixty-seven governments had replied on time, of which 20 had stated that they had taken into account the comments of national organizations of employers and workers. Separate replies had been received from 27 national employers' organizations and from 22 national workers' organizations. A number of replies had been received too late to be incorporated in the reports, but could be consulted in the Secretariat.

6. The representative of the Secretary-General reported that Report IV(2B) contained the texts of the draft instruments basically as the Committee had agreed during the first discussion. Modifications by the Office were few and primarily editorial. However, the Office had expressed in Report IV(2A) some reservations about several provisions of the draft instruments and hoped that particular care would be taken when reviewing them.

7. The representative of the Secretary-General then commented on the replies received from governments and employers' and workers' organizations highlighting the outstanding issues of debate. There continued to be opposing views on the form that the proposed new standards should take. Certain governments and the employers' organizations either had remained opposed to any international regulation on part-time work or had supported only the adoption of a sufficiently flexible Recommendation. Other governments and the workers' organizations had confirmed their support for the adoption of a Convention supplemented by a Recommendation. In contrast with employers' organizations, workers' organizations had criticized the draft instruments for not going far enough in protecting part-time workers.

8. The representative of the Secretary-General recalled the debate during the Committee's first discussion on the definition of part-time worker. It was only after in-depth consultations that a compromise text had been unanimously adopted. The relevance of the compromise text had been largely confirmed by the replies and was therefore retained with only minor editorial changes. It was found in Article 1 of the draft Convention and Paragraph 2 of the draft Recommendation.

9. During the Committee's first discussion, a number of difficulties had been encountered concerning the possibility envisaged in Article 3 of excluding from the scope of the Convention particular categories of workers or establishments when its application to them would raise particular problems of a substantial nature. Other problems had concerned the exclusion set out in Article 8 of part-time workers from the protection envisaged under Articles 6 and 7 when their earnings or hours of work were below specified thresholds. The opinions voiced against these exclusions came mainly from workers' organizations, which considered them to be too broad and called either for their elimination or amendment to limit the number of workers or establishments concerned. While the principle of setting threshold requirements for access to social security schemes had appeared to be generally accepted, the wisdom of setting thresholds for maternity protection, termination of employment, paid annual leave and paid holidays had been contested. Workers' organizations in particular had challenged such exclusions. The Office had not amended the text adopted during the Committee's first discussion, but in its comments on Article 8 had questioned the soundness of excluding part-time women workers from maternity protection. It was hoped that this issue would be given due consideration. Finally, in view of the ambiguity of the text adopted on basic wage, the Office had proposed an alternative text, which had been supported by the majority of governments and many employers' and workers' organizations. This constituted Article 5 of the draft Convention. The workers' organizations maintained that the equality of treatment envisaged in this Article should not be restricted to the basic wage, but should apply to other elements of remuneration as well.

10. About the proposed Recommendation, which consisted of a catalogue of suggested measures to guide national action and was not legally binding, the representative of the Secretary-General reported that the replies received had identified a number of problems for some. For example, the employers' organizations had expressed serious reservations about adaptations of statutory social security schemes and the private occupational schemes which complement or supplement them, particularly as regards the proposal to gradually reduce the thresholds for coverage by these schemes. They considered that such measures would increase the cost to employers of part-time workers and would therefore be an obstacle to their recruitment. Workers' organizations had continued to insist that Paragraph 1 of the Recommendation should state that the provisions of the Recommendation should be applied, and not simply "considered", in conjunction with the Convention. They strongly opposed Paragraph 20, under which part-time workers could be given less weight than full-time workers where obligations on employers depended on the number of their employees.

General discussion

11. The Employers' Vice-Chairperson recalled the position of the Employers' members as it had been stated to the Conference at the conclusion of the first discussion. He emphasized the importance of part-time employment and the opportunities which it offered for both employers and workers. It was a form of employment which gave many workers greater freedom of choice as to their working arrangements and was of particular significance for certain categories of the workforce, including women. The flexibility of part-time work constituted its greatest advantage. However, it was this flexibility which would be detracted from by the adoption of an international instrument. In this context, he drew attention to a number of provisions in the conclusions which required further consideration. These included the following: the definition of part-time worker; social security; consultation prior to the introduction or extension of part-time working arrangements, changes in agreed working schedules, the transfer of employees from full-time to part-time work; and provisions concerning the basic wage and financial compensation. Moreover, he regretted that the question of the promotion of part-time work, which had been included in the mandate set by the Governing Body, had not been adequately covered in the text adopted by the Committee the previous year.

12. Coming into the second discussion, the Employers' Vice-Chairperson raised the question of what had changed since the first discussion. He emphasized the particular significance of part-time work at a time when, in almost all the countries of the world, unemployment continued to be the major social and political problem. Almost all governments and international organizations, including the ILO, had placed the reduction of unemployment and the creation of jobs at the top of their policy agenda. Governments and international organizations were all coming to realize that flexibility in the labour market was one of the keys to job creation and that over-regulation of the labour market had a negative effect on employment levels. It was therefore necessary to raise a fundamental question. Would the adoption of international labour standards on part-time work have a negative or a positive effect on job creation? He called on all of the members of the Committee, and particularly the Government members of developing countries, to consider the answer to this question very carefully. Considering that the answer to the question could only be that the effects would be negative, the Employers' members had decided to firmly oppose the adoption of a Convention on part-time work. The Employers' Vice-Chairperson particularly urged the Government members of the Committee to weigh the issue with due care and to give voice to their opinions, rather than abstaining, as some had done the previous year. He hoped that the position adopted by the Employers' members against a Convention would be seen in a positive way. The Employers' members were greatly concerned by the issues of employment creation and flexibility. They were not opposed to fair treatment for part-time workers, but believed that the subject would be better dealt with at the national level. The Employers' members were prepared to support adoption of a Recommendation on part-time work, which could make a useful contribution in guiding the social partners towards the objective of fair treatment for part-time workers.

13. The Workers' Vice-Chairperson reminded the Committee of the questions that she had raised in her final speech before the Conference in the previous year. Had the standard-setting role of the ILO become obsolete? Were there no longer important issues to be regulated to protect workers the world over? The answer to both of these questions was and remained a resounding no. Employers and some governments, neo-liberal politicians and, in a recent report, the Organization for Economic Cooperation and Development (OECD) had maintained that rigidities and a lack of adaptability to new conditions were the main factors leading to mass unemployment; flexibility was seen as a key to creating more jobs. The fundamental weakness with these arguments was that they equated flexibility and deregulation. But regulation, through the adoption of clear and simple rules, provided a basis of security and protection which could be instrumental in increasing the willingness of workers to be flexible. This was the fundamental issue in relation to part-time work. When it was freely chosen and entered into under conditions which were comparable to those of full-time workers, part-time work offered an additional option on the labour market, at least in countries where the standard of living was sufficiently high to allow workers a choice between higher wages and devoting more time to their family or to education. Part-time work had to be freely chosen, not forced upon workers. Good conditions and adequate protection would encourage workers to opt for part-time employment. Protection was therefore one of the best promotional measures for freely chosen part-time work and the labour market flexibility which it provided. This protection was even more important in the developing countries, where measures were needed to prevent workers falling below the poverty line through unilateral reductions in their working hours.

14. The Workers' Vice-Chairperson added that the convocation of the United Nations Social Summit emphasized the clear connection between poverty, employment and security. Indeed, in some quarters it was maintained that the threat of nuclear warfare had been replaced by the risk of the explosion of a social bomb which could destroy society. Social issues needed to be given top priority if peace and security, the principal goals of the United Nations, were to be achieved. One of the contributions that the ILO could make to social justice would be to develop a modern and topical standard on part-time work which was becoming increasingly important in both developing and industrialized countries. Standards were not a rigidity and barrier to development. The Committee's discussions the previous year had produced very flexible texts for a Convention and Recommendation, though in many cases they were too flexible. While the workers would accept flexibility and ready-made solutions for varying situations, the basic principles of protection needed to be maintained.

15. A number of Government members addressed the issue of the form that the proposed new standards should take. Speaking on behalf of the Government members of Belgium, Denmark, Germany, Greece, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain, the Government member of Greece recognized the growing importance of part-time work in response to the needs of both employers and workers. This was a favourable development in so far as it contributed to greater flexibility. Part-time work created greater opportunities for employers to react to the demands of new technologies, the globalization of economies and new consumer preferences. For many men and women, freely chosen part-time work provided new opportunities to reconcile professional and personal or family aspirations. At a time of high unemployment, part-time work also increased employment possibilities. In this context, the promotion of work-sharing was an essential component of the labour market policies of many governments. However, part-time work could only be advantageous to all parties if it was recognized by both workers and employers as one of the normal available forms of productive employment. Minimum standards of protection were needed to obtain this acceptance. It was a globally valid principle that these standards should apply to the same or comparable work, regardless of whether the labour contract was established on a full- or part-time basis. A sufficiently flexible Convention which could be widely ratified should therefore be adopted.

16. The Government member of the United States also believed that the Committee should adopt a simple, flexible and widely ratifiable Convention, supplemented by a more detailed Recommendation to provide guidance on part-time work. The Government member of Canada agreed that a Convention and Recommendation should be adopted on this highly topical subject, which affected a growing number of workers, particularly women, not only in the industrialized countries. To increase its prospects for ratification and implementation, the Convention should focus on broad basic principles of protection, but be sufficiently flexible. The Government member of Sweden added that workers with family responsibilities, and especially women, often resorted to part-time work to reconcile their professional and family obligations. He therefore welcomed the reference in the Preamble of the proposed instruments to the Workers with Family Responsibilities Convention, 1981 (No. 156), and reminded the Committee of the relevance to part-time work of its accompanying Recommendation (No. 165) which referred to part-time work. Although the Government member of Sweden had expressed opposition to the adoption of a Convention on part-time work during the Committee's discussion the previous year, this attitude had been determined largely by a fear that it might prejudice the protection afforded to part-time workers under other ILO Conventions. The wording of the conclusions adopted by the Committee the previous year, including references to other international labour standards, had alleviated these fears. The Government of Sweden now supported the draft Convention and Recommendation.

17. The Government members of Argentina, Cyprus, Morocco and Turkey also supported the adoption of both a Convention and a Recommendation on part-time work. The Government member of Argentina considered that the establishment of minimum standards on part-time work would assist in the harmonization of legal provisions which was necessitated by the process of integration in many areas, such as with MERCOSUR in South America. The Government member of Cyprus observed that part-time work was a phenomenon which could not be ignored. It was useful to have standards in the form of a Convention covering basic principles and protection, supplemented by a Recommendation, on this form of employment, not only for the industrialized countries but also for developing countries where part-time work was not yet widespread, but would develop in the future.

18. The Government member of the United Kingdom opposed the adoption of international labour standards on part-time work. She considered that part-time work was important for employers and workers and that it offered considerable economic and social benefits. Part-time and other flexible working patterns should therefore be promoted. However, this would not be achieved by the adoption of international labour standards. The proposed instruments would run directly against the interests of employers and would have the effect of adding to labour costs without enhancing productivity and of reducing labour market flexibility and competitiveness. Standards would therefore discourage employers from creating part-time jobs and would jeopardize existing part-time employment. The United Kingdom had one of the lowest levels of restrictions on types of employment in the European Union and was one of those with the highest proportion of the population in employment. It also had the most even spread of employment between men and women and the various age groups in the European Union. The long-term unemployment rate in the United Kingdom was also among the lowest in the European Union. If the majority of the members of the Committee decided to adopt a text on part-time work, this should take the form of a Recommendation containing only general guidelines and taking into account the needs, circumstances and priorities of member States. It would therefore need to be much less restrictive than the present proposed text. Finally, the Government members of Indonesia and Mexico supported the adoption of a Recommendation, but not a Convention. The Government member of Mexico expressed support for a Recommendation, but not a Convention, on the grounds that the adoption of a Recommendation by the International Labour Conference would give member States the possibility of adopting a Convention at a later date.

Consideration of the proposed texts contained in Report IV(2B)

A. Proposed Convention concerning part-time work

Title

19. The Employers' members submitted an amendment to the title to replace the word "Convention" by the word "Recommendation". The Employers' Vice-Chairperson restated the position of the Employers' members that the Committee should not adopt a Convention on part-time work. Any Convention, no matter how flexible or basic its provisions, necessarily involved a degree of rigidity which would not be conducive to the creation of employment. Part-time work was a central element of employment policy and its flexibility was its greatest advantage. He quoted from a recent study published by the OECD[2] which maintained that "Increasing short-term and lifetime flexibility of working time in contracts voluntarily entered into by employers and workers would lead to higher employment. An important element in this process would be to foster the growth of voluntary part-time work. Governments have a role to play in this process by removing obstacles to, and facilitating, reductions in working-time and by reviewing existing taxation and social security provisions which discriminate against part-time work". The OECD report continued that: "More flexible working-time arrangements could result from measures that: remove obstacles in labour legislation which impede the emergence of flexible working-time arrangements, and encourage employer-employee negotiations on flexible working hours and part-time work; and extend part-time working in the public sector." The Employers' Vice-Chairperson also referred to recommendations and efforts by governments and various groups including trade unions toward the removal of barriers to employment creation and the creation of more employment opportunities through greater labour market flexibility. For example, he stated that the Finance Ministers of the European Union had formed an expert panel to consider removal of barriers to job creation. In addition, the Netherlands Trade Union Confederation had a campaign on the advantages of part-time work. He made further references to efforts by the Government of the United Kingdom to promote part-time work, to a plan of the Government of Belgium to promote flexible and reduced hours through part-time work and to a statement on the view of employee representatives on part-time work contained in a report by the European Foundation for the Improvement of Living and Working Conditions.[3] He suggested to the Government members representing developing countries that if a Convention were adopted by the Committee, they would find that it would act as a constraint on their employment creation efforts. He therefore appealed to the Government members of such countries to take an active part in the debate and to support the proposed amendment.

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[2] OECD: *The OECD Jobs Study*, Facts, Analysis and Strategies (Paris, 1994), p. 45.

20. Opposing the amendment, the Workers' Vice-Chairperson reaffirmed the firm belief of the Workers' members in the standard-setting role of the ILO. The aims of the Workers' members were to increase employment and improve its quality. There was no sense in returning to the free labour market of the nineteenth century. Employment was a means to better living conditions and improved welfare. She referred to the Director-General's Report to the 1994 International Labour Conference *Defending values, promoting change*,[4] in which great emphasis had been placed on the fundamental objective of social justice. The Declaration of Philadelphia stated that it was the responsibility of the ILO to examine and consider all international economic and financial policies and measures in the light of this fundamental objective. Part-time work standards could provide better employment and social justice, thus meeting both goals. Further, ILO standards should not provide a lowest common denominator, but should go beyond and take account of changing trends and priorities in member States. This did not mean that the Convention and Recommendation on part-time work had to address every detail. The texts adopted by the Committee following its discussion the previous year were very flexible, while keeping the two important principles that part-time work should be freely chosen and part-time workers should enjoy equal protection with full-time workers. Indeed, protection was the best means of promoting freely chosen part-time work.

21. In response to the comments of the Employers' Vice-Chairperson on the OECD report, the Workers' Vice-Chairperson pointed out that the OECD had spoken of freely chosen part-time work. Only with freely chosen part-time work could the advantages for employers and workers be realized. With reference to the Employers' Vice-Chairperson's remarks on the Netherlands Trade Union Confederation, she emphasized that the Union's approach was not just to promote freely chosen part-time work, but also to seek protection and equality for part-time workers. Concerning the remarks about the actions of the Finance Ministers of the European Union, the Workers' Vice-Chairperson pointed out that the initiative of the Finance Ministers was controversial.

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[3] European Foundation for the Improvement of Living and Working Conditions: *Part-time Work in the European Community*: The Economic and Social Dimension (Dublin, 1993).

[4] ILO: *Defending values, promoting change*, Social justice in a global economy: An ILO agenda, Report of the Director-General (Part I), International Labour Conference, 81st Session, Geneva, 1994.

22. The Government members of Gabon, India, Kenya, Lesotho, Mexico, Swaziland, Ukraine and the United Kingdom supported the amendment. The Government member of India said that the rates of unemployment and underemployment were high in the developing countries. The level of protection provided in the proposed Convention would hinder measures to improve this situation. There was therefore a need to balance the level of protection for part-time workers with the economic needs of employers. The instrument should be designed to promote the creation of employment and should take the form of a Recommendation. The Government member of the United Kingdom argued that part-time work and other flexible working patterns should be promoted and that this objective would not be achieved through the adoption of a Convention.

23. The Government members of Argentina, Australia, Austria, Belgium, Canada, Chile, Cyprus, Denmark, Egypt, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, the Syrian Arab Republic, Turkey, the United States and Venezuela all opposed the amendment. They emphasized the need to adopt a flexible Convention, confined to basic principles, which could be widely ratified. The Government member of the Syrian Arab Republic added that part-time workers should enjoy the same legal protection as full-time workers.

24. The Employers' Vice-Chairperson emphasized that the Employers' members were not arguing for deregulation, but against further regulation. He also maintained that there was an inconsistency between the positions taken by Government members within the OECD and the European Union, and their support for the adoption of the Convention. In the OECD report referred to previously, they had called for less rigid arrangements for daily, weekly, annual and lifetime working hours and for the negotiation of greater flexibility at decentralized levels. While they sought less regulation through the OECD, they were condoning higher levels of regulation by supporting the adoption of a Convention on part-time work. Further, the Member States of the European Union had been endeavouring to adopt legislation on part-time work that was less restrictive than the proposed Convention for a number of years without success. It would therefore be logical for them to oppose the adoption of a Convention on part-time work.

25. In reply to the Employers' Vice-Chairperson, the Government member of Germany stated that there was no contradiction between the positions adopted by Germany in relation to the proposed Convention and the above OECD report. Calling for less rigid working time arrangements did not mean abandoning the basic-principle that part-time workers should receive adequate protection. In Germany, legislation setting out minimum standards for part-time workers had been adopted in 1985. The objective of this legislation, and of the proposed Convention, was to achieve equal treatment for part-time and comparable full-time workers. Part-time work played an essential role in combating unemployment. Between 4.5 and 5 million workers were engaged in part-time employment in Germany. Without this legislative framework it would not have been possible to gain the acceptance of part-time work by employers and workers and Germany's unemployment figures would have been higher. He noted that for countries undergoing the transition to a market economy, as had been the case in the Eastern part of Germany, part-time work played a particularly important role in keeping unemployment within certain limits. The Government member of the Netherlands added that, although the OECD report had suggested that obstacles in labour legislation should be removed and that negotiation on flexible working hours and part-time work should be encouraged, it did not say that unequal treatment of comparable workers was necessary for the promotion of part-time work. Referring to the situation in the Netherlands, he stated that inequality of treatment could be counterproductive. In a situation in which there was a shortage of employment, there could be grounds for reviewing employment protection and wages. However, any such changes should be applicable to all workers, whether they were part-time or full-time employees. The Government member of Canada stated, in reference to the seeming contradiction between the position of the OECD countries represented on this Committee and the ministerial meeting of the OECD, that it was necessary to distinguish between a movement to review possible excessive bureaucracy and regulation and a total lack of protection. The proposed Convention was designed to provide basic protection for part-time workers and remove unjustifiable inequalities between part-time and full-time workers. This did not constitute a contradiction in the Government's position.

26. The Workers' Vice-Chairperson agreed with the previous speakers who opposed the amendment and emphasized that the emergence of the new phenomenon of part-time work had given rise to a need to fill a legislative void by regulating such work. The purpose of the proposed instruments was therefore to standardize the general rules applicable to part-time workers and provide guidance to governments. The amendment was rejected by a vote of 38,885 in favour and 47,740 against, with 1,540 abstentions.

Preamble

27. The Government members of Australia, Canada, Finland, Norway, Sweden and the United States submitted an amendment which sought to add, after the words "Workers with Family Responsibilities Convention", in the third paragraph of the Preamble, the words "and Recommendation". The Government member of Sweden noted that the Workers with Family Responsibilities Recommendation, 1981 (No. 165), contained explicit reference to part-time workers and completed the references to relevant ILO instruments. The amendment, which was also supported by the Employers' and Workers' members, was adopted.

28. The Employers' members submitted an amendment to insert, after the fifth paragraph of the Preamble, the following text:

> Stressing the need for employment policies to emphasize the role of part-time work in facilitating additional employment opportunities and

It was meant to draw attention to the important role played by part-time work in facilitating additional employment opportunities. All governments around the world were endeavouring to create employment and, without seeking to give the impression that greater importance should be attached to part-time than to other forms of employment, it was important to emphasize the role of part-time work in creating additional employment.

29. The Workers' Vice-Chairperson considered that the Preamble to the proposed Convention, and particularly the fifth paragraph, already provided a balanced view of the important elements covered by the instrument. The amendment was therefore unnecessary. If such a reference were to be included in the text, it should be made clear that part-time work had to be freely chosen and adequately protected. The reference might be included in paragraph 5 of the Preamble.

30. The Government member of Canada proposed a subamendment to replace the word "stressing" by the word "recognizing", and the word "emphasize" by the words "take into account". The Employers' member accepted the subamendment. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, who had supported the original version of the amendment, agreed to the subamendment.

31. The Government member of Cyprus, speaking on behalf of the Government members of Australia, Austria, Cyprus, New Zealand, Norway, Sweden, Switzerland, Turkey and the United States, opposed the original amendment on the grounds that it could be interpreted as calling for the promotion of part-time work. Speaking for the Government of Cyprus, she supported the subamendment. The Government members of India, Switzerland, Turkey and the United States, also supported the subamendment.

32. In response to the opposition to the amendment from the Workers' members and their suggestion that the amendment with the subamendment proposed by Canada be further amended by inserting before "part-time work" the words "freely chosen and adequately protected", or that the amendment be made to paragraph 5 instead, the Employers' Vice-Chairperson proposed an alternative subamendment to include, after the words "the economic importance of part-time work" in the fifth paragraph of the Preamble the words, "the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities". The fifth paragraph would thus read as follows:

> Recognizing the importance of productive and freely chosen employment for all workers, the economic importance of part-time work, the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities and the need to ensure protection for part-time workers in the areas of access to employment, working conditions and social security, and

This subamendment was adopted.

33. The Preamble, as amended, was adopted.

Article 1

Paragraph 1

34. The Government member of Lesotho submitted an amendment to replace the words "are less than those of comparable full-time workers" in subparagraph 1(a) by the words "are significantly less than those of comparable full-time workers as established by national laws, regulations or collective agreements". The Government member of Lesotho believed that the proposed wording would ensure that persons working only slightly less time than full-time would continue to be considered as full-time workers.

35. The Employers' Vice-Chairperson said that although the concern was understandable, great caution should be used in reconsidering the proposed text of the definition of part-time worker. This was a very important Article on which all other provisions of the Convention and Recommendation would depend. Both the Employers' and Workers' Vice-Chairpersons recalled the lengthy debate during the Committee's first discussion on the definition of part-time worker and agreed that amendments should be avoided unless absolutely necessary. They therefore opposed the amendment. The Government member of Lesotho withdrew the amendment.

36. The Employers' members submitted an amendment to subparagraph 1(c) to delete the words "as the part-time worker concerned" in clause (i) and to insert the words "as the part-time worker concerned" after clause (iii), on a new line. It was agreed that this amendment should be submitted to the Drafting Committee since it was not a substantive change.

37. In response to a question from the Workers' members on the reasons why the Office had inverted the order of clauses (i) and (iii) of subparagraph (c), the representative of the Secretary-General stated that this change did not in any way alter the substance of the subparagraph. The "type of employment relationship" had been placed first as a criterion of comparability to emphasize the particular importance of comparing, for the purposes of the protection to be afforded, a part-time worker and a full-time worker with the same type of employment relationship.

38. The Workers' members submitted an amendment to Article 1.1(c) to add at the end of clause (i) the words "provided that the same type of employment relationship cannot refer solely to the number of hours worked;". They were concerned that, under the present wording, it would be possible to consider part-time and full-time work as constituting different types of employment relationship. The Workers' Vice-Chairperson requested clarification from the representative of the Secretary-General on whether a difference in hours of work could be invoked to consider the employment relationship of a part-time worker to be different from that of a full-time worker. He replied that this was not the case and recalled that an employment relationship was not determined by the number of hours worked, but by the duration of the period of employment. This period could be without limit of time (a permanent employment relationship) or of fixed duration (a temporary, seasonal or casual employment relationship). Both part-time and full-time workers were to be found within the various types of employment relationship. On the basis of this clarification, the Workers' Vice-Chairperson withdrew the proposed amendment.

39. The Workers' members submitted an amendment to Article 1.1(c)(ii) to insert the words "a work of equal value or" after the word "with". Some work was performed only on a part-time basis and as such there were no comparable full-time workers. In these cases it was vital to identify comparable work of equal value.

40. The Employers' members opposed the amendment. The amendment was meaningless and unnecessary. The Employers' Vice-Chairperson said that he knew of no job that was performed solely by part-time workers and the problem, in any case, could not be dealt with by the concept of work of equal value.

41. A number of Government members opposed the amendment. The Government member of Canada recalled the Committee's discussions on this issue the previous year. She and her Government fully supported the concept of equal value as set out in the Equal Remuneration Convention, 1951 (No. 100), which had been ratified by Canada. However, the concept had been developed to deal with wage discrimination between individuals, but also between occupations, in view of the persistently lower wages often paid in occupations exercised largely by women. In the case of part-time work, the discrimination arose out of the number of hours worked, not differences in the work performed. The concept of work of equal value was therefore irrelevant in this context. She stated that the Government members of Canada, Japan, Switzerland, Turkey and the United States opposed the amendment. The Government member of Argentina, regretting that the discussion of the previous year had been reopened, considered that the amendment did not provide any clarification. The Government member of Cyprus also opposed the amendment. The Government member of Greece, speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, agreed with the previous speakers and considered that the proposed amendment could only create difficulties and confusion and thus opposed the amendment.

42. The Workers' Vice-Chairperson reminded the Committee that it was discussing the definition of part-time work, and not a possibility to exclude part-time workers from the provisions of the proposed instrument. She understood from the statements of the other speakers that they also viewed the definition as a means of identifying the appropriate full-time worker for purposes of comparison. Considering that it would be possible to find such comparable full-time workers in all cases and thus was unnecessary to add the concept of "work of equal value", she withdrew the amendment. However, she hoped that an amendment which was to be offered to delete the words "or occupation" from subparagraph (c)(ii) would consequently be withdrawn.

43. Two identical amendments submitted respectively by the Employers' members and by the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, sought to delete the words "or occupation" from Article 1.1(c)(ii). The Government member of Germany noted that the Article aimed at

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setting yardsticks of comparison between part-time and full-time workers. The comparison should relate to actual tasks of workers and not to occupational skills. The Employers' members supported the comments made and agreed that the point of comparison between part-time and full-time workers should be the work actually being carried out. A person's occupation did not necessarily indicate the type of work performed. For example, an architect could be working temporarily as a librarian. The clarification offered in the amendment did not diminish the text, but maintained a proper basis of comparison.

44. The Workers' Vice-Chairperson referred to the Equal Remuneration Convention, 1951 (No. 100), and noted that the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), mentioned "occupation", and requested clarification from the Office on the reasons behind the insertion of the words "or occupation" in the compromise text prepared with the assistance of the Office during the first discussion. The representative of the Secretary-General recalled the difference between the concepts of "occupation" and "work". The former referred to the trade exercised by an individual, whereas the latter concerned the specific type of activity performed by the individual within an enterprise. Practically speaking, many situations could arise when attempting to establish a comparison between a full-time and part-time worker. In certain cases, members of an occupation who were exercising their occupation performed work which hardly differed. In other cases, there could be considerable differences in the work performed. By using the words "or occupation" the scope of comparison within the same establishment was broadened.

45. The Employers' members observed that there was a wide degree of support for an amendment to the existing text and suggested that the word "with" in subparagraph (c)(ii) be replaced by the words "carrying out". The Government member of Greece, speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, noted that if there was a general consensus, they could agree to this subamendment. The Workers' members proposed that the words "carrying out" be replaced by the words "engaged in", which was more in line with the terminology used by the ILO. Article 1.1(c)(ii) would thus read "engaged in the same or a similar type of work or occupation; and". The amendment, as subamended, was adopted.

46. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to Article 1.1(c)(iii) to insert the words ", when there is no comparable full-time worker in the same establishment, in the same enterprise or in the same" after the words "establishment or". The Government member of Greece, speaking on behalf of the sponsors, explained that they wished to add an intermediate level between the establishment and the branch of activity for the purpose of comparing part-time and full-time workers. When determining where comparable work was being carried out, such work would be sought firstly in the same establishment, then in the enterprise and finally in the branch of activity. The Workers' members supported the amendment.

47. The Employers' members agreed with the intent of the proposed amendment but felt that it did not establish clearly a hierarchical order and therefore left open the possibility of a choice of levels at which the comparison could be made. With a view to establishing such a hierarchy, they proposed a subamendment so that the text of Article 1.1(c)(iii) would read "employed in the same establishment, or when there is no comparable full-time worker in the same establishment, in the same enterprise, or when there is no comparable full-time worker in the same enterprise, in the same branch of activity". The sponsors of the amendment agreed to the subamendment, which corresponded to their objective of setting a hierarchical order. In reply to a request for clarification from the Government member of Cyprus about the meaning of "enterprise" and "establishment", the Government member of Greece stated that in their legal system, an enterprise was a corporate body which could cover several establishments. An establishment was a labour unit, but not a legal entity. The Employers' members wished to make it clear that comparisons within enterprises did not include cross-border comparisons. The context for comparison was therefore within national borders. The amendment, as subamended, was adopted.

48. The Government member of the Netherlands requested a clarification from the Office on Article 1.1(c)(iii) concerning persons working through employment agencies. Would the comparable full-time worker for the purposes of Article 1 be a worker employed by the same agency or employed by the establishment in which the work was being performed? The representative of the Legal Adviser stated that in the context of the proposed Convention, the phrase "employed in" was intended to mean "working in" and not "employed by". The type of employment relationship was already covered in Article 1.1(c)(i). National legislation and legal criteria differed as to whether such agencies were "employers" of persons whom they sent to others to perform work. The representative of the Legal Adviser noted that another Committee of the Conference was dealing with the complex questions of the relationships between employment agencies, employers and workers. Understanding the phrase "employed in" as "working in" was also consistent with the amendment adopted to Article 1.1(c)(ii), which now read "engaged in".

49. The Employers' Vice-Chairperson stated that the Employers' members were not in disagreement with the response of the representative of the Legal Adviser, who had referred to the critical issue of the employment relationship. In many instances, the agency worker remained an employee of the agency and had no relationship with the employer of the establishment in which he or she was temporarily working. It was thus their understanding that in these circumstances the point of comparison had to be with another employee of the same agency.

50. The representative of the Legal Adviser noted that the Office's concern was that the situation differed among countries. For example, in some countries a worker who had a contract of employment with an agency would be subject to the safety and health responsibility of the owner of the premises where the work was being performed. It was impossible to specify the rule that would apply in any particular situation. Further, Article 1.1(c) had three parts which were cumulative because of the use of the word "and", thus all would be taken into account and one was not necessarily more important than another. The Employers' Vice-Chairperson considered that occupational safety and health was of no relevance to the definition. The definition determined who was a part-time worker. The critical issue was the employment relationship. In all those countries in which agency workers retained an employment relationship with the agency, the comparison could only be made with workers of the agency, and not with another worker in the establishment where the work was carried out. The representative of the Legal Adviser noted again that national legislation would determine the nature of the employment relationship.

Paragraph 2

51. An amendment was submitted by the Employers' members to replace the words "are not" in Article 1.2 by the words "shall not be". While it was agreed to submit this amendment to the Drafting Committee, the Workers' Vice-Chairperson emphasized that the amendment was substantive and not editorial and that the Workers' members did not support it.

52. Article 1, as amended, was adopted.

Article 2

53. Article 2 was adopted without change.

Article 3

Paragraph 1

54. The Workers' members submitted an amendment to Article 3.1 to replace the comma after "workers" by a semi-colon and the words "provided that" by "nevertheless". The Committee agreed to refer this amendment to the Drafting Committee. The Employers' Vice-Chairperson stated that the Employers' members did not consider this to be an appropriate amendment.

55. The Government member of Japan submitted an amendment to add after the words "workers concerned", the words "or otherwise in accordance with national law and practice". The purpose of the amendment was to cover situations in which national law and practice envisaged procedures other than consultation between the representative organizations of employers and workers. The Workers' members firmly opposed the amendment and any questioning of the principle of consultation with the social partners. Given the context of Article 3.1, the Employers' members also opposed the amendment. In addition, the Government members of Belgium, Cyprus, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Switzerland and the United Kingdom, opposed the amendment. In the light of this opposition, the amendment was withdrawn.

56. The Workers' members submitted an amendment to restrict which categories of workers or of establishments could be excluded from the scope of the Convention. Thus, they wished to replace the words "particular categories" by the words "limited categories". The Workers' Vice-Chairperson noted that Report IV(2A) showed that this provision had given rise to many comments. The word "limited" had been used in the original text submitted by the Office the previous year and the Workers' members believed it would be better to return to that text.

57. The Employers' members and the Government members of Argentina and the United States opposed the amendment. In addition, the Government member of Germany, expressing the opposition of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, recalled the extensive discussions on the same point the previous year. He argued that the word "particular" referred to the specific features of certain categories of workers or establishments, and was therefore a qualitative term. However, the word "limited" was more a question of quantity. The proposed change was therefore substantive. Speaking only on behalf of Germany, he said that although Germany was generally opposed to using the exclusions set out in Article 3, it would wish to avail itself of that Article for a specific group of employees in the public service. Approximately one-third of public servants in Germany enjoyed a special status which gave them special rights, as well as special duties and obligations. These rights included protection against dismissal, which was of great value during this period of high unemployment. However, this category of public servants was bound under the Constitution to be prepared to work full time for the State, for example, the police. There were a number of exceptions to this principle but nevertheless, because of this principle, the application of this Article and Article 9.2 concerning the review of laws and regulations would not be acceptable for Germany for this particular group of public servants. It was this category of workers who would therefore be excluded from the provisions of the Convention if Germany ratified it.

58. The Workers' Vice-Chairperson understood that the feeling in the Committee was that any exclusions made from the provisions of the Convention under Article 3 should be determined on qualitative, rather than quantitative grounds. She withdrew the amendment in favour of an amendment to be submitted next by the Workers' members on the possible reasons for exclusion.

59. The Workers' members submitted an amendment to add at the end of Article 3.1, the words "for which no alternative solutions are possible that meet the provisions of the Convention". The Workers' Vice-Chairperson explained that the objective of the amendment was to provide further guidance on how governments should proceed when contemplating exclusions under Article 3.

60. The Employers' members opposed the amendment and considered that it added nothing to the present text and was therefore superfluous. By definition, if solutions could be found to problems under the terms of the Convention, they would not raise particular problems of a substantial nature. The Government members of Belgium, Canada, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Portugal, Spain, Switzerland, Turkey, the United Kingdom and the United States, opposed the amendment. Also opposed to the amendment, the Government member of Cyprus reminded the Committee that the second paragraph of Article 3 required member States to give the reasons for any exclusions which were made under this Article in its reports to the ILO under article 22 of the ILO Constitution. The exclusions decided upon had to concern categories of workers or establishments which gave rise to real problems in the application of the Convention.

61. The Workers' members were prepared to withdraw the amendment with the understanding based on comments from the various speakers that its inclusion was unnecessary because it was already clear from the present wording of the paragraph that exclusions could only be made when particular problems of a substantial nature arose which meant that no alternative solutions could be found to meet the requirements of the Convention. The Employers' Vice-Chairperson stated that he did not want his silence after the remarks of the Workers' Vice-Chairperson to imply agreement with what she had said. The Workers' Vice-Chairperson withdrew the amendment based on her previous statement.

New paragraph 3

62. The Workers' members submitted an amendment to add the following new paragraph to the end of Article 3:

> A member which avails itself of the possibility provided for in paragraph 1 above shall periodically review the categories of workers or establishments excluded. The most representative organizations of employers and workers shall be consulted on such a review.

The Workers' members opposed any exclusions from the scope of the Convention. They therefore wished to establish another level of consultation and review of the exclusions permitted under Article 3. The present wording of the Article provided for consultation only under the first paragraph concerning the decision to exclude. She also referred to the discussion in the ILO about reducing the frequency of monitoring, which would increase the need for a periodic review of exclusions at the national level.

63. The Employers' members opposed the amendment and pointed out that it sought to impose obligations on member States in addition to the reporting obligations under article 22 of the ILO Constitution referred to in paragraph 2 of Article 3. Sufficient provision was already made in the Convention to review and report on any exclusions made under this Article. The Government member of Greece, speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, opposed the amendment, which introduced an element of unnecessary bureaucracy. Also speaking in opposition to the amendment, the Government member of Cyprus reminded the Workers' members that governments would have to report regularly to the ILO on any exclusions they made under Article 3. Moreover, she warned that a periodical review could also lead to the adoption of broader exclusions. The Government member of Sweden, speaking on behalf of the Government members of Austria, Norway and Sweden, supported the amendment.

64. The Workers' members considered it entirely normal to create procedures for consultation with the most representative organizations of employers and workers. However, in view of the lack of support, they withdrew the amendment.

65. Article 3 was adopted without change.

Article 4

66. Article 4 was adopted without change.

Article 5

67. The Workers' members submitted an amendment to replace Article 5 by the following text:

> Measures appropriate to national law and practice shall be taken to ensure that part-time workers do not, because they work part-time, receive a basic wage which, calculated proportionately on an hourly, performance-related, or piece-rate basis, is lower than the basic wage of comparable full-time workers calculated on an hourly, performance-related or piece-rate basis.

The Workers' Vice-Chairperson referred to the difficulties encountered by the Committee the previous year in finding a clear wording for Article 5. The Office had proposed a slightly revised text, but the Workers' members hoped that the proposed amendment would be even clearer about what was included in the basic wage. One problem with the current text was the use of the term "wage rate".

68. The Employers' Vice-Chairperson also referred to the previous discussions in the Committee on this point and commended the Workers' members on their efforts to produce a more easily understandable text. The amendment would be acceptable to the Employers' members if it could be subamended by the inclusion of the word "solely" before the words "because they work" in the second line. This would add certainty to the text and express the possibility that there might be valid reasons for differential treatment. He also noted that it might be possible for the Drafting Committee to simplify the text since there was some repetition. The Government member of Canada could support the text as subamended, provided it was clearly understood that the basic wage did not include seniority bonuses, merit systems or shift premiums. The Workers' members agreed to accept the subamendment offered by the Employers' members to insert the word "solely".

69. The Government member of Greece, speaking on behalf of Belgium, Denmark, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal and Spain, stated that these members would be able to accept the subamended text if it could be further subamended by adding the following sentence: "The basic wage of a full-time worker can be determined by legislation, collective agreement, individual contract or in any other manner consistent with national practice". The Government member of Germany explained that the purpose of this proposal was to clarify the meaning of the term "basic wage". In some countries, there were no basic wages established by legislative means; they were determined in collective agreements or in individual employment contracts, and there were no obligations to set a minimum wage. The amendment covered all of these possibilities. There was some fear that, without this further qualification, the proposed wording might establish an indirect obligation to set a minimum wage. The Employers' Vice-Chairperson stated that though the Employers' members could agree with the proposed language, it was a statement of the obvious, and unnecessary to add to Article 5.

70. In reply to a request by the Workers' members for a clarification of the concepts of basic wage and minimum wage, the representative of the Secretary-

General emphasized the fundamental difference between the two concepts. A minimum wage was established by legislation or collective agreement and constituted the rate below which no worker legally could be paid. The basic wage applied to a particular activity and referred to a wage scale applicable to the various categories of workers concerned. Basic wage rates were normally established in collective agreements, and occasionally by regulation, and concerned wages actually paid. The Government members of Austria, Argentina, Finland, Norway, Sweden and the United States supported the text as subamended by the Employers' members with the insertion of the word "solely". On the basis of the explanation provided by the Office, this text was also accepted by the Government members of Belgium, Denmark, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal and Spain. The amendment was adopted as subamended.

Proposed new paragraph

71. The Workers' members submitted an amendment to add the following new paragraph to Article 5:

> Part-time workers should benefit on an equitable basis from financial compensation, additional to basic wages, which is received by comparable full-time workers.

The Workers' Vice-Chairperson argued that the provisions of the Convention should not be confined to the basic wage, but that they should also cover other financial compensation. She noted that, by using the expression "on an equitable basis", the proposed text envisaged greater flexibility in relation to financial compensation than the text adopted by the Committee on the basic wage. The text of the proposed amendment was already included as Paragraph 9 of the proposed Recommendation. The Workers' members considered that it was important that it be included in the Convention.

72. The Employers' members strongly opposed the amendment and emphasized that there was a great difference between the basic wage and financial compensation. After considerable discussion in the previous year the provision had been placed in the Recommendation. It was totally inappropriate in the Convention. The Government members of India, Nigeria and the United States also opposed the amendment and considered that the text should remain in the Recommendation. The Government member of India noted that the inclusion of this text in the Convention would have an adverse effect on the cost of production. The Government members of Belgium, Denmark, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom, opposed the amendment. The Government member of France, speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Italy, the Netherlands and Portugal, said that, although they recognized the merits of the principle underlying the proposed amendment, they believed that in the interests of maintaining the flexible nature of the Convention with a view to its wide ratification, the text should remain in the Recommendation. The Government members of Greece and Spain supported the amendment.

73. The Workers' Vice-Chairperson regretted that the Committee had not wished to include in the Convention the broad concept of remuneration as set out in the Equal Remuneration Convention, 1951 (No. 100), and that it had preferred to confine the provisions of the Convention to the narrower concept of the basic wage. However, recognizing that the language of the amendment would be maintained in the text of the Recommendation, the Workers' members withdrew the amendment.

74. Article 5, as amended, was adopted.

Article 6

75. The Employers' members submitted an amendment to replace the words "equivalent conditions" by the words "conditions determined proportionally". It was aimed at strengthening the text concerning the principle of proportionality. This was particularly important in relation to social security, for which equivalent conditions were not appropriate and protection should be based on proportionality.

76. The Workers' Vice-Chairperson argued that the amendment made the text of Article 6 less flexible. The term "equivalent" was broader: while it covered proportionality it did not exclude the possibility of granting part-time workers full rights in certain cases, or of calculating the extent of their rights in other ways that at least guaranteed proportionality. Clarification on the exact meaning of "equivalent" was required.

77. The amendment submitted by the Employers' members was withdrawn in favour of an amendment submitted by the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. This amendment sought to clarify how equivalent conditions would be determined and proposed the replacement of the second phrase of the Article by the words "where appropriate, this protection may be determined in proportion to hours of work, contributions, previous earnings or by any other method consistent with national law and practice". The Government member of Germany, speaking on behalf of the sponsors of the amendment, proposed a subamendment to replace the words "this protection" by the words "these conditions" to refer to the equivalent conditions in the first part of the Article. The text of the amendment as subamended provided more flexibility in the determination of equivalent conditions, which would be calculated on the basis of hours of work, previous earnings, contributions or other criteria. There were fields, such as medical care, where the same level of protection had to be provided to both part-time and full-time workers. However, in other cases, such as paid leave, the principle of proportionality would be applied.

78. The Workers' members could agree to the amendment as subamended provided that the words "or by any other method" were replaced by "through methods". Without such a change, it could be interpreted that any other method could be adequate, even when it was not at least proportional.

79. The Employers' members could support the subamendment only if the word "or" were retained. If the word "or" were to be deleted, the scope of the text would be considerably restricted. Conditions would only be able to be determined in proportion to hours of work, contributions and previous earnings through methods consistent with national law and practice. This would exclude such considerations as length of service which might be an appropriate method of determination. The Government member of the United Kingdom also could support the subamendment if the word "or" were retained. The Government members of Canada and the United States agreed. The formulation "or through methods" would give the flexibility to governments to provide equivalent conditions which could be better than proportionality. The Workers' Vice-Chairperson emphasized that the second phrase of Article 6 used the words "may be determined" and therefore served for illustrative purposes. It did not therefore exclude other ways of determining equivalent conditions applicable to part-time workers under social security schemes.

80. The Government member of Switzerland noted that the reference to "previous" earnings in the amendment created difficulties for Switzerland. Although she did not question the principle contained in Article 6, a law in the Swiss social insurance system (the federal occupational old-age, survivors' and invalidity insurance Act), in its present form, was incompatible with the spirit of the Article, since it established an income threshold for access to the scheme. This threshold was based on the earnings of a full-time worker and ignored the question of part-time workers. It was envisaged that the problem would be taken into account during the next revision of the law. However, even if the law were modified in this sense, the word "previous" would cause a problem. Previous earnings were used for the calculation of some types of benefits, while current earnings were the basis for coverage under the scheme. She also corrected the comment on the situation in Switzerland contained in Report IV(2A) in this connection. It was not the social security legislation as a whole, but one law which contradicted the equivalency provision, the nature of which could prevent Switzerland from ratifying the Convention.

81. The representative of the Secretary-General, in answer to a request for clarification on the meaning of the term "equivalent conditions", explained that in Article 6 this term was intended to provide flexibility. It went further than proportionality because it could include more than proportional treatment and could provide equal treatment. There were cases where the principle of proportionality in determining the treatment of part-time workers would make no sense or would be inadequate, for example, in providing medical care, or in the case of minimum benefits which were usually the same for both full- and part-time workers, or where there was a ceiling on earnings to be taken into account. In the latter case, the salary of a full-time worker could exceed the upper earnings limit whereas the salary of a part-time worker would not.

82. The Government member of Cyprus suggested that the addition of the words "or by any other method consistent with national law and practice" weakened the protection provided by the present text of the Article. It might be preferable to end the amendment after the word "earnings" and delete the word "previous" to meet the concern of the Government member of Switzerland. The Government member of Switzerland supported this suggestion as the term "earnings" was sufficiently broad to cover both previous and current earnings. The Government member of Germany noted that previous earnings formed the basis for benefits which were provided for many contingencies, including old age. However, the situation differed greatly from country to country. The Workers'

Vice-Chairperson stated that the Workers' members could support the subamendment suggested by the Government member of Cyprus. Considerable discussion ensued about which subamendments were acceptable to the sponsors of the amendment.

83. In an attempt to reach consensus on the common concerns being expressed, the Employers' members proposed an alternative subamendment which replaced the amendment with the following: "These equivalent conditions may be determined in proportion to hours of work, contributions, earnings or through methods consistent with national law and practice." The Workers' members proposed to insert the word "other" before the word "methods". This subamendment was supported by the sponsors of the amendment and the Employers' members.

84. The Workers' members asked for a final clarification from the Office on whether the amendment as just subamended would harm the provision on equivalent conditions in Article 6. The representative of the Secretary-General answered that the intent of requiring "equivalent conditions" was to align the conditions of part-time workers with those of comparable full-time workers. Part-time workers could enjoy, in certain cases (such as health care), the same protection accorded to comparable full-time workers. In other cases (such as cash benefits), the protection could be proportional to the hours of work, contributions or earnings of part-time workers. The protection could also be more than proportional. However, the amendment could not lead to an interpretation authorizing protection at a level which was less than proportional to the hours of work, contributions or earnings of part-time workers.

85. The Employers' Vice-Chairperson stated that the explanation given by the representative of the Secretary-General reflected the position as it was understood by the Employers' members. The Workers' Vice-Chairperson emphasized that the amendment as subamended was acceptable to the Workers' members on the basis of the explanations given by the representative of the Secretary-General and the Employers' Vice-Chairperson. The amendment as subamended was adopted. Thus the second phrase of Article 6 was deleted and a second sentence added which read as follows: "These equivalent conditions may be determined in proportion to hours of work, contributions, earnings or through other methods consistent with national law and practice."

86. The Government member of Australia reported that Australia's social security system was not based on occupational activity as stated in Article 6 and referred to in Article 8, she thus wanted the record to confirm that a differently based social security system would not constitute an obstacle to ratification of this Convention.

87. Article 6, as amended, was adopted.

Article 7

88. The Employers' members submitted an amendment to specify that the measures taken in Article 7 to ensure that part-time workers received equivalent conditions in the fields listed would be taken "in accordance with national law and practice". The Employers' Vice-Chairperson said that the purpose of the amendment was not to restrict the protection provided by the Convention, but to reinforce the message that any measures taken in order to implement the Convention would be in accordance with national law and practice. The way in which protection under this Article would be ensured varied according to national law and practice. The proposed wording covered these variations. The same wording had already been used elsewhere in the proposed Convention.

89. In opposing the amendment, the Workers' Vice-Chairperson pointed out that Article 11 of the proposed Convention already established that the provisions of the Convention were to be implemented by laws or regulations or any other manner consistent with national practice. The amendment was therefore superfluous.

90. In answer to a request for clarification from the Workers' members on the implications of using the expression "in accordance with national law and practice" in this and other provisions in the proposed Convention, the representative of the Secretary-General noted that at each session of the Conference members submitted this type of amendment with the idea that the text of the Convention would be rendered more flexible. In practice, they were mistaken in their belief that such an amendment, if adopted, would have this effect. Member States which ratified a Convention had to apply it strictly and rigorously. Member States could not use this wording as an argument to avoid the strict application of the provisions of the Convention on the basis of the state of their national law and practice. If law and practice were not in accordance with the provisions of the Convention, they would have to be changed so that the Convention could be applied rigorously.

91. Agreeing that the proposed amendment was superfluous, the Government members of Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Turkey and the United Kingdom opposed the amendment. The amendment was withdrawn.

92. The Government member of Japan submitted an amendment to replace the words "equivalent conditions to" by the words "appropriate conditions compared with". Its purpose was to introduce more flexibility to facilitate the application of the Convention under the conditions in different countries. The Workers' members opposed the amendment. It had already been explained that the term "equivalent conditions" permitted a good deal of flexibility. The amendment would only serve to increase the latitude for not treating part-time workers in an equivalent manner. The Employers' members could not support the amendment either. On the understanding that the term "equivalent conditions" included an element of flexibility, the Government member of Japan withdrew the amendment.

93. The Workers' members submitted an amendment to provide that measures to be taken in Article 7 would be taken "in particular" in the fields listed and not just "in the fields listed". The Workers' members wanted to avoid the impression that subparagraphs (a), (b) and (c) were limitative. The fields enumerated in Article 7 were universally applicable and had to be mentioned specifically. This did not mean that other fields of protection would not be covered in the context of this Article.

94. The Employers' Vice-Chairperson emphasized that the present wording of Article 7 did not impose any limitation on the granting of protection in fields other than those which were specifically mentioned. Nor did it establish any obligation to establish equivalent conditions for part-time workers in respect of all types of protection. However, the proposed amendment had the effect of extending the required protection to every field, however minor. Article 7 should retain its flexibility. The Committee had agreed in principle that the Convention should confine itself to basic protection and basic conditions. The amendment was therefore totally unacceptable to the Employers' members.

95. The Government members of Argentina, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, India, Ireland, Italy, Japan, the Republic of Korea, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States, opposed the amendment. The Workers' Vice-Chairperson observed that a number of members had indicated that Article 7 would not have to be limited to the fields specified. This Article would therefore not prevent a ratifying country from extending equivalent conditions for part-time workers in fields other than the three enumerated in the current text. On this basis, the Workers' members withdrew the amendment.

96. The Government members of Australia, Austria, Canada, Finland, New Zealand, Norway, Sweden, Turkey and the United States submitted an amendment to add in a new subparagraph (d): "sick leave," to the fields with respect to which measures would have to be taken to ensure part-time workers equivalent conditions to those of comparable full-time workers. The Government member of Australia, speaking on behalf of the sponsors of the amendment, emphasized that sickness was not voluntary and that, since workers did not choose to fall sick, sick leave was a fundamental employment condition. The sponsors of the amendment acknowledged that in many countries sick leave had not been formalized. In those countries, there would be no need to provide sick leave for part-time workers where none was provided for full-time workers. In many countries, categories such as casual workers were not covered by sick leave. Once again, the amendment would not have the effect of requiring the provision of sick leave for part-time casual workers in those countries, any more than for full-time casual workers. However, where sick leave benefits were provided to comparable full-time workers by the employer, it would be necessary to ensure that they were also provided to part-time workers in proportion to their hours of work. The sponsors of the amendment considered that, in the light of the minimum thresholds set out in Article 8, the proposed wording was sufficiently flexible to be incorporated in the Convention. The Government member of Australia added that "sick leave" included both paid sick leave, that is benefits paid to workers while they were sick, and unpaid sick leave where there was entitlement to be absent from work due to illness for a fixed period of time. The Government member of the United States maintained that in many ways sick leave was comparable with paid annual leave and paid public holidays, as set out in subparagraph (c). Sick leave was a very basic employment condition and deserved to be included in Article 7.

97. The Workers' members supported the amendment and expressed agreement with the comments of the Government member of Australia. The Employers' members strongly opposed the amendment. Although the three fields of protection enumerated in Article 7 were of fundamental importance, the same could not be said for sick leave. The Employers' Vice-Chairperson again stressed the fact that the provisions of the Convention should be confined to basic protection.

98. The Government member of Greece raised the question as to whether the benefits provided in the case of sick leave would be the responsibility of employers, as in the case of the other benefits covered by Article 7. He considered that, in many instances, these benefits would be supplied through insurance schemes. In reply, the representative of the Secretary-General said that the regulations regarding the payment of benefits during sick leave varied in the different countries. In a number of countries, employers were obliged to continue to pay wages or to provide sick pay, at least for an initial period of sick leave, in which case social security benefits would only be paid for subsequent periods. In other countries, sickness benefit could be exclusively paid through a social security scheme, or directly by the State. The term "sick leave" covered both the period during which the employer provided sick pay and the period during which sickness benefits were paid through social security.

99. The Employers' Vice-Chairperson expressed consternation at the attempt to pass on to employers the responsibility for providing protection in the cases covered by Article 7. It was unacceptable to imply that employers had the total obligation for maternity protection. He pointed out that the Government member of Australia had conceded that sick leave was not available on a universal basis. Since it was the aim of the Committee to adopt a Convention which would be as nearly universally applicable as possible, the amendment should be rejected.

100. The Workers' Vice-Chairperson reiterated that the rights in question were fundamental and should be provided on an equivalent basis to part-time and full-time workers. She was shocked that the members of the Committee were spending so much time wondering whether governments or employers were responsible for paying the benefits concerned, and consequently supporting or opposing it according to their own particular interests to save costs. It was not the purpose of this Convention to determine the source of such benefits, which would be provided under the system established in each country. The Convention confined itself to providing equivalent rights to part-time workers, without specifying the origin of the benefits provided.

101. In supporting the amendment, the Government members of Argentina, Chile, Gabon and the Syrian Arab Republic emphasized the importance of sick leave. The Government member of the Syrian Arab Republic believed that sick leave was a fundamental right and should be provided under the same conditions for part-time and full-time workers. The Government member of Argentina reinforced the point that there was no question of establishing the source of the benefits in the Convention. If full-time workers enjoyed rights to sick leave that were not granted to part-time workers, this would constitute discriminat[illegible]. The Government member of Gabon added that the amendment would be in accordance with Gabon's legislation. The Government member of the Republic of Korea agreed that sick leave was a fundamental right. However, he asserted that technical difficulties linked to the definition of sickness and to the differences in the national systems covering sickness could jeopardize wide ratification of the Convention. Since a number of countries, and especially developing countries, might encounter difficulties in implementing the proposed requirements concerning sick leave, he opposed the amendment.

102. The Government member of Germany said that it was important to know whether the amendment referred to rights under labour law or under the social security system. The issue concerned equivalent treatment under existing systems, rather than the creation of new systems. In Germany, legislation had been adopted very recently to extend the right to sick leave to all part-time workers. Sickness was now dealt with more favourably in this respect in Germany than in many other countries. If the proposed amendment affected the social security system, he would not be able to support it. However, if it only concerned benefits provided by the employer in the event of sick leave, he could agree to it.

103. The Workers' Vice-Chairperson reminded the Committee that maternity protection was proposed in the text of the proposed Convention. On that subject also, both labour law and social security were at stake. She referred to the provision in the Maternity Protection Convention (Revised), 1952 (No. 103), which stated that employers should not be individually liable for the cost of the maternity benefits due to the women employed by them. Benefits provided during the period of maternity leave should not be financed by employers, but should be covered by the social security system. There were many different systems for the provision of these benefits, even within the Member States of the European Union. It was for individual countries to decide which system they would adopt. Since there were mixed systems for maternity leave, which was already included in Article 7, and for sick leave, there should be no particular problems concerning sick leave. The aim of the amendment was to provide comparable protection for part-time and full-time workers.

104. The Government member of Australia, speaking on behalf of the sponsors of the amendment, reiterated that the principle of sick leave was so fundamental and important that it should be included in a Convention on part-time work. This was particularly true in view of the flexibility already incorporated in the Convention. The entitlement would only apply to part-time workers where it already applied to comparable full-time workers. The equivalence provided in Article 7 and the thresholds set out in Article 8 would also apply. However, she sought confirmation from the Office that her understanding was correct that if sick leave were included in Article 7, it would still be open to those countries which provided sick leave through the social security systems referred to in Article 6 to continue to provide sick leave through those social security systems and in a manner compatible with Article 6. In other words, the inclusion of sick leave in Article 7 would provide no impediment to continuing to deliver sick leave benefits under existing social security arrangements, so long as those arrangements complied with Article 6, and Article 8 as it applied to Article 6.

105. In reply, the representative of the Secretary-General said that "sick leave" comprised both the leave taken by sick persons and the benefits paid during sick leave, either by the employer or the social security system, or both. The inclusion of a reference to sick leave in Article 7 would mean that the benefits could continue to be provided by social security, but both Articles 6 and 7 would apply. With regard to maternity protection mentioned in subparagraph (a) of Article 7 and the proposed insertion in this Article of sick leave, the representative of the Secretary-General noted that in many countries, protection in these two areas was provided under both the legislation governing social security schemes related to an occupational activity, which were referred to in Article 6, and the legislation which governed employment conditions, as supplemented by collective agreements, which were referred to in Article 7. Taking the example of sick leave, he noted that certain aspects of the matter were covered by Article 7, such as considering the time of absence from work as a period of work for the purposes of seniority and the attendant entitlements and the prohibition against dismissal during sick leave. On the other hand, other aspects such as the reimbursement of medical costs or the guarantee of an income during sick leave could be covered under Article 6.

106. The Employers' Vice-Chairperson believed that it was necessary to understand the history of the development of the text. The inclusion of sick leave as a specific provision had never before been proposed throughout the whole process of formulating the proposed Convention. The replies to the original questionnaire sent out by the Office had referred in some cases to the question of paid annual leave and paid public holidays. The Office had noted that a number of replies had suggested that the protection provided under this Article should be extended, but none of them had called for specific coverage of sick leave. The Office had also commented that there had been a number of reasons why it had not been able to take up these suggestions in the Conclusions proposed the previous year, particularly that such an extension of the protection provided under Article 7 might impede ratification on the grounds that, unlike paid annual leave, other forms of leave were not yet recognized in all countries. The Committee had discussed this provision in detail during its first discussion of the proposed instruments. The Committee had rejected an amendment by the Workers' members designed to extend the protection provided by this provision to all working conditions, as well as an amendment to include parental leave and leave for family reasons. At that time the Employers' Vice-Chairperson had stated that this latter amendment constituted an extension of the text proposed by the Office and went beyond the matters raised in the questionnaire. He had emphasized that the rights enumerated in this Article were of a universal nature, which was not the case of parental leave and leave for family reasons. He had noted that parental leave was not universally recognized, even for full-time workers. He now said that the same was true for sick leave. The Employers' members had also pointed out in the first discussion that other conditions were covered in the proposed Recommendation. When the text of the proposed Convention had been circulated by the Office, following the previous year's discussion, one government and a number of workers' organizations had suggested the extension of the protection enumerated in Article 7 to conditions of employment in general. However, no one had suggested the inclusion of sick leave specifically. The Employers' Vice-Chairperson added that, on the question of the extension of the protection provided by this Article, the Office had stated in Report IV (2A) that, on the assumption that it had been the intention of the majority of Members at the first discussion to restrict the scope of the Article to certain crucial areas of conditions of employment in order to allow the widest possible ratification of the Convention, the Office felt unable to retain the proposed additions. The rights established under Article 7 were universal in character unlike, for example, the forms of leave covered by Paragraph 12 of the proposed Recommendation. He added that the absence of any other international labour standards on sick leave was further proof that such leave had not gained sufficient international recognition to be included in the present Convention. Although the inclusion of sick leave in this Article of the Convention might not create problems for some industrialized countries, it would severely affect the Convention's prospects of ratification among developing countries. He therefore called for the amendment to be withdrawn.

107. The Workers' Vice-Chairperson welcomed the amendment, despite the fact that the subject of sick leave had been raised at a rather late stage in the discussions of the Committee. Sick leave was a universal right and was as crucial and important as annual leave and paid public holidays. Article 7 only called for treatment equivalent to that of full-time workers. If, in a particular country, sick leave was not recognized for full-time workers, there would be no requirement to provide it for part-time workers. This allowed plenty of flexibility to countries when they were considering ratifying the Convention. The possibilities for exclusions and thresholds set out in Article 8 would apply just as much to sick leave as the other matters referred to in Articles 6 and 7. Where sick leave benefits were provided by social security schemes, they would be covered by the flexibility established in Article 8, as it related to Article 6. In so far as these benefits were provided by employers, they would be covered by the flexibility contained in Article 8 as it related to Article 7. She therefore called upon the members of the Committee to support this important amendment.

108. The Government member of Germany requested clarification from the Office on three points. First, was it correct that Article 6 involved a comprehensive obligation for equal treatment under statutory social security schemes? Secondly, did Article 6 already cover sick leave in those countries in which sick leave was covered by social security schemes? Thirdly, was it correct that sick leave was not covered by Article 6 in those countries in which it was not a social security benefit, but a legal claim against employers? The representative of the Secretary-General noted that Article 6 dealt only with social security schemes based on occupational activity. This meant that schemes based on residence were not covered by this Article. The notion of sick leave comprised three elements. First, the concept that the employment relationship was maintained during the period of absence from work due to sickness. Second, sick leave could contain an obligation of the employer to pay benefits during an initial period. Both aspects were dealt with in Article 7, not in Article 6. Third, in certain countries, a cash sickness benefit was provided by the social security schemes and only this aspect was covered by Article 6, provided the benefit was based on occupational activity.

109. The Government members of Belgium, Denmark, Germany, Greece, Italy, the Netherlands, Portugal and Spain, supported the amendment. The Government members of France, Ireland and the United Kingdom did not support the amendment.

110. Put to the vote, the amendment was adopted by 449,820 votes in favour and 326,536 votes against.

111. Article 7, as amended, was adopted.

Article 8

Paragraph 1

112. The Workers' members submitted an amendment to add, after the words "employment injury", the words "and occupational disease", and sought clarification from the Office on whether these words needed to be added to the English text. They were in the French and Spanish texts. The representative of the Secretary-General confirmed that the English term "employment injury" covered both industrial accidents and occupational diseases. He cited the title of the Employment Injury Benefits Convention, 1964 (No. 121), to illustrate the fact that the French and Spanish titles of the Convention referred specifically to both industrial accidents and occupational diseases but, in ILO usage, both were covered by the term "employment injury" in English. The amendment was withdrawn on this understanding.

113. The Government members of Germany, Greece, Luxembourg and Portugal submitted an amendment to delete the words "and of any of the measures taken in the fields covered by Article 7". The Government member of Italy supported the amendment. The Government member of Greece stated that the amendment was withdrawn as a consequence of the adoption of the amendment to include sick leave in Article 7.

114. The Workers' members and the Government member of India submitted amendments to prevent the possibility of excluding part-time workers from the measures to be taken under Article 7 to ensure equivalent conditions in the field of maternity protection. Thus the amendment would insert the words "except maternity protection" after the words "and of any of the measures taken in the fields covered by Article 7". The Workers' Vice-Chairperson emphasized that the concept of maternity protection was not confined to maternity leave and cash benefits, where they existed. It also included health and safety provisions designed to protect pregnant and nursing mothers and their children. She noted that the Maternity Protection Convention (Revised), 1952 (No. 103), included provisions providing protection against dismissal and allowing nursing mothers to take nursing breaks in the period after confinement. These were crucial and universal aspects of maternity protection to which no exceptions should be made. In Report IV(2A), the Office itself had wondered whether, in allowing the exclusion of maternity protection, paragraph 1 of Article 8 went too far, for example with regard to the protection of pregnant women from work likely to be detrimental to their health and that of their unborn child and had concluded that it should not be possible to apply thresholds in respect of maternity protection, particularly since the vast majority of part-time workers were women. The Workers' Vice-Chairperson reminded the Committee that, if the amendment were adopted, the resulting obligations would only be to provide equivalent protection to that provided to comparable full-time workers. She also noted that the pecuniary entitlements resulting from the provisions of Article 6 would still be covered by the possible exclusion set out in the first line of Article 8. As in the case of sick leave, where payments in respect of maternity leave were provided by social security schemes, thresholds could still be set in accordance with Article 8. She emphasized that, although the Workers' members clearly wished the Convention to be ratified as widely as possible, some subjects were so crucial and universal that guidelines needed to be set. Referring to the Report of the Director-General to the Conference, she said that ILO Conventions should not merely aim to reflect the lowest common denominator; they should promote higher levels of protection. On such important issues, it was vital that part-time workers should enjoy equivalent protection to full-time workers. It was necessary to take a risk that some countries would not initially be able to ratify the Convention but the Convention could provide them with the stimulus to improve the protection to be established at the national level. Although the Workers' members had accepted considerable flexibility on other points, it would not be fitting for the ILO to adopt provisions on such a crucial issue for women which would discriminate against part-time women workers.

115. The Government member of Greece, speaking on behalf of the Government members of Belgium, Denmark, Germany, Greece, Italy, the Netherlands, Portugal and Spain, said that maternity protection was an important field which should not be subject to exclusions. They therefore supported the amendment. The Government members of Austria, the Czech Republic, Norway, Slovakia and Sweden also supported the amendment.

116. The Government members of Argentina, Canada, Cyprus, Ireland, the Republic of Korea, Turkey and the United Kingdom opposed the amendment. The Government member of Cyprus said that, if the amendment were adopted, the Convention would be less flexible and some countries in which earnings thresholds, for example, had been established would not be able to ratify it. The Government member of Canada thought that, although the idea contained in the amendment was attractive and seemingly compatible with the system in Canada, it might constitute an obstacle to the wide ratification of the instrument. The Government member of Ireland agreed that the amendment would be an obstacle to ratification. The Government member of the Republic of Korea did not deny that maternity protection was crucial. However, a number of factors in countries such as the Republic of Korea, which were somewhere between the developing countries and the industrialized world, would make it difficult to apply this provision. In a situation of structural adjustment, where there was an exodus from the rural sector and with the growth of the service sector, many employers of part-time workers would not be able to afford the level of protection required. The Government member of the United Kingdom expressed much sympathy with the spirit of the amendment. If it were possible to formulate the amendment so that the prohibition of exclusions in relation to maternity protection were restricted only in respect of health and safety risks for pregnant and nursing mothers, she would be able to support it. The Government member of Cyprus supported that suggestion.

117. Although the Employers' members believed that maternity protection was of great importance, they were unable to support the amendment as drafted. Article 8 of the proposed Convention merely gave governments discretion to exclude part-time workers from maternity protection when their earnings or hours of work were below a specific threshold. This enabled them to deal with a wide variety of situations, such as workers who worked for only one hour a week. However, the change sought to be introduced by the amendment would require that, for all aspects of maternity protection, the conditions of part-time workers should be equivalent to those of comparable full-time workers. The areas of protection would therefore be wider than those set out in the Maternity Protection Convention (Revised), 1952 (No. 103). This provision would be particularly onerous on small businesses, which might be forced to guarantee the right of pregnant women to return to their jobs after confinement, even if they only worked one hour a week.

118. The Chairperson proposed a subamendment to make the amendment read as follows: "except measures of maternity protection which are intended to protect the health of the mother and/or her child".

119. This subamendment was supported by the Workers' members and the Government member of Canada. The Workers' Vice-Chairperson emphasized that it was necessary to protect pregnant women and young mothers against both general health risks, such as the hours they worked and jobs involving standing or lifting weights, and occupational hazards, such as exposure to chemical substances, which were particularly hazardous for pregnant women. The Government member of Canada believed that the Chairperson's suggestion focused on the essential element of health and safety, while removing an impediment to the ratification of the Convention by allowing exclusions to be determined from the financial benefits related to maternity.

120. The Employers' Vice-Chairperson considered that the above subamendment was too broad and might include concepts such as extended maternity leave. The Employers' members were looking for a qualification that dealt specifically with occupational safety and health risks. A working group met to try to find a consensus text. Following its consultations, the Employers' Vice-Chairperson reported the group's proposal for a subamendment as follows: "except measures of maternity protection necessary to protect the health of a pregnant woman and her unborn child".

121. The Workers' Vice-Chairperson regretted that the above wording did not offer an appropriate solution to such a vital and essential issue. The text needed to address broader protection, including for the period after confinement. Moreover, the reference to the health of a pregnant woman might not be sufficiently broad to cover the necessary employment security and protection against dismissal during the period leading up to and following confinement. She therefore preferred the original amendment.

122. The Government member of Ireland proposed a substitute subamendment as follows: "except measures of maternity protection other than statutory social security measures". He explained that the purpose of the subamendment was to ensure that the thresholds permitted under Article 8 as applied to Article 6, could still be established in respect of maternity benefits provided by statutory social security schemes.

123. In answer to a request from the Workers' members for clarification from the Office, the representative of the Secretary-General said that the subamendment proposed by the Government member of Ireland made it clear that the social security schemes in Article 6 were not covered by the subamendment, that is, they were still subject to the possibility of the exclusion under Article 8. The Workers' members accepted the subamendment. The view of the Employers' Vice-Chairperson that the subamendment meant that exclusions could still be made to maternity protection provided to part-time workers under social security schemes was confirmed by the Chairperson. Although the Employers' members were not opposed to maternity protection for part-time workers, they remained concerned by the extent to which equivalent conditions in respect of maternity protection would be required for part-time and full-time workers. By way of illustration, the text as subamended by the Government member of Ireland would mean that, if a comparable full-time worker enjoyed a guaranteed period of leave, for example 12 months, and a guaranteed return to employment in relation to pregnancy and confinement, the same condition would have to be provided to part-time women workers whose hours of work were very low. Although the proposed wording did not address these concerns, and although it made the text of Article 8, paragraph 1, very confusing with exclusions and exceptions from exclusions, the Employers' members supported the subamendment.

124. The Government members of Austria, Finland, Italy, the Netherlands, New Zealand, Norway and Sweden supported the subamendment. Although the Government member of Cyprus would have preferred the exception to the exclusions permitted under Article 7 to relate only to the health of the mother, she did not wish to oppose the amendment. She suggested that the drafting of Article 8, paragraph 1, could be improved by the Drafting Committee. The amendment as subamended was adopted. As a result, paragraph 1 of Article 8 read as follows:

> A Member may exclude from the scope of any of the schemes referred to in Article 6, except those providing employment injury benefits, and of any of the measures taken in the fields covered by Article 7 except measures of maternity protection other than statutory social security measures, part-time workers whose earnings or hours of work are below specified thresholds, which shall be sufficiently low not to exclude an unduly large percentage of part-time workers.

125. The Employers' members submitted an amendment to delete the phrase "which shall be sufficiently low not to exclude an unduly large percentage of part-time workers". The Employers' Vice-Chairperson emphasized that the amendment was designed to give the text greater clarity and to simplify a complicated provision. It would also have the effect of expanding the discretion available to governments to decide upon any exclusions which were necessary under Articles

6 and 7. It was clear that such exclusions should be determined in a reasonable manner.

126. The Workers' Vice-Chairperson referred to the Committee's broad discussion on this point the previous year. The current text had been arrived at after much argument and, although the Workers' members did not support any exclusions from the provisions of the Convention, they had finally agreed to the text of this Article in order to provide the flexibility needed by some governments. She reminded the Committee that an important provision in the Recommendation called for the progressive reduction of any thresholds set in this connection.

127. At the request of the Workers' members, the representative of the Secretary-General explained that the supervisory machinery for the application of ratified Conventions expected that a country which had ratified a Convention would avail itself of the possibilities of exclusion established in the Convention in good faith and would not therefore use them in practice to exclude the majority of workers concerned. In the case of the proposed Convention on part-time work, these possibilities of exclusion were provided for in Article 3 (exclusion of certain categories of part-time workers or establishments where the implementation of the Convention raised particular problems of a significant nature in their regard) and in Article 8 (exclusion of part-time workers whose earnings or hours of work were below thresholds determined with reference to the scope of social security schemes or the protection foreseen under Articles 6 and 7). As the possible exclusions were very broad, the supervisory machinery would undoubtedly examine with great care whether the Members which had ratified the Convention had used them in good faith.

128. The Government members of Australia, Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Slovakia, Spain, Sweden, Switzerland, Turkey and the United Kingdom opposed the amendment. The Employers' members withdrew the amendment.

129. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to replace the words "which shall be sufficiently low not to exclude an unduly large percentage of part-time workers", by the following text:

> With respect to Article 6, thresholds shall be sufficiently low not to exclude without reasonable grounds a significant percentage of part-time workers. With respect to Article 7, thresholds shall be sufficiently low not to exclude an unduly large percentage of part-time workers.

The Government member of Germany, referring to the situation in Germany and explaining that the situation in several other countries of the European Union was similar, said that the exclusions covered by this paragraph were of crucial importance for the possible ratification of the Convention. The Government of Germany had no problems with regard to the text as currently worded as it affected Article 7. The problems concerned the exclusions relating to Article 6. Under the current wording, the problem arose as to how many workers could be covered by the exclusions allowed in relation to Article 6. In the proposed amendment, the term "unduly large" would be replaced by the term "a significant percentage" of part-time workers, who could only be excluded on "reasonable grounds". In explanation, the Government member of Germany referred to the German situation as regards health insurance. A great number of workers were excluded from such insurance. However, those part-time workers who were not covered by health insurance through their part-time employment were, for example, insured through their spouses, their status as retirees or through another employment relationship. Moreover, recent surveys had shown that most part-time workers were reluctant to contribute to retirement schemes which would provide only a very low level of benefits. There was therefore little reason to provide coverage for many of these workers, even though their numbers were high and could be as many as 2 or 3 million who were not covered by social insurance. It was therefore important that the grounds for exclusions should be qualitative rather than quantitative. Finally, he noted that the "reasonable grounds" upon which exclusions were based would have to be justified by member States which ratified the Convention.

130. The Employers' members supported the amendment based on the explanation given by the Government member of Germany. The Workers' members opposed the amendment and believed that thresholds referred to in Article 8 were not necessary at all. The amendment introduced a new criterion for exclusion on qualitative grounds to which the Workers' members were firmly opposed. The Workers' Vice-Chairperson reminded the Committee that the current wording of the proposed Convention had been suggested by a number of Member States of the European Union during the Committee's first discussion. They should therefore show consistency in retaining the current wording. Moreover, the amendment would require a whole discussion of the interpretation of the phrase "reasonable grounds". Although the present text provided for the possibility of thresholds, it needed to be borne in mind that an important component of the proposed instruments was that these should be reduced and that part-time workers should be treated in an equivalent manner to full-time workers.

131. The Government member of Cyprus, speaking on behalf of the Government members of Austria, Canada, Cyprus, Finland, India, Japan, New Zealand, Norway, Sweden, Switzerland, Turkey and the United States, expressed firm opposition to the amendment, which could open the possibility of broad exclusions from the provisions of Article 6. The Government member of Canada added that the wording in the current text "an unduly large percentage of part-time workers", although open to interpretation, clearly meant that the majority of part-time workers could not be excluded. The proposed amendment introduced additional concepts which would need further interpretation. The Government member of Argentina agreed that it would be very difficult to implement the wording set out in the amendment.

132. The representative of the Secretary-General commented that the current wording of Article 8, paragraph 1, did not prevent the percentage of workers who were excluded through the application of thresholds from being large, but it did prevent this percentage from being "unduly large", that is from being large without serious cause. He believed that it could therefore be considered that the concern of the sponsors of the proposed amendment had already been taken into account in the existing text.

133. The Government member of Germany asked for the opinion of the Legal Adviser on whether under Article 8 a high percentage of part-time workers could be excluded from the social security schemes referred to in Article 6 if there were sufficient reasons in national legislation to do so. The Legal Adviser noted that the question concerned the meaning of the word "unduly" in Article 8. The issue was whether the requirement for thresholds specified in reference to Articles 6 and 7 to "be sufficiently low not to exclude an unduly large percentage of part-time workers", took on a meaning which was not only quantitative, but also qualitative, in the sense that it presupposed serious grounds which would have to be explained by the Member to justify exclusion. This question concerned the interpretation of a term which was destined to be included in a Convention, which was an international treaty. In accordance with article 31(1) of the Vienna Convention on the Law of Treaties (1969), the applicable rule was that the text of a treaty had to be interpreted "in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose". Two additional points should be noted in this respect. In the first place, a term could be understood in a particular sense if it was established that such was the intention of the parties. Secondly, the preparatory work on the treaty played only a subsidiary role in establishing the meaning of the text or the term. In the light of these principles, the first issue was to establish the ordinary meaning of the term "indûment" in French and "unduly" in English. According to the dictionary *Le Grand Robert*, one of the current meanings of the term "indûment" was "without cause". The abridged edition of the same dictionary went further in the definition "without legal cause". The meaning of the term "unduly" in English, according to the *Oxford English Dictionary*, fully coincided with that of the French term. The first meaning given was "without due cause or justification". It could therefore be stated that, according to the ordinary meaning, this term signified that the specification of thresholds must not result in the exclusion of a large percentage of part-time workers if there was no justifiable cause. It should also be noted that this literal meaning was strengthened by its context, that is in particular by subparagraph 2(b) of Article 8 of the proposed Convention, which provided that, in its reports on the application of the Convention under article 22 of the Constitution of the ILO, a Member had to indicate the reasons for the thresholds in force. Thus the text was clear. If any doubt were still to persist with respect to this term, as noted above, the preparatory work could play a subsidiary role in determining the issue. Although the word "unduly" had been introduced by amendment during the first discussion, it did not appear at that time to have been the subject of detailed explanations. However, the discussions of the Committee at this session, and this legal opinion, would clearly confirm that the intention was to give the word "unduly" one of its ordinary meanings, which included the sense of justifiable cause. From this point of view, the matter could be settled without ambiguity.

134. On behalf of the sponsors of the amendment, the Government member of Greece said that, in the light of the above clarification, it was understood that the wording "unduly large percentage" included both qualitative and quantitative elements. The percentage of part-time workers excluded could be large if there were reasonable grounds for doing so. The amendment was withdrawn.

135. The Government member of Japan submitted an amendment which would have the effect of replacing the words "which shall be sufficiently low not to exclude an unduly large percentage of part-time workers" by the words "determined in accordance with national law and practice, which shall not exclude an unduly large percentage of part-time workers". The Government member of Japan referred to the differences in the treatment of part-time and full-time workers under social security schemes. Thus the Convention should leave it to the parties in accordance with national law and practice. The provisions of the Convention should not have the effect of hampering part-time work. The amendment had therefore been submitted to provide greater flexibility. However, due to the lack of broad support, he withdrew the amendment.

136. In relation to Article 8.1, the Government member of Switzerland referred to a specific feature of accident insurance in Switzerland. The accident insurance scheme covered both occupational and non-occupational accidents, although under slightly different conditions. Workers were covered in respect of occupational accidents irrespective of their hours of work. However, in order to obtain coverage under this scheme in respect of non-occupational accidents, they had to be employed for a minimum of 12 hours a week. The spirit of the Swiss legislation therefore appeared to be in accordance with Article 8 of the proposed Convention, since it did not apply thresholds in the case of occupational accidents. However, she wished to obtain confirmation of the interpretation which would be subsequently made by the supervisory machinery of the following words in Article 8: "the scope of any of the schemes referred to in Article 6, except those providing employment injury benefits". She requested clarification from the Office as to whether this would constitute an impediment to the ratification of the Convention, as it was currently worded, by Switzerland. She added that those workers who were not covered under the accident insurance scheme in respect of non-occupational accidents nevertheless benefited from coverage under the Swiss health insurance scheme.

137. In his reply, the representative of the Secretary-General considered that the supervisory machinery for the application of ratified Conventions would not make a distinction between, on the one hand, countries in which occupational and non-occupational accidents were covered by one and the same scheme and, on the other, countries in which the two types of accidents were covered by different schemes. The Swiss scheme conformed to Article 8 of the proposed Convention, which forbade the application of thresholds in relation to occupational accidents. The threshold established under the Swiss scheme in respect of non-occupational accidents would not be in contravention of Article 8, although, in accordance with Article 8, paragraph 2, the Swiss Government would have to provide the supervisory machinery of the ILO with information concerning the reasons for which the threshold of 12 hours per week had been established and the percentage of part-time workers excluded as a result.

Paragraph 3

138. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to delete the word "review" from the phrase "the establishment, review and revision of the thresholds referred to in paragraph 1 above". The Government member of Greece in explaining the amendment, stated that it was sufficient to provide for consultation with the most representative organizations of employers and workers in relation to the establishment and revision of thresholds. Consultations in relation to the review of such thresholds would be superfluous. The Government member of Germany added that the term "review" covered a broad range of activities which were difficult to determine. These could include low-level discussions or a major re-examination of the thresholds in question. The present wording would therefore be difficult to apply in practice.

139. The Employers' members opposed the amendment. The Employers' Vice-Chairperson recalled the Committee's discussions the previous year, when the word "review" had been included as a result of an initiative by the Employers' members. The term "revision" implied the necessity of change, whereas the word "review" did not imply any need to modify thresholds which had been established. They believed that it was important for the most representative organizations of employers and workers to be consulted at all stages of the establishment, review and revision of the thresholds in question. The Workers' members agreed with the previous speaker and opposed the amendment. The Government members of Australia, Austria, Canada, Cyprus, Finland, Japan, Norway, Sweden, Switzerland, Turkey and the United States opposed the amendment. The amendment was withdrawn.

140. Article 8, as amended, was adopted.

Proposed new Article after Article 8

141. The Employers' members submitted an amendment to add the following new Article: "Where obligations on employers depend on the number of their employees, part-time workers may be given less weight than full-time workers" and subamended it to add at the end "in proportion to their hours of work". The Employers' Vice-Chairperson noted that the concept of proportionality had already been included in a number of Articles of the Convention. Certain obligations were placed upon employers which depended on the number of persons whom they employed. For example, works councils might have to be established when enterprises reached a certain number of employees. It was unreasonable to impose such an obligation for the same number of part-time workers who worked very few hours a week. Another example was the obligation to notify the government authorities when a certain number of employees were to be dismissed. It was only reasonable that these obligations should be in proportion to the hours worked by part-time workers. This amendment was clearly of great importance to small businesses.

142. Opposing the amendment, the Workers' Vice-Chairperson noted that a similar provision was contained in the Recommendation. The provision was opposed by the Workers' members, who considered that it discriminated against part-time workers and was likely to impair equality of treatment and encourage the replacement of full-time workers by part-time workers with a view to avoiding certain obligations. The spirit of both the Convention and the Recommendation was to achieve greater equality of treatment.

143. The Government members of Australia, Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Slovakia, Spain, Sweden, the Syrian Arab Republic, Turkey and the United Kingdom opposed the amendment. These Government members generally believed that such a provision was not appropriate in the Convention and noted that a similar provision existed in the Recommendation, where it should remain. The Government member of Italy also opposed the amendment.

144. The Employers' Vice-Chairperson asked the representative of the Secretary-General whether the explanation which he had given earlier in the Committee's deliberations of the term "equivalent conditions", which was used in various places in the proposed instruments to qualify the situation of part-time workers in relation to comparable full-time workers, also applied to the matter covered by the proposed amendment. The representative of the Secretary-General replied that his explanation concerned provisions relating to the protection of part-time workers, which should be the same in certain cases (such as health care), or which could be calculated in proportion to the working hours, contributions or earnings of part-time workers in other cases (cash benefits). However, this explanation did not relate to other provisions of the proposed new standards, such as the manner in which part-time workers were taken into account in the calculation of the number of employees in an enterprise for the purposes of determining whether that enterprise was subject to a specific legal obligation. The amendment was withdrawn by its sponsors.

Article 9

Paragraph 1

145. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to change the requirement that measures be taken to "facilitate access to productive and freely chosen part-time work" to require measures that would "remove obstacles" to such work. The Government member of Greece said that the present wording could be understood to include the concept of encouraging part-time work. The amendment avoided such interpretation and was more neutral.

146. The Workers' Vice-Chairperson, speaking in opposition to the amendment, noted that during the previous years' discussions, the Committee had debated Article 9 at length and had set up a working group to draft a compromise text. To avoid reopening the debate, the Workers' members had therefore decided not to propose any amendments to the Article. The Employers' Vice-Chairperson also preferred to retain the existing text and opposed the amendment. Also opposing the amendment, the Government member of Cyprus favoured retaining the current text, which had been the result of a compromise. She pointed out that the text had been amended during the Committee's first discussion to replace the word "encourage" by the words "facilitate access". The fears expressed by the sponsors of the amendment were therefore unjustified. The amendment was withdrawn.

Paragraph 2

147. Concerning the measures to be taken under Article 9, the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to say that the measures were to be taken "as appropriate". The Government member of Greece, speaking on behalf of the sponsors, maintained that the addition of the words would give the text more flexibility for countries in varying stages of economic development and with different legal systems. The Employers' Vice-Chairperson firmly opposed the amendment. It would give governments so much flexibility that they would be free to take no measures at all on this important point, which was a matter of great concern to the Employers' members. They wanted access to part-time work to be facilitated by the measures in paragraph 2. The Workers' members believed that the words "as appropriate" could only make sense in subparagraph 2(a) and opposed the amendment. The Government members of Canada and Chile also opposed the amendment. While the Government of Canada noted that these words did add flexibility to the text, she recalled that this Article had been the subject of long discussions during the Committee's first discussion and, although the delicate compromise reached might not satisfy all concerned, it was one that had achieved general acceptance. The Government member of Chile added that, although the amendment provided flexibility, it also made the Article much less clear. The amendment was withdrawn.

148. The Employers' members submitted an amendment to insert the words "employers and workers, notably those of" after the words "preferences of" and subamended it to read "employers and workers, and notably those of" in subparagraph (c). The Employers' Vice-Chairperson explained that the amendment, as subamended, was intended to remedy what appeared to be an oversight. The subparagraph included measures that would give special attention in employment policies to the needs and preferences of specific groups, but did not refer to the needs and preferences of employers and workers as provided under paragraph 1 of the Article. The Workers' Vice-Chairperson preferred the existing text to remain consistent with the decisions taken last year by the Committee and not to reopen the debate.

149. The Government members of Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Turkey and the United Kingdom opposed the amendment. The Government member of Canada emphasized that the subparagraph did not stand in isolation and that the first paragraph of the Article referred to the needs of both employers and workers. It was therefore implicit in the text of the Article as a whole that the special attention called for in subparagraph (c) would take into account the needs and preferences of employers and workers. The amendment was withdrawn.

150. The Employers' members submitted an amendment to insert the following new subparagraph after subparagraph (c): "consideration of ways in which employment policies can take into account the role of part-time work in facilitating additional employment opportunities". The Employers' Vice-Chairperson pointed out that the Committee had accepted the inclusion of an amendment to the Preamble containing the same concept. The amendment was therefore a logical extension of the text of the Preamble, as adopted by the Committee. It merely required Governments to give consideration to certain matters. The Workers' members opposed the amendment. This idea was already sufficiently set out in the Preamble, thus it was not necessary to include it in the text of Article 9. The Government members of Australia, Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, India, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Slovakia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States opposed the amendment. The Employers' Vice-Chairperson withdrew the amendment.

151. Article 9 was adopted without change.

Article 10

152. The Workers' members submitted an amendment to delete the words "where appropriate" at the beginning of the Article. The Workers' Vice-Chairperson reassured the Committee that the Workers' members did not wish to remove all the flexibility from the Convention. They did want two issues to be covered by the Article: that the transfer from full-time work to part-time work was freely chosen and that a refusal to transfer from full-time to part-time work would not constitute valid grounds for dismissal. There was no room for flexibility on these points.

153. The Employers' Vice-Chairperson recalled the long debate during the Committee's first discussion of this issue. The text finally agreed upon was still confusing. However, the expression "where appropriate" was essential to the text. Although the Employers' members were not able to support the amendment in its present form, they recognized that it might be possible to reformulate the text so that the words "where appropriate" were no longer necessary. The Government member of Canada opposed the amendment. She also recalled the Committee's first discussion of this provision, which would not be easy to implement by governments. In fact, their actions might be seen as undue government interference. She noted that in many economic circumstances the choice might well be between part-time work and redundancy. In this respect, part-time work was not always freely chosen. However, Canada had submitted no amendment to the text of Article 10 because, although not perfectly formulated, it provided for flexibility by the term "where appropriate". The Government member of Cyprus, speaking on behalf of the Government members of Australia, Austria, Canada, Cyprus, Finland, India, Japan, Malta, New Zealand, Norway, Sweden, Switzerland, Turkey and the United States, opposed the amendment. She stated that the current text of Article 10 was well balanced and the result of a compromise.

154. Following consultation between the Employers' and Workers' members, the following replacement text was proposed for Article 10:

> 1. Transfer from full-time to part-time work or vice versa is a matter to be determined by agreement.
>
> 2. A worker's refusal to transfer shall not constitute a valid reason for termination of employment, without prejudice to the possibility of termination for a valid reason based on the operational requirements of the establishment concerned or the worker's terms of employment.

Explaining the above text, the Employers' Vice-Chairperson pointed to the two principal concepts which it contained. In the first paragraph, the transfer from full-time to part-time work had to be by agreement. This agreement could take the form of a collective agreement, which might stipulate the conditions under which such a transfer would be required, and under which the worker would be expected to accept the transfer. The agreement could also take the form of an agreement reached between the worker and the employer at the time of engagement, which might stipulate conditions under which such a transfer would take place. Finally, the agreement could be made between the two parties at the time of transfer. Therefore, in the absence of a collective agreement, the employment contract would establish the conditions of the transfer. If there were no prior agreement on this matter, it would be governed by an agreement reached at the time of the transfer. The second paragraph of the proposal established that the refusal of a full-time worker to transfer to part-time work would not constitute a valid reason for termination of employment. There were, however, two exceptions to this provision. The phrase "without prejudice to the possibility of termination for a valid reason based on the operational requirements of the establishment concerned" covered situations in which a request for a transfer to part-time work was made by the employer but refused by the worker when it was clearly the only option available to the employer because of operational requirements. However, for this clause to come into effect, there would need to be a valid reason based on those operational requirements. The second exception referred to the terms of employment of the worker and referred back to the first part of the text. Where there were prior existing arrangements between the employer and worker for the transfer to part-time work under certain conditions and if a worker refused such a transfer, provided the transfer was supported by a valid reason, employment could be terminated. The two types of circumstances set in the latter part of the sentence were therefore vital to the understanding of the situation of a full-time worker who refused a transfer to part-time work.

155. The Workers' Vice-Chairperson agreed that the first paragraph of the proposed replacement text provided that transfer from full-time to part-time work or vice versa needed to be determined by agreement between both parties. This agreement could take the form of a collective or individual agreement. The effect of the text was to provide that such a transfer could not be imposed unilaterally by either the worker or the employer. Concerning the second paragraph, she particularly emphasized that the two types of circumstances referred to at the end of the text did not constitute an exception to the main rule. The main rule was that a refusal to transfer to part-time work did not constitute a valid reason for termination of employment. In the present instrument it was not necessary to go into the details of other reasons for termination and into their validity. The proposed text only referred to the fact that such other possibilities for termination might exist. She reminded governments that the proposed new text for Article 10 did not require them to take any measures, but merely to monitor the agreements freely concluded between the parties. The text therefore was within the context of the principles of freedom of association and collective bargaining. The Employers' Vice-Chairperson said that there should be no misunderstanding about the meaning of the second paragraph, which was to be read as a single sentence. If the worker refused to transfer, the employer could terminate the worker's employment if a valid reason based on operational requirements were established or the refusal violated the terms of a collective or individual agreement.

156. The Government member of Canada argued that the proposed text was not about the principles of freedom of association and collective bargaining. It was about unjust dismissal. The particular problem which faced Canada was that labour legislation relating to unjust dismissal existed only for the federal workforce. None of the ten Provinces or the two Territories had adopted legislation on unjust dismissal. Moreover, she disagreed that the proposed text would not require action from governments. Governments were always under an obligation when they ratified Conventions, whether this consisted of setting out a provision in the law, or providing legal guidance as to the subjects to be covered in collective bargaining. If this text were to be adopted, Canada would have great difficulty in ratifying the Convention. The Government member of Cyprus considered that the proposed replacement text for Article 10 raised a number of problems, particularly as regards the termination of the employment relationship. A Convention on part-time work was not the place to cover this issue, which was already dealt with in other international labour standards, particularly the Termination of Employment Convention, 1982 (No. 158). The Government members of Argentina, Finland, Germany, Greece, Ireland and the United Kingdom mentioned various difficulties raised by the text. The Government member of Ireland did not believe that this was an appropriate instrument to deal in such a fundamental way with the question of dismissal. The Government member of the United Kingdom wondered if it might be easier to achieve a consensus on the basis of the current text of the proposed Convention.

157. In view of the opposition expressed by the above speakers, and following consultations, the Employers' and Workers' members proposed to subamend the text of Article 10 by replacing the words "freely chosen" by the word "voluntary", and by deleting the words "and taking into account the operational requirements of the establishment concerned." The text of Article 10 would therefore read as follows:

> Where appropriate, measures shall be taken to ensure that transfer from full-time to part-time work or vice versa is voluntary, in accordance with national law and practice.

Explaining the above subamendment, the Employers' Vice-Chairperson said that it was his understanding that the phrase "in accordance with national law and practice" covered situations where either collective agreements or individual agreements established the conditions governing the transfer from full-time to part-time work or vice versa. The decisive factor would be whether the collective or individual agreement stipulated circumstances under which such a transfer should take place. In some cases, these circumstances might also be established by national legislation. In support of the new text, the Workers' Vice-Chairperson stated that it provided an opportunity for legislation and agreements to further define the principle that transfers from full-time to part-time work or vice versa had to be voluntary. Although the Workers' members preferred not to have the words "where appropriate" in the text, they were prepared to agree to their inclusion in order to provide the necessary flexibility to enable governments to ratify the Convention.

158. The subamendment was supported by the Government members of Australia, Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Italy, Lebanon, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey and the United Kingdom. The subamendment constituting a new text of Article 10 was adopted.

159. Article 10, as amended, was adopted.

Article 11

160. Article 11 was adopted without change.

B. Proposed Recommendation concerning part-time work

Preamble

161. The Preamble was adopted without change

Paragraph 1

162. The Workers' members submitted an amendment to replace the word "considered" by the word "applied". The Workers' Vice-Chairperson stated that the term "applied" was traditional ILO language in Recommendations and the Workers' members opposed any unnecessary modernization of this usage. The matter had been raised in the Committee's first discussion, when the Legal Adviser had said that the substitution of the terms "applied" and "considered" would not have any legal implications. However, the Workers' members considered that the term "applied" was more appropriate to a Recommendation which supplemented a Convention.

163. The Employers' Vice-Chairperson referred to the lengthy debate on this issue during the first discussion of the proposed instruments. The Employers' members considered that it was not accurate to say that a Recommendation should be "applied" in conjunction with the related Convention. The term "considered" was much more suitable to cover a situation in which governments might or might not have ratified the accompanying Convention. The Employers' members therefore opposed the amendment.

164. The Government member of the United States speaking on behalf of the Government members of Canada, Cyprus, Finland, India, Japan, New Zealand, Norway, Sweden, Switzerland, Turkey and the United States, opposed the amendment. The term "applied" was ambiguous as to the obligations of member States which had not ratified the Convention. He also noted that the term "applied" had not been in standard usage in referring to the relationship between Recommendations and Conventions before 1990; the normal term of reference had been "supplement". The Government members of Belgium, Denmark, France, Germany, Ireland, Luxembourg, Portugal and the United Kingdom opposed the amendment. The Government member of Argentina also opposed the amendment. The Government members of Greece, Italy, the Netherlands and Spain abstained. The amendment was withdrawn by its sponsors.

165. Paragraph 1 was adopted without change.

Paragraph 2

166. The Committee decided to use in the proposed Recommendation the definition of the term "part-time worker" which it had adopted in Article 1 of the proposed Convention.

167. Paragraph 2, as amended, was adopted.

Paragraph 3

168. The Employers' members submitted an amendment to add the following text at the end of Paragraph 3:

> provided that, to the extent that a Member has availed itself of the possibilities of exclusion set out in Article 3 of the Convention, the Recommendation shall not apply to the categories of workers or establishments so excluded.

The Employers' Vice-Chairperson indicated that its purpose was to ensure that the provision relating to the scope of the Recommendation was aligned with the provision relating to the scope of the Convention. He argued that it was only sensible to establish that the same possibilities should be available under the Recommendation as under the Convention to governments to exclude certain categories of workers or establishments from its provisions. Referring to the Committee's first discussion, he noted that the representative of the Secretary-General had stated that ILO practice in this respect was not uniform. In certain cases the scope of Conventions and their corresponding Recommendations was exactly the same, and in others it differed. The Employers' members believed that governments should have the same opportunities for exclusions under both of the proposed instruments.

169. Opposing the amendment, the Workers' Vice-Chairperson emphasized that the Recommendation was not an instrument which imposed binding obligations upon governments. It was an important provision of the Recommendation that any thresholds established, for example in relation to social security schemes, should be progressively reduced or revised. It was therefore illogical to make the same exclusions under both instruments. Indeed, the normal tradition in the ILO was for Recommendations to be broader in scope than the Conventions which they accompanied. The purpose of a Recommendation was to set out guiding principles. Furthermore, the Committee had expressed its opposition to a similar amendment the previous year.

170. The Government member of Canada speaking on behalf of the Government members of Australia, Canada, Cyprus, Finland, Japan, New Zealand, Norway, Sweden, Switzerland, Turkey and the United States, opposed the amendment. She stated on behalf of Canada that although Canada had supported an amendment on this point during the first discussion, that particular amendment had proposed identical wording to the Convention. It was often the case that certain provisions, such as definitions, were identical in Conventions and their accompanying Recommendations. However, in this case, the amendment introduced a new element. She agreed with the Workers' members that it was traditional for Recommendations to go further than Conventions. The Government member of Greece, speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, also opposed the amendment. The amendment was withdrawn.

171. Paragraph 3 was adopted without change.

Paragraph 4

172. The Workers' members submitted an amendment to delete the words "on a broad scale" from the phrase "employers should consult the representatives of the workers concerned on the introduction or extension of part-time work on a broad scale". The Workers' Vice-Chairperson noted that the term "on a broad scale" had been introduced by the Office following last year's discussion to replace a similar expression that had been adopted by the Committee. It was of great importance that workers' representatives were consulted on the introduction or extension of part-time work. The current wording permitted broad exceptions from such consultation. She emphasized that part-time work often was introduced at first for only a small number of workers, but that it could expand over time. It was therefore important to hold consultations even when only a small number of workers were concerned by part-time work in the first instance. Thus, consultations should be held on the qualitative issue of the introduction of part-time work itself and not just the quantitative issue of how many part-time workers there were. The amendment made it easier to leave the issue of consultation to the parties involved, without restricting negotiating possibilities.

173. Opposing the amendment, the Employers' Vice-Chairperson referred to the Committee's first discussion on this point. The present wording had received broad support during the consultation process since the Committee's first discussions. The term "on a broad scale" was appropriate in this context, since it would be unrealistic if employers had to consult workers' representatives on each occasion that they wanted to employ a single part-time worker or one more. Such decisions often had to be taken rapidly, and could be delayed by too much consultation. The Government members of Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom opposed the amendment. The amendment was withdrawn.

174. Paragraph 4 was adopted without change.

Paragraph 5

175. The Employers' members submitted an amendment to delete the word "specific" which qualified the conditions of employment on which part-time workers were to be informed. The Employers' Vice-Chairperson explained that the purpose of this amendment was to remove the ambiguity caused by the word "specific" which the Office had drawn attention to in Report IV (2A), as well as to lay a foundation for a following amendment to be submitted by the Employers' members to replace "in writing or by any other means" by another formulation. It was not clear whether "specific" referred to all the conditions of employment of part-time workers or only those which were related to their part-time status. There were a great many conditions of employment and it would be impractical to set a requirement that part-time workers should be informed of all of them.

176. The Workers' members opposed the amendment. The word "specific" referred to those conditions especially related to part-time workers. Any ambiguity would be removed by a subsequent amendment that they were going to submit which would enumerate some examples of the conditions of employment about which part-time workers should be informed. In the case of some conditions of employment, such as normal hours of work, it was much more important to inform part-time workers, whose hours of work would tend to vary from case to case, than full-time workers, whose hours of work were usually uniform. It was important for part-time workers to receive information on their employment conditions in writing, or by other means consistent with national law and practice.

177. The Government member of Greece, speaking on behalf of Belgium, Denmark, France, Greece, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, opposed the amendment. They considered that the term "specific" was necessary to denote those working conditions which were particularly related to part-time work on which information should be provided to the workers concerned. The Government members of Argentina, Austria, Cyprus, Finland, the Republic of Korea, Norway, Sweden, Switzerland and Turkey also opposed the amendment. The amendment was withdrawn.

178. The Employers' members submitted an amendment to replace the words "in writing or by any other means" by the words "to the extent, and by means". The objective of the amendment was to emphasize that the manner and extent to which part-time workers would be informed on certain matters whether in writing or by other means, would be determined by national law and practice. The Workers' members opposed the amendment. The Workers' Vice-Chairperson recalled the consensus which had been reached on the present text during the Committee's first discussion. She said that it was essential for the information to be provided in writing; removing such reference would seriously weaken the text. However, to cover countries where there was no tradition of a written contract, the text covered other means of communication consistent with national law and practice. The Government member of Argentina opposed the amendment. The notion of written conditions needed to be retained as it was important to ensure good faith in the employment relationship and legal stability. The Government members of Belgium, Cyprus, Denmark, France, Greece, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Switzerland and the United Kingdom, also opposed the amendment. The amendment was withdrawn.

179. The Workers' members submitted an amendment to add the following text to the end of Paragraph 5:

with regard to at least:

(a) their normal hours of work on a daily or weekly basis,

(b) their basic wage,

(c) their type of contract and type of work;

(d) their entitlement to holidays, annual leave and other types of leave; and

(e) the collective agreements and regulations applicable to them.

The Workers' Vice-Chairperson considered that this illustrative list of crucial employment conditions which should be covered as a minimum by the provision on giving information to part-time workers, would remove any ambiguity from the text. She emphasized that the Recommendation was not a binding instrument, but so amended would provide useful guidelines on the type of information which should be provided to part-time workers. The Employers' members opposed the amendment on the grounds that it was too specific and unnecessary. The Employers' Vice-Chairperson stated that the listing of conditions in the proposed amendment was inconsistent with the use of "specific conditions" in the current text.

180. The Government members of Algeria, Austria, Canada, Chile, the Czech Republic, Finland, Nigeria, Norway, Sweden, Slovakia, Switzerland and the United States supported the amendment, which provided useful guidance as to the essential employment conditions about which part-time workers should be informed. The Government member of Algeria said that initial codification of labour law was being undertaken in Algeria and this list would be of indicative value. The Government members of Belgium, Denmark, France, Greece, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom opposed the amendment. The Government member of Germany considered that the list contained items which were not specific to part-time workers, but which also applied to full-time workers. Although he was not opposed to the principle that part-time workers should be informed of their contractual conditions and the provisions of applicable collective agreements, this principle was already sufficiently covered by "specific conditions" in the original text. The Government member of Cyprus observed that implementation of clause (e) of the amendment would be difficult in practice. Moreover, unlike clauses (a)-(d), clause (e) did not refer to a specific condition of employment. The Government members of Argentina, Egypt, Gabon, India, Indonesia, Japan, Lebanon and Swaziland also opposed the amendment.

181. The Workers' Vice-Chairperson stressed that the amended text would retain a reference to national law and practice and that there was no inconsistency between the word "specific" and the enumeration of some of the essential elements on which information should be supplied to part-time workers. It was essential to provide part-time workers with information on the significant points referred to in the amendment which were usually included in employment contracts of full-time workers. In some cases, part-time workers needed more specific information on their employment conditions than full-time workers, because the conditions of full-time workers, such as their hours of work, might be more immediately evident than those of part-time workers. She reiterated that this text would form part of a Recommendation only and should not pose problems to the Member States of the European Union, where Directives containing provisions on workers' information already existed. In countries where requirements on providing workers with information on these matters were not yet so well developed, the Recommendation would stimulate such a practice.

182. In reply, the Employers' Vice-Chairperson reiterated the opposition of the Employers' members to the amendment. Under certain circumstances, by drawing attention to specific issues, the proposed text might even have the effect of limiting the information required to be given to part-time workers. He also expressed reservations about the reference to "regulations" in clause (e), as there were many hundreds of regulations applicable to part-time workers, for example in the field of occupational safety and health, and it would be impossible to provide workers with information on all of them.

183. The Government member of Australia stated that although she was also concerned about the large number of regulations which applied to workers at the workplace, perhaps there were overscrupulous interpretations of the amendment. The Government member of Ireland considered that the basis specified for determining hours of work in clause (a) of the amendment was not consistent with the definition contained in Paragraph 2(1)(b) of the Recommendation. Put to the vote, the amendment was rejected by 96,492 votes in favour and 112,574 votes against.

184. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to add, at the end of the paragraph, the words "within a time-limit to be determined by Members". The Government member of Greece speaking on behalf of the sponsors, believed that specifying a time-limit for providing information would be a useful clarification to the text. The Government member of the United Kingdom explained that the information in question needed to be provided at a time when it was of use to the workers concerned. This might be at the time of engagement, or within two or three months. If there were no time-limit, the information might be provided too late to be of value. The amendment met these concerns and provided flexibility. The amendment was supported by the Government member of Cyprus on the understanding that it meant that the information should be provided fairly quickly.

185. The Workers' Vice-Chairperson stated that the proposed amendment was ambiguous. Was the intention to ensure that the information was provided to the worker at the time of engagement, or was the amendment actually intended to provide latitude for delaying the provision of this information? She proposed to subamend the text to read: "at the time of engagement". If the Government members intended this to be the purpose of the amendment, that formulation was suitable for a Recommendation. The Government member of Greece proposed instead a different subamendment to say "at the time of the contractual agreement or within a reasonable time-limit to be determined by Members". This proposed subamendment was opposed by the Workers' members since they saw no point in the provisions of a Recommendation encouraging governments to set broader time-limits for providing information. The Employers' members and the Government member of Canada also opposed the amendment. The amendment was withdrawn.

186. Paragraph 5 was adopted without change.

Paragraph 6

187. The Workers' members submitted an amendment to delete the words "if appropriate" in clause (a). The Workers' Vice-Chairperson argued that the type of flexibility provided by this wording was completely misplaced in a Recommendation, particularly as regards the essential objective of the provision, the progressive reduction of threshold requirements for access to statutory social security schemes. In opposing the amendment, the Employers' Vice-Chairperson said that the words "if appropriate" were essential to subparagraph (a). There were many situations in which it might not be appropriate to reduce threshold requirements. The Government member of Canada, speaking on behalf of the Government members of Australia, Austria, Canada, Cyprus, Finland, India, Japan, Malta, New Zealand, Norway, Sweden, Switzerland, Turkey and the United States, stated their opposition to the amendment. It would imply that there would be no thresholds in any case even though there were valid reasons for some which could also be advantageous for workers. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom also opposed the amendment. The amendment was withdrawn.

188. The Workers' members submitted an amendment to clause (b) to include sickness benefits in the list of social security benefits contained in subparagraph (b) with respect to which minimum or flat-rate benefits would be granted, as appropriate, to part-time workers. The Workers' Vice-Chairperson indicated that the amendment reflected the inclusion of sick leave in the provisions enumerated in Article 7 of the Convention. It was therefore logical to include the same reference in the Recommendation. The amendment referred to the benefits during sick leave provided by statutory social security schemes. She reaffirmed that sick leave was an important and universal right. The Employers' members opposed the amendment taking the view that sickness benefits were qualitatively different from the other minimum flat-rate benefits enumerated in subparagraph (b). They should not therefore be covered by this text. The Government member of Cyprus had the same reservation about the different nature of sickness benefits and wondered whether minimum sickness benefits existed.

189. The representative of the Secretary-General commented that the subparagraph referred to all kinds of minimum or flat-rate benefits, of which a number of examples were enumerated. Where flat-rate sickness benefits existed, they would already be covered even if they were not specifically enumerated. In answer to the Workers' Vice-Chairperson, who also pursued the question of whether minimum or flat-rate sickness benefits existed, he stated that to his knowledge, flat-rate sickness benefits existed in Ireland and the United Kingdom.

The Government member of Swaziland opposed the amendment in view of the explanation that sickness benefits would be covered by the current text.

190. The Government members of Australia, Austria, Finland, Norway and Sweden supported the amendment, as did the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. The Government member of Greece, on behalf of the latter countries, stated that the amendment brought the text into line with the provisions of Article 7 of the Convention. In view of the level of support, the Employers' members did not oppose the adoption of the amendment. The amendment was adopted.

191. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to replace the words "accepting in principle that", at the beginning of clause (c), by the words "examining whether and how" in relation to allowing unemployed part-time workers to limit their search to part-time work and still meet the conditions of availability for work to receive unemployment benefits. The Government member of Spain, speaking on behalf of the sponsors explained that it gave greater flexibility to the Recommendation. In Spain and in a number of developing countries, many part-time workers undertook part-time work primarily because they could not find full-time employment. The situation was different in many industrialized countries, where a high percentage of part-time workers only sought part-time work. Under Spanish legislation, to be entitled to unemployment benefits, a worker had to be involuntarily unemployed and therefore available for work. If an unemployed part-time worker refused an offer of full-time work, the worker was no longer considered to be available for work and was therefore not entitled to unemployment benefits under the Spanish system. The new formulation would not create a problem for the more industrialized countries in which the entitlement set out in subparagraph (c) already existed. However, the adoption of the amendment would make it easier to apply the Recommendation in most countries. The Employers' members strongly supported the amendment for reasons just stated by the Government member for Spain.

192. Opposing the amendment, the Workers' Vice-Chairperson referred to the very long discussion held by the Committee during its first examination of this point. The Committee had decided not to include a provision stating that full-time workers would not be excluded from the provision of unemployment benefits if they refused to accept part-time work, on the grounds that the instruments should concentrate on the situation of part-time workers only. The Committee had accepted the principle that part-time workers who were unemployed, but only seeking part-time work, should be entitled to receive unemployment benefits. She therefore opposed any attempt to weaken the text.

193. The Government member of Canada noted that the situation described by the Government member of Spain also applied in Canada, therefore if there were strong support for the amendment she would not oppose it. On the other hand, she stated that the words "aim at" in the introductory sentence of Paragraph 6 allowed for an evolutionary approach and on this basis she could oppose the amendment. The Government member of Cyprus, elaborating on this latter point, argued that the sense of Paragraph 6 as a whole was that the situation of part-time workers should be progressively improved, whereas, if the amendment were adopted, the text would mean that governments would be free to deny unemployment benefits to part-time workers who became unemployed and sought only part-time work. She therefore opposed the amendment. After a majority of Government members had expressed opposition to the amendment, it was withdrawn.

194. Paragraph 6, as amended, was adopted.

Paragraph 7

195. The Employers' members submitted an amendment to add the words "where appropriate" to the beginning of subparagraph (1). The Employers' Vice-Chairperson stated that the flexibility provided by the amendment was as essential in the case of private occupational schemes as that provided in paragraph 6(a) for statutory social security schemes. The intention of subparagraph (1) was that any threshold requirements established under these schemes should be progressively reduced so that part-time workers could be covered as widely as possible. The logic of the proposal was that such thresholds should eventually be reduced to zero. This was an inappropriate assumption in the case of private occupational schemes, just as it had been in the case of the statutory social security schemes covered by Paragraph 6. Opposing the amendment, the Workers' Vice-Chairperson emphasized that since the purpose of the Recommendation was merely to give guidance, this type of flexibility was not necessary.

196. The Government members of Austria, Egypt, Finland, Norway, Sweden, Turkey and the United States opposed the amendment. The Government members of Argentina, Belgium, Canada, China, Cyprus, Denmark, France, Gabon, Germany, Greece, India, Indonesia, Ireland, Italy, Japan, Lebanon, Luxembourg, the Netherlands, Portugal, Spain, Swaziland and the United Kingdom supported the amendment. After a majority of Government members had indicated their support for the amendment, it was adopted.

197. Paragraph 7, as amended, was adopted.

Paragraph 8

198. The Workers' members submitted an amendment to replace the words "as appropriate" by the word "existing" at the beginning of subparagraph (1). The Workers' Vice-Chairperson emphasized that the subparagraph referred to existing threshold requirements based on earnings or hours of work which should be progressively reduced. There was no need for additional flexibility.

199. Opposing the amendment, the Employers' members said that the Committee had consistently taken the view that these instruments should have maximum flexibility. The words "as appropriate" were necessary in this subparagraph since it would not be appropriate to reduce totally all relevant thresholds. The amendment was also opposed by the Government members of Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Lebanon, Luxembourg, the Netherlands, Nigeria, Norway, Portugal, Slovakia, Spain, Sweden, Turkey and the United Kingdom. The amendment was withdrawn.

200. The Employers' members submitted an amendment to insert in subparagraph (1) the words "as a condition for coverage by the protective laws and regulations", after the words "threshold requirements based on earnings or hours of work as specified under Article 8 of the Convention". The Employers' Vice-Chairperson said that its objective was to restore the text that had been adopted by the Committee during its first discussion, which had been modified by the Office since then for the reasons stated in Report IV (2A). The Workers' Vice-Chairperson failed to see what difference the addition would make. The amendment was opposed by the Government members of Australia, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, India, Ireland, Italy, Japan, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The amendment was withdrawn.

201. Paragraph 8 was adopted without change.

New paragraph after Paragraph 8

202. The Workers' members submitted an amendment to add the following new paragraph:

> Where part-time workers have more than one job, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements as referred to in Paragraphs 6, 7 and 8.

The Workers' Vice-Chairperson explained that the proposed amendment referred to a problem which had not yet been addressed in the proposed instruments on part-time work. This concerned the application of the threshold requirements referred to in Paragraphs 6, 7 and 8 of the Recommendation and Articles 6, 7 and 8 of the Convention to part-time workers who had more than one part-time job. It was relatively common in certain sectors, such as education, for part-time workers to have two or more part-time jobs. It would therefore be inappropriate for the threshold requirements referred to in these provisions of the proposed instruments to be restricted to a single part-time job and not take account of all jobs, which for some workers could equal full-time employment. In some countries, such as Germany, provisions of this type had already been established. These countries should have no difficulty in accepting the amendment.

203. Opposing the amendment, the Employers' Vice-Chairperson considered it strange that this issue should be raised so late in the Committee's deliberations. Although the Employers' members understood the motives behind the proposed amendment, they were strongly opposed to it for practical reasons. It would be almost totally impossible for employers to apply a provision of this type. In the case of private occupational schemes, the provision would need to be applied by adding up the hours of work and earnings of part-time workers who had more than one job. However, in practice, private employers had no means of knowing what other work was being carried out by their part-time employees, and particularly the details of their earnings and hours. Moreover, the question would arise of which of the two or more employers of the part-time workers in question would be responsible for providing benefits, such as annual leave. There was also the question of which of the employers would be responsible for meeting the financial obligations arising out of the accumulation of two or more jobs.

204. The Government member of Greece, speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom, stated their opposition to the amendment on the grounds that it would impose impracticable obligations on employers. The Government member of Cyprus, on behalf of the Government member of Australia, Canada, Cyprus, Finland, Japan, Malta, New Zealand, Norway, Sweden, Switzerland, Turkey and the United States, also opposed the amendment, and considered that its implementation would give rise to numerous practical problems. The Government member of Spain supported the amendment.

205. Although the Workers' Vice-Chairperson did not believe that the amendment would raise such serious problems in practice, she could accept a reformulation of the text to limit its application to statutory social security schemes. Under such collective schemes, it made little difference whether the hours of work, earnings or contributions relating to part-time workers came from one or more sources of employment, since each worker was covered by a single account. Following a suggestion made by the representative of the Secretary-General that the proposed new paragraph should refer only to Paragraph 6 of the Recommendation, she proposed a subamendment to replace the words "as referred to in paragraphs 6, 7 and 8" by the words "in statutory social security schemes". It was understood that these schemes were those based on occupational activity.

206. The Employers' Vice-Chairperson considered that the proposed new paragraph, as subamended, was mainly the concern of governments. However, he warned that the application of the new text might involve significant problems. He cited the example of a part-time worker with two jobs, for which the separate hours of work might be below the threshold for the payment of contributions, but in total above the threshold for the provision of benefits. However, the Employers' members were not in disagreement with the principle behind the subamended text and would not oppose the views of a majority of Government members on this point.

207. The proposed text as subamended was supported by the Government members of Belgium, Canada, Cyprus, Finland, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Swaziland, Sweden and the United States. However, it was opposed by the Government members of France, India, Ireland, the Republic of Korea and the United Kingdom. The Government member of Germany abstained. The Government member of the Republic of Korea reminded the members of the Committee that many part-time workers were currently excluded from statutory social security schemes in the developing countries and in the newly industrialized countries. The proposed text would therefore create problems for these countries. He also noted that part-time workers with more than one part-time job gave rise to serious problems in the collection of labour market statistics at the national level. He acknowledged that the Recommendation did not impose any binding obligations on member States, but stated that the provisions of such an instrument still had to be considered. After a majority of the Government members of the Committee had indicated their support for the proposed amendment as subamended, it was adopted by the Committee.

208. A new paragraph was adopted.

Paragraph 9

209. Paragraph 9 was adopted without change.

Paragraph 10

210. An amendment was submitted by the Workers' members to add to the end of the paragraph the following sentence: "As far as possible, these facilities and services should be adapted to the needs of part-time workers". The Workers' Vice-Chairperson noted that it was often difficult for part-time workers to make use of welfare facilities and social services. By way of illustration, part-time workers who worked in the evening often experienced difficulties in gaining access to facilities which were only available during the day. Other services, such as child-care facilities, might only be available on a full-time basis for five days per week, while part-time workers required them over a shorter or different period. It was important to extend such services to part-time workers and to adapt them to their needs.

211. The Employers' Vice-Chairperson considered that the amendment was not necessary as its intent was already encompassed in the existing text. However, if the Workers' members felt that it was absolutely vital to have an amendment, it should not form a separate sentence and should be aligned more closely to the existing text. The Government member of Cyprus agreed that there should not be an additional sentence. She proposed a subamendment to replace the full stop at the end of the existing paragraph with a comma and to add the words "which to the extent possible should be adapted to take into account the needs of part-time workers". The subamendment was supported by the Workers' and Employers' members and the Government members of Argentina, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Gabon, Germany, Greece, India, Indonesia, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Slovakia, Spain, Swaziland, Sweden and the United Kingdom. The amendment as subamended was adopted.

212. Paragraph 10, as amended, was adopted.

Paragraph 11

213. The Employers' members submitted an amendment to subparagraph (1) to say that "The work schedule" rather than "The number and scheduling of hours of work" of part-time workers should be established. The objective of the amendment was to make the text of the subparagraph more consistent with subparagraphs (2) and (3) which referred to work schedules. The issue to deal with in this Paragraph was the time at which work was to be carried out, not the number of hours to be worked. The number of hours to be worked was established on the basis of the requirements of the enterprise, sometimes by collective agreements, which designated the limits within which work could be carried out. Part-time workers were engaged to work for a specific number of hours. It was therefore more appropriate to confine this clause to the establishment of the work schedule. The Workers' members opposed the amendment. The Workers' Vice-Chairperson pointed out that there were many types of part-time workers, and particularly casual or other atypical workers whose hours of work and work schedules changed from week to week. It was therefore important to state that their interests needed to be taken into account in both the establishment of the number of hours of work and in their scheduling.

214. The Government member of Canada supported the amendment. She considered that the number of hours to be worked was established on the basis of the work which was offered. It was more a question of how the hours were to be scheduled. The Government member of Australia opposed the amendment because hours of work could vary from week to week, or even more frequently. It was especially important for part-time workers, many of whom had family responsibilities, to have their interests taken into account in establishing the number of hours to be worked. The Government members of Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Switzerland, Turkey, the United Kingdom and the United States opposed the amendment. The amendment was withdrawn.

215. The Workers' members submitted an amendment to insert in subparagraph (1), after the words "the interests of the worker", the text "with regard to, for example, continuous and regular working hours". The Workers' Vice-Chairperson explained that the purpose of the amendment was to give an example of the workers' interests to be taken into account. One of the principal interests of part-time workers was to work continuous and regular working hours. Although the number of hours to be worked by some part-time workers was clearly established in their contracts of employment, other part-time workers suffered from major variations in their working hours. They could be nearly full time one week, and only called upon to work a small number of hours the next. This was a particular problem for workers with family or other responsibilities, whose needs and interests needed to be taken into account in accordance with the Workers with Family Responsibilities Convention (No. 156) and Recommendation (No. 165), 1981.

216. The Employers' members opposed the amendment. The Employers' Vice-Chairperson explained that it was unnecessary because the idea expressed by the amendment was already contained in the subparagraph. Furthermore, it was undesirable because it gave an inaccurate view of the main concerns of many part-time workers. It assumed that they adopted the same attitude as full-time workers to continuous and regular working hours, but not all part-time workers wished to work continuous and regular hours. In particular, casual workers by definition did not work regular hours. Moreover, in some service industries, such as hotels, catering and tourism, it was not possible for workers to have continuous working hours.

217. The Government member of Swaziland opposed the amendment because, by introducing an example of the interests of the worker, without giving an example of the interests of the establishment, it would result in an unbalanced text. The Government member of Fiji emphasized the need to adapt the schedules of part-time workers to the operational requirements of the establishment. The Government member for Argentina considered that the amendment omitted other examples of conditions of employment which might be of equal importance for part-time workers. The Government members of Belgium, Canada, Cyprus, Denmark, France, Germany, Greece, India, Ireland, Italy, Japan, the Republic of Korea, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Portugal, Spain, Switzerland, Turkey, the United Kingdom and the United States opposed the amendment. The Workers' Vice-Chairperson withdrew the amendment.

218. The Employers' members proposed an amendment to replace subparagraph (2) by the following text: "Changes in the agreed work schedule and work beyond scheduled hours should be subject to prior notice as far as possible or to other restrictions in accordance with national law and practice". The Employers' Vice-Chairperson explained that this redrafting preserved the intention of the original text while attempting to take care of difficulties identified during the Committee's first discussion. The meaning of the word "restrictions" was so vague as to be meaningless. The amendment specified these restrictions as prior notice, as far as possible, and other restrictions established in accordance with national law and practice.

219. The Workers' members opposed the amendment. The Workers' Vice-Chairperson recalled that the Employers' members had sought to delete the whole Paragraph during the Committee's first discussion. She also recalled that at the initiative of the Government member of Canada, the original text had been amended to include greater flexibility by including "as far as possible". The Workers' members preferred the current text. The Government members of Argentina, Austria, Belgium, Canada, the Czech Republic, Cyprus, Denmark, France, Gabon, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Slovakia, Spain, Turkey and the United Kingdom opposed the amendment.

220. The Employers' Vice-Chairperson expressed surprise at the opposition expressed by the Government members to the Employers' members' amendment. He added that the present text was not correct, as prior notice was in fact a restriction. He trusted that this would be corrected by the Committee's Drafting Committee. He withdrew the amendment with reservations and great reluctance.

221. Paragraph 11 was adopted without change.

Paragraph 12

222. The Workers' members submitted an amendment to replace the words "on an equitable basis" by the words "under equivalent conditions". The Workers' Vice-Chairperson referred to the comments contained in Report IV(2A) on this point. The Office had suggested that the Conference might wish to consider whether it would be appropriate for part-time workers to have access to the forms of leave in question, not merely on an equitable basis, but under conditions equivalent to those of comparable full-time workers. The idea was to ensure, where it was possible to compare part-time and full-time workers, that part-time workers were treated in the same way or at least under conditions which did not discriminate against them.

223. Opposing the amendment, the Employers' Vice-Chairperson noted that this change had not been supported by the responses to the text circulated by the Office. The text of Paragraph 12 referred to a number of types of leave, including paid educational leave. In Report IV(2A), the Office had cited the example of casual part-time workers who would have no entitlement to paid educational leave unless such leave were available to comparable full-time workers. He knew of no circumstances under which a casual worker would want or need access to paid educational leave. He emphasized that many part-time workers were already in the education system, which was why many undertook part-time work. He therefore firmly opposed the amendment.

224. Requested by the Government member of Cyprus to further explain the suggestion made by the Office in Report IV(2A) that the Conference might examine the possibility of replacing the words "on an equitable basis" by the words "under equivalent conditions", the representative of the Secretary-General noted that Paragraph 12 made explicit reference to comparable full-time workers. Under these conditions, the Office did not see why the expression "under equivalent conditions" was not used in this point of the Recommendation when it had been used in other provisions, such as Articles 6 and 7 of the Convention. The expression "under equivalent conditions" had been explained on a number of occasions as meaning either the same protection as that afforded to comparable full-time workers, or protection which was proportional to the hours of work, contributions or earnings of part-time workers.

225. The Employers' Vice-Chairperson pointed out that the term "on an equitable basis" had been employed on three occasions in the Recommendation, in Paragraphs 9, 10 and 12. No amendments had been proposed to its usage in Paragraphs 9 and 10. In Paragraph 9, the phrase referred to financial compensation in addition to basic wages. There was a certain commonality between paid leave and financial compensation, and it would therefore be consistent for Paragraphs 9 and 12 to use the same terminology. In Paragraph 10, it related to access to welfare facilities and social services. The Employers' members understood equity as referring to fairness and justice. There were therefore good reasons for retaining the wording "on an equitable basis", which signified that the relevant circumstances would be taken into account on a fair and just basis.

226. In reply, the Workers' Vice-Chairperson explained that there were specific reasons why the phrase "on an equitable basis" had been retained with reference to financial compensation in Paragraph 9. Although the Workers' members would also have preferred to refer to equivalent treatment in that Paragraph, they recognized that the circumstances relating to financial compensation were fairly complex, particularly as regards issues such as the performance of work at inconvenient hours by part-time workers. However, Paragraph 12 referred to leave, which was an easier matter. It should be provided to part-time workers under equivalent conditions to comparable full-time workers. She emphasized that the term equivalent signified that the treatment of part-time workers could not only be proportional, but also could be equal to that of comparable full-time workers. In no circumstances could it be less than proportional. This coincided with explanations that had been given by the representative of the Secretary-General.

227. The Government member of Germany stated that there was some confusion concerning the difference in meaning between the terms "equitable" and "equivalent". He affirmed that the term "equitable" was not necessarily proportional treatment, but could include more favourable treatment in certain cases. For example, leave to care for a sick member of the family could be more than proportional to the weekly hours of work of a part-time worker.

228. The representative of the Secretary-General was asked to clarify whether keeping the expression "on an equitable basis" would mean that there could be circumstances in which a part-time worker might not benefit from the leave to which a comparable full-time worker was entitled. The representative of the Secretary-General answered yes, provided that the treatment of the part-time worker was not inequitable. The expression "on an equitable basis" referred to equity, while the expression "under equivalent conditions" related to equal treatment in comparable situations. In reply to a question about whether the term "on an equitable basis" implied the proportional treatment of a part-time worker in relation to a comparable full-time worker, the representative of the Secretary-General said that, in its broadest sense, this expression could refer to proportional treatment, but that it did not necessarily imply such treatment. He added that, in the context of Paragraph 12, the concept of proportionality could apply, for example, to the amount of leave or the conditions of entitlement to leave, but not to the right to leave. The expression "under equivalent conditions" was broader than the concept of proportionality. He recalled in this regard his reply to a similar question during discussion of Article 6 of the proposed Convention (paragraph 81).

229. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal and the United Kingdom opposed the amendment. However, it was supported by the Government members of Chile, Italy and Spain. On the basis of the explanation provided by the representative of the Secretary-General, the amendment was also supported by the Government members of Australia and Cyprus. The Government member of the Republic of Korea noted that the term "equitable" covered the provision of proportional treatment to comparable part-time and full-time workers. The Government member of Germany reiterated that there were cases in which the term "on an equitable basis" would cover more favourable treatment for part-time workers than treatment calculated on a proportional basis. There were also negative aspects of the term "equivalent". He cited the example of the provision of educational leave. If such leave were provided for a full day course and financial resources were given on a proportional basis, part-time workers might only participate for the number of hours which they normally worked in a day, which would effectively prevent their participation in the course.

230. Following a proposal by the Government member of Cyprus, the Workers' members proposed a subamendment to the effect that the text of "on an equitable basis" would be replaced by the words "on an equitable basis and as far as possible under equivalent conditions". The Employers' members were prepared to accept the subamendment. The subamendment was also supported by the Government members of Australia, Austria, Belgium, Canada, Cyprus, Denmark, Fiji, Finland, France, Germany, Greece, India, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Papua New Guinea, Portugal, Spain, Sweden, Switzerland, Turkey and the United Kingdom. The amendment was adopted as subamended.

231. The Government members of Indonesia and Thailand submitted an amendment to replace the words "another member of the worker's immediate family" by the words "spouse of the worker". The Government member of Indonesia referred to the need to specify the family member concerned more precisely to make it clear that the leave in question could not be granted in the case of the illness of a member of the extended family.

232. The Workers' members opposed the amendment. The Workers' Vice-Chairperson referred to the reference to "family members" in Article 1, Paragraph 2, of the Workers with Family Responsibilities Convention, 1981 (No. 156). This specified that the provisions of the above Convention were to apply, in addition to dependent children mentioned in Paragraph 1, to men and women workers with responsibilities in relation to other members of their immediate family who clearly needed their care or support, where such responsibilities restricted their possibilities of preparing for, entering, participating in or advancing in economic activity. It was therefore clear that the wording used in Paragraph 12 was not intended to cover the whole family. The coverage was merely intended for those requiring the greatest care and support, and should not be linked only to the state of financial dependence of the family members on the worker concerned. She also noted that the definition of "immediate family" would be covered by the provisions adopted in the different countries. The Paragraph referred to the forms of leave already available to comparable full-time workers, and would not therefore involve the recognition of new forms of leave.

233. The Employers' members also opposed the amendment. Although they understood the concerns expressed by the sponsors of the amendment, the term "immediate family" was meant to limit the text and did not cover the extended family. The amendment was opposed by the Government members of Argentina, Australia, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, India, Ireland, Italy, the Republic of Korea, Japan, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Portugal, Spain, Swaziland, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The Government member of Swaziland noted that the concerns of the sponsors of the amendment were already covered by the phrase "in accordance with national law and practice". The Government member of the Republic of Korea understood the concerns of Asian countries concerning the extended family because of their traditions, but foresaw difficulties with the wording of the amendment. The amendment was withdrawn by its sponsors.

234. Paragraph 12, as amended, was adopted.

Paragraph 13

235. Paragraph 13 was adopted without change.

Paragraph 14

236. The Workers' members submitted an amendment to delete the words "where practicable" from the beginning of the Paragraph. The Paragraph would then read "Appropriate measures should be taken to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility." The Workers' Vice-Chairperson argued that it was superfluous to state both "where practicable" and "appropriate". It was important to strengthen the provision to ensure that part-time workers were not treated as second class workers.

237. The Employers' members opposed the amendment as drafted. The Employers' Vice-Chairperson asserted that there were sound reasons for using both "practicable" and "appropriate". He noted that, because of the special characteristics of certain types of part-time workers, such as casual part-time workers, there were obvious limits to the training, career opportunities and occupational mobility to which they could in practice have access. To try to reach consensus, he proposed a subamendment to delete only the word "practicable". The Paragraph would therefore begin with the words "Where appropriate, measures should be taken ...". The subamendment was accepted by the Workers' members and supported by the Government members of Argentina, Belgium, Cyprus, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Swaziland and the United Kingdom. The amendment was adopted as subamended.

238. Paragraph 14, as amended, was adopted.

Paragraph 15

239. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to delete clause (a) of Paragraph 15. The Government member of Germany spoke on behalf of the sponsors. He referred to the complex and confused discussion during the Committee's first examination of this point, which had not resulted in a satisfactory wording of the clause. This clause was intended to cover situations which were discriminatory against part-time workers when they were obliged to pay proportionately higher contributions than comparable full-time workers. But he pointed out that there were instances where the effect was not discriminatory. For example, under the German retirement benefits system, where ceilings applied to wages, part-time workers might pay proportionately higher contributions as compared with full-time workers; in such cases, however, they also enjoyed proportionately more favourable benefits.

240. The Workers' Vice-Chairperson acknowledged that there could be reasonable grounds for contributions being proportionately higher for part-time workers because they resulted in proportionately higher benefits. This occurred in some cases where ceilings were applied to contributions and where a corresponding maximum level was placed on the provision of benefits. The Workers' members would not be against a wording of the clause which excluded contributions that resulted in corresponding higher benefits. They proposed that the following words be added at the end of clause (a): "unless these contributions are justified by corresponding proportionately higher benefits". The Government members of Argentina, Belgium, Cyprus, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain supported the text proposed by the Workers' members. The Government member of the United Kingdom did not agree to it. The Employers' Vice-Chairperson pointed to the difficult balance between avoiding discouragement to part-time work through the imposition of higher contributions and the need to maintain the costs of operating social security schemes within certain limits. Clause (a), although it also affected employers, was mainly of concern to governments. The Employers' members would not therefore stand in the way of consensus reached on this point. The text proposed by the Workers' members was adopted by the Committee.

241. The Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom submitted an amendment to replace the word "excessively" at the beginning of clause (b) with the words "without reasonable grounds, significantly" in regard to adapting provisions which reduced unemployment benefits of unemployed workers who temporarily accepted part-time work. The Government member of Germany said that the provision of unemployment benefits to unemployed workers who temporarily accepted part-time work depended on the circumstances under which the hours of work were reduced and the number of hours worked. For example, there was little reason to provide unemployment benefits to an unemployed full-time worker who accepted part-time work amounting to 80 per cent of full-time hours, which resulted in little reduction in earnings. The Workers' Vice-Chairperson recalled the discussion of the meaning of "unduly large" under Article 8 of the Convention and the rules of interpretation which had been explained by the Legal Adviser. Thus there were rules for interpreting "reasonable grounds" too. As with the words "unduly large", "reasonable grounds" could include both quantitative and qualitative reasons for reducing the benefits in question. The Workers' members could therefore agree. The amendment was supported by the Employers' members and the Government members of Argentina, Cyprus, Finland, Malta, Norway, Sweden, Turkey and the United States. The amendment was adopted.

242. Paragraph 15, as amended, was adopted.

Paragraph 16

243. Paragraph 16 was adopted without change.

Paragraph 17

244. Paragraph 17 was adopted without change.

Paragraph 18

245. The Workers' members submitted an amendment to replace the existing paragraph by the following text:

> A worker's refusal to transfer from full-time to part-time work or vice versa should not constitute a valid reason for termination of employment, without prejudice to termination, according to national law and practice, for other reasons such as may arise from the operational requirements of the establishment concerned.

The Workers' Vice-Chairperson informed the Committee that, after consultations with the Employers' members, they had agreed to the amendment if it were subamended to add the words "in itself" after the words "should not" in the second line. The Workers' members agreed. The current text of Paragraph 18 lacked clarity as to whether "dismissal" meant termination at the initiative of the employer on a unilateral basis. The term "termination of employment" was used in the Termination of Employment Convention, 1982 (No. 158), and clearly meant termination at the initiative of the employer. This Recommendation on part-time work was not to deal with termination of employment in general but should state clearly that a worker's refusal to transfer from or to part-time work was not a valid ground for termination. Under Convention No. 158, valid reasons for terminating the employment of a worker also could be connected with operational requirements of the establishment, thus the amendment would be consistent with that Convention.

246. The Employers' members confirmed that they were prepared to accept the amendment as subamended. The term "termination of employment" clearly implied that the employment relationship was ended at the initiative of the employer, in accordance with the definition contained in Convention No. 158. The Employers' Vice-Chairperson recalled his remarks during the discussion of Article 10 of the Convention. The effect of the amendment was to make clear that the refusal to transfer from full-time work, or vice versa, in itself — taken on its own — did not constitute a valid reason for termination of employment. However, it could lead to termination if operational requirements of an establishment necessitated such a transfer. Moreover, if the conditions stipulated in a collective or individual agreement required a transfer in certain circumstances, then the refusal to transfer could constitute a valid reason for termination. Inserting the words "according to national law and practice" provided sufficient flexibility to take into account variations in the conditions in different countries.

247. The Workers' Vice-Chairperson reiterated that the purpose of this Recommendation was not to regulate the whole issue of termination of employment, nor the possible content of agreements in which a change of contractual hours of work was at stake. National law and practice differed from country to country on that subject, as did provisions regarding partial unemployment.

248. Following a request for clarification on the meaning of the amendment as subamended, the representative of the Secretary-General recalled the earlier statement of the Legal Adviser who explained that, in accordance with Article 31(1) of the Vienna Convention on the Law of Treaties (1969), the applicable rule was that the text of a treaty had to be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of the objective and purpose of the treaty. The objective of the amendment as subamended had been clarified by the sponsors. Two other points should be made. First, a term or phrase could be understood in a particular way if it had been established that this had been the intention of the parties concerned. In this case, both the Employers' and Workers' Vice-Chairpersons had explicitly referred to the Termination of Employment Convention, 1982 (No. 158), and, more specifically, to Articles 3 and 4 of that instrument. Secondly, the preparatory work only played a subsidiary role in establishing the meaning of the text or the term. The Office considered that the amendment as subamended was not ambiguous. After further requests for clarification, the Chairperson emphasized that the subamended text contained two points: firstly, the refusal by a worker to change from part-time to full-time work or vice versa did not in itself constitute a valid reason for termination of employment; and, secondly, this did not mean that termination of employment would not be valid for other reasons according to national law and practice, such as those arising out of the operational requirements of the establishment concerned. After a request for a clarification on the meaning of "dismissal" and "termination of employment", the Employers' Vice-Chairperson noted that, to some persons, the former might imply a punitive act, which was not necessarily the case for the latter. The expression "termination of employment" was consistent with the terminology used in Convention No. 158.

249. The Government member of Ireland suggested that the wording of the proposed amendment as subamended did not necessarily fully reflect the explanations provided by the previous speakers. He suggested that the commas after the words "termination" and "practice" in the third line of the amendment should be deleted, that the words "or without prejudice to" should be inserted after the word "practice" in the third line, and that the word "for" in the third line should be deleted. The Workers' members did not accept this suggestion. The Government members of Argentina, Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Lebanon, Luxembourg, the Netherlands, Norway, Portugal, Spain, Swaziland, Sweden, Switzerland and the United Kingdom supported the amendment, as subamended. The Government member of Lebanon considered that this amendment provided guarantees for both parties. The amendment as subamended was adopted.

250. Paragraph 18, as amended, was adopted.

Paragraph 19

251. The Employers' members submitted an amendment to replace the word "right" by the word "opportunity". The Employers' Vice-Chairperson asserted that the word "right" had the connotation of an unqualified right which the worker could insist on exercising whatever the circumstances and therefore was totally inappropriate in this context. The amendment was designed to give the worker the opportunity to transfer to part-time work and return to full-time work in justified cases.

252. The amendment was supported by the Government members of China, Indonesia and Swaziland. However, it was opposed by the Government members of Australia, Austria, Canada, Egypt, Finland, Japan, Malta, New Zealand, Norway, Sweden, Switzerland, the Syrian Arab Republic and the United States. The Government member of the United States observed that the word "right" was qualified by the expression "in justified cases" and that the current text was appropriate in a Recommendation. The Government member of the Syrian Arab Republic considered that the replacement of the word "right" would weaken the text considerably. The members of the Committee discussed replacing the words "be given the right to" by other words, such as "permitted", "be given the possibility", "should be able to," "entitled to", and finally "enabled to". The latter, "enabled to" was proposed by the Workers' members. This would cover various ways of enabling workers to transfer to part-time work and subsequently to return to full-time work, including collective or individual agreements and national law and practice. The Employers' and Government members agreed to this subamendment, which was adopted.

253. The Employers' members submitted an amendment to replace the words "family member" by the words "member of the worker's immediate family". The Employers' Vice-Chairperson recalled the discussion which had already taken place on Paragraph 12 on the meaning of the expression "immediate family". The Workers' members agreed to the amendment, as the same terminology was used in the Workers with Family Responsibilities Convention, 1982 (No. 156). However, the Workers' members suggested that the Paragraph should also incorporate the language that was used in Convention No. 156 and Recommendation No. 165 which referred to members of the worker's immediate family in need of care and support by the worker. The Employers' Vice-Chairperson considered that this was already implicit in the text of the Paragraph. The Workers' member agreed to the amendment on the understanding that the meaning of the Paragraph was in conformity with Convention No. 156. The amendment, as subamended, was adopted.

254. Paragraph 19, as amended, was adopted.

Paragraph 20

255. The Workers' members submitted an amendment to replace all the words after the words "part-time workers" by the following text:

> should be given the same weight as full-time workers; nevertheless, where appropriate part-time workers may be counted proportionately to their working time. Where such obligations refer to the protection mentioned in Article 4 of the Convention, part-time workers should be given full weight.

The Workers' Vice-Chairperson stated that Paragraph 20, as currently drafted, began by allowing for the possibility that part-time workers might be given unequal treatment, that is less weight. This was clearly contrary to the main objective of the proposed Convention and the Recommendation, which was to provide part-time workers with equal treatment, or at least equivalent treatment to that of comparable full-time workers. The basic principle was that part-time workers should be given the same weight as full-time workers. Where appropriate, they might be counted proportionately to their hours of work. If the phrase "less weight" were retained there was the possibility that part-time workers could be given no weight at all with the consequence that enterprises employing a large number of part-time workers could escape many obligations which were based on the number of workers. Moreover, the current text suggested that it would not be appropriate to give less weight to part-time workers for reasons of occupational safety and health, for example. However, in Article 4 of the proposed Convention, the Committee had accepted that the same protection should be accorded to part-time workers as to comparable full-time workers in respect of: the rights to organize, to bargain collectively and to act as workers' representatives; occupational safety and health; and discrimination in employment and occupation. It would therefore be totally contradictory for the Recommendation to give less weight to part-time workers, or even to count them on a proportional basis, in respect of rights for which the Convention gave them the same protection. In order to give expression to these rights, the related obligations upon employers, such as the acceptance of workers' representatives, needed to be treated in a similar fashion. The proposed amendment was therefore a logical consequence of the text adopted in the Convention.

256. Opposing the amendment, the Employers' Vice-Chairperson reaffirmed that the Employers' members were not seeking to deny certain fundamental rights to part-time workers such as those in Article 4 of the Convention and did not argue that no weight at all should be given to part-time workers. Indeed, the Employers' members were prepared to accept the principle of proportionality, with the effect that proportional weight should be given to part-time workers. However, it was inappropriate for this provision to commence, as the proposed amendment did, with a reference to the same weight being given to part-time workers. Practical problems arose in establishing thresholds for works councils and health and safety committees, for example. He suggested that the phrase "but at least proportional to their hours of work in comparison with full-time workers" could be added in the current text of Paragraph 20 after the words "may be given less weight than".

257. The Workers' Vice-Chairperson considered that this proposed wording only addressed part of the problem. It still retained the phrase "less weight". The rights set out in ILO Convention No. 87, the Freedom of Association and Protection of the Right to Organize Convention, 1948, and Convention No. 98, the Right to Organize and Collective Bargaining Convention, 1949, were so universal that they should apply to all workers. Part-time workers could not be given less treatment than full-time workers in respect of these rights. The Government member of Belgium, speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, supported much of the intention behind the amendment. However, there were problems about the establishment of thresholds for works councils and other participatory bodies. These problems did not apply to the election of part-time workers as representatives on these bodies. He wondered whether the reference in the text could be confined to clauses (b) and (c) of Article 4 of the Convention.

258. The Employers' Vice-Chairperson could accept the limitation of the reference in the proposed amendment to Article 4(b) and (c). He emphasized that the principal problem concerned the obligation to establish works councils in establishments which employ more than a specified number of workers. The Workers' members did not agree to limiting the reference to certain parts of

Article 4. Although, in respect of issues such as taxation and the payment of contributions, it made sense to take part-time workers into account on a proportional basis, the rights referred to in Article 4 were fundamental and had to be fully accorded to these workers. It was not possible to accept this principle in the Convention, and then to weaken it in the Recommendation by limiting the obligations upon employers.

259. The Government member of Canada, speaking on behalf of the Government members of Australia, Austria, Canada, the Czech Republic, Finland, New Zealand, Norway, Slovakia, Sweden, Turkey and the United States, emphasized that it was important to exclude all the elements contained in Article 4 from the principle of proportionality. The countries on behalf of whom she was speaking could support the amendment, or the addition of the phrase proposed to the current text by the Employers' members. The Government member of Cyprus observed that the amendment proposed by the Workers' members needed better drafting. The Chairperson noted that, in his opinion, Article 4 of the Convention referred to the protection to be afforded to workers in their individual capacity. However, Paragraph 20 of the Recommendation related to obligations on employers, which might depend on questions related to the number of their workers. The protection of the individual rights of part-time workers to act as workers' representatives was a separate issue from the determination of thresholds for the establishment of works councils. In the light of the above explanation, the Government members of Belgium, Denmark, France, Germany, Greece, the Netherlands, Spain and Switzerland supported the amendment. The Government member of Italy abstained. The Workers' Vice-Chairperson also acknowledged the difference in the fields covered by Article 4 of the Convention and by this provision in the Recommendation. Nevertheless, she stressed that there was a clear relationship between an individual right to act as a workers' representative and the possibility of executing that right, through provisions that were imposed on employers by obligations such as those referred to in the proposed paragraph 20. In view of the explanation provided by the Chairperson concerning the meaning and effect of Article 4 of the Convention, and the statements of the above Government members, the Employers' members agreed to accept the majority position in support of the amendment and urged the Drafting Committee to examine carefully the text of the amendment. The amendment was adopted.

260. Paragraph 20, as amended, was adopted.

Paragraph 21

261. Paragraph 21 was adopted without change.

Adoption of the report and the proposed Convention and Recommendation

262. At its tenth sitting, the Committee adopted its report, subject to the changes requested by its members, and a proposed Convention and Recommendation concerning part-time work.

263. Before doing so, the Committee had been informed by the Reporter that, according to its mandate, the Drafting Committee had considered and made a number of drafting changes to the proposed Convention and Recommendation. Most of these were linguistic or stylistic and were aimed at ensuring that the two authentic texts coincided and that repetitions were avoided. In particular, she noted that in subparagraph (c) of Article 1 of the Convention, which defined the term "comparable full-time worker", the reference to "the part-time worker concerned" had been moved from clause (i) to after clause (iii) to ensure that it applied to the three clauses of the subparagraph. The same change had been made in Paragraph 2 of the Recommendation, so that the definitions contained in the two instruments were the same. In addition, the text of paragraph 1 of Article 8 of the Convention had been reorganized. The paragraph concerned the possibility of excluding part-time workers whose earnings or hours of work were below specified thresholds from the scope of any of the schemes referred to in Article 6 and any of the measures taken in the fields covered by Article 7. This had been found necessary to show separately in different clauses the exceptions to the exclusions in respect of Articles 6 and 7, which related respectively to employment injury benefits and maternity protection measures other than those provided under statutory social security schemes. In the Recommendation, as a result of the addition of a new paragraph after Paragraph 8, Paragraphs 9 to 21 had been renumbered. Finally, in renumbered Paragraph 21 of the Recommendation, the text had been redrafted without changing the substance. In the new formulation, part-time workers would be counted rather than given weight.

264. With reference to the proposed adoption by the International Labour Conference of a Convention and Recommendation on part-time work, the Employers' Vice-Chairperson noted that from the outset of the Committee's work the previous year, the Employers' members had expressed their firm opposition to the adoption of standards on part-time work. In a situation characterized by an unemployment crisis, priority had to be given to job creation rather than to the further regulation of working conditions. The Employers' members had tried to persuade the Committee to oppose the adoption of a Convention on part-time work but had failed. Had the Committee expressed such opposition, the Employers' members would have been able to support the adoption of a Recommendation. However, in a majority decision, the Committee had decided to retain the idea of adopting a Convention. In these circumstances, the Employers' members could not support the adoption of instruments on this subject. Although they recognized that, due to the work of the Committee, the texts of the proposed Convention and Recommendation were better than those originally placed before the Committee, the nature of the texts in question could not override the principle underlying the basic opposition of the Employers' members to the adoption of these instruments.

265. The Workers' Vice-Chairperson expressed satisfaction with the results of the Committee's work and the fact that the texts of the proposed instruments had been strengthened and were better balanced. However, the Workers' members were deeply disappointed that the Employers' members remained in opposition to the instruments on part-time work. The Workers' members and other members of the Committee had done their utmost to reach compromise positions toward the adoption of a flexible text which did not place bureaucratic or unnecessary obligations on employers or governments, but which nevertheless provided necessary protection for part-time workers. The opposition of the Employers' members was all the more disappointing in view of the fact that part-time work was such an important trend. Although employment creation was the first priority of workers, this was not contrary to providing protection to part-time workers, at least at the level provided to full-time workers, by the adoption of standards. The Workers' Vice-Chairperson thought that the Employers' members, after participating in the effort at reaching consensus and after having so many of their concerns taken into account, should show commitment to the outcome of the Committee's work. She likened their position to the process of having a suit tailor-made and then deciding not to take it. She hoped that the Employers' members would reflect on the solutions found by the Committee over the two years of its work and that some of them would change their minds and support the adoption of these instruments. She also hoped that support would be forthcoming from the Government members.

266. The Workers' deputy member of France, speaking on behalf of the French General Confederation of Workers (CGT), believed that the proposed instruments on part-time work did not adhere to long-standing ILO principles, especially its mandate in the Declaration of Philadelphia to promote social justice, respect for the rights of workers and the improvement of working conditions. Adopting the same logic as the instruments adopted in 1990 on night work, these texts in practice subjected the rights of workers to considerations of an economic nature. Irrespective of the current situation of high unemployment, the ILO must not abandon the objective of full employment, which needed to be reaffirmed in the instruments which it adopted. Full employment was not a Utopian objective. There were many unsatisfied needs in each country, including the most industrialized nations. Much effort was needed to achieve development throughout the world. Scientific and technical progress gave rise to many opportunities and it was increasingly unacceptable for men and women to be deprived of employment. The objective of full employment required full-time work to be the standard form of employment, although the work week could be shorter. She agreed that workers should be able to choose part-time work, but to do so they had to be protected and treated as real workers. Furthermore, the concept of free choice only made sense in the context of full employment with full-time work as the standard. The proposed instruments would permit employers and governments to encourage and develop part-time work to the point that it could become the standard form of employment. Part-time work was neither synonymous with full employment, nor was it effective in combatting unemployment or securing financial security. It merely replaced full-time employment and had the effect of increasing poverty, inequality, marginalization and exclusion. In the Year of the Family, 1994, it was contradictory to attempt to develop a form of employment which, except when it was freely chosen, was contrary to the interests of the family when it required workers to be totally flexible and available for work at any time. Workers still needed the ILO to continue in its role of setting standards and supporting workers' rights. Much remained to be done in this respect and the emergence of new methods of production gave rise to new obligations for the ILO. However, in view of the concept underlying the proposed instruments on part-time work, there were grounds for wondering whether the ILO was turning away from its role of promoting social justice to become an accessory to the rise in unemployment.

267. The Workers' Vice-Chairperson pointed out that while each member of the Committee had the right to speak, it should be clearly understood that the Workers' deputy member from France was speaking solely on behalf of the CGT. The Workers' Vice-Chairperson added that she had stated the position of the Workers' members during the discussions.

268. In his final remarks on the work of the Committee, the Employers' Vice-Chairperson congratulated the Workers' Vice-Chairperson, the Reporter and the members of the Committee on the positive atmosphere in which the work of the Committee had been carried out. The Workers' Vice-Chairperson also expressed her appreciation to the Employers' Vice-Chairperson, the Reporter and the members of the Committee. The Government member of Canada, as well as the Government member of Greece, speaking on behalf of the Government members of the Member States of the European Union, associated themselves with the above comments. These members also appreciated the excellent manner in which the representative of the Secretary-General and his staff had supported the work of the Committee. In particular, these members paid special tribute to the manner in which the Chairperson had guided the work of the Committee over the past two years. His wisdom, fairness, intelligence and humour had been exemplary. They also congratulated him on his work over the years in the context of the ILO and the magnificent way in which he had represented his country. Noting that this would be the last occasion on which he would represent the Government of the Netherlands in the International Labour Conference, they wished him every success and happiness in his future life and work.

269. In reply, the Chairperson thanked the members of the Committee for the attitude with which they had approached their work and the spirit of consensus which had prevailed during their debates. He gave particular thanks to the Vice-Chairpersons and the Secretariat.

270. The report of the Committee and the proposed Convention and Recommendation on part-time work are submitted for consideration.

Geneva, 22 June 1994 *(Signed)* M. ROOD
Chairperson

L. SAMUEL
Reporter

Proposed Convention concerning part-time work

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 81st Session on 7 June 1994, and

Noting the relevance, for part-time workers, of the provisions of the Equal Remuneration Convention, 1951, the Discrimination (Employment and Occupation) Convention, 1958, and the Workers with Family Responsibilities Convention and Recommendation, 1981, and

Noting the relevance for these workers of the Employment Promotion and Protection against Unemployment Convention, 1988, and the Employment Policy (Supplementary Provisions) Recommendation, 1984, and

Recognizing the importance of productive and freely chosen employment for all workers, the economic importance of part-time work, the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities, and the need to ensure protection for part-time workers in the areas of access to employment, working conditions and social security, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this ...... day of June of the year one thousand nine hundred and ninety-four the following Convention, which may be cited as the Part-Time Work Convention, 1994:

Article 1

For the purposes of this Convention:

(a) the term "part-time worker" means an employed person whose normal hours of work are less than those of comparable full-time workers;

(b) the normal hours of work referred to in subparagraph (a) may be calculated weekly or on average over a given period of employment;

(c) the term "comparable full-time worker" refers to a full-time worker who:

  (i) has the same type of employment relationship;

  (ii) is engaged in the same or a similar type of work or occupation; and

  (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,

as the part-time worker concerned;

(d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

Article 2

This Convention does not affect more favourable provisions applicable to part-time workers under other international labour Conventions.

Article 3

1. This Convention applies to all part-time workers, it being understood that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

2. Each Member having ratified this Convention which avails itself of the possibility afforded in the preceding paragraph shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers or of establishments thus excluded and the reasons why this exclusion was or is still judged necessary.

Article 4

Measures shall be taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of:

(a) the right to organize, the right to bargain collectively and the right to act as workers' representatives;

(b) occupational safety and health;

(c) discrimination in employment and occupation.

Article 5

Measures appropriate to national law and practice shall be taken to ensure that part-time workers do not, solely because they work part time, receive a basic wage which, calculated proportionately on an hourly, performance-related, or piece-rate basis, is lower than the basic wage of comparable full-time workers, calculated according to the same method.

Article 6

Statutory social security schemes which are based on occupational activity shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to hours of work, contributions or earnings, or through other methods consistent with national law and practice.

Article 7

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

(a) maternity protection;

(b) termination of employment;

(c) paid annual leave and paid public holidays; and

(d) sick leave,

it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings.

Article 8

1. Part-time workers whose hours of work or earnings are below specified thresholds may be excluded by a Member:

(a) from the scope of any of the statutory social security schemes referred to in Article 6, except in regard to employment injury benefits;

(b) from the scope of any of the measures taken in the fields covered by Article 7, except in regard to maternity protection measures other than those provided under statutory social security schemes.

2. The thresholds referred to in paragraph 1 shall be sufficiently low as not to exclude an unduly large percentage of part-time workers.

3. A Member which avails itself of the possibility provided for in paragraph 1 above shall:

(a) periodically review the thresholds in force;

(b) in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the thresholds in force, the reasons therefor and whether consideration is being given to the progressive extension of protection to the workers excluded.

4. The most representative organizations of employers and workers shall be consulted on the establishment, review and revision of the thresholds referred to in paragraphs 1 and 2 above.

Article 9

1. Measures shall be taken to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers, provided that the protection referred to in Articles 4 to 7 is ensured.

2. These measures shall include:

(a) the review of laws and regulations that may prevent or discourage recourse to or acceptance of part-time work;

(b) the use of employment services, where they exist, to identify and publicize possibilities for part-time work in their information and placement activities;

(c) special attention, in employment policies, to the needs and preferences of specific groups such as the unemployed, workers with family responsibilities, older workers, workers with disabilities and workers undergoing education or training.

3. These measures may also include research and dissemination of information on the degree to which part-time work responds to the economic and social aims of employers and workers.

Article 10

Where appropriate, measures shall be taken to ensure that transfer from full-time to part-time work or vice versa is voluntary, in accordance with national law and practice.

Article 11

The provisions of this Convention shall be implemented by laws or regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice. The most representative organizations of employers and workers shall be consulted before any such laws or regulations are adopted.

Proposed Recommendation concerning part-time work

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 81st Session on 7 June 1994, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Part-Time Work Convention, 1994;

adopts this .... day of June of the year one thousand nine hundred and ninety-four the following Recommendation, which may be cited as the Part-Time Work Recommendation, 1994:

1. The provisions of this Recommendation should be considered in conjunction with those of the Part-Time Work Convention, 1994 (hereafter referred to as "the Convention").

2. For the purposes of this Recommendation:

(a) the term "part-time worker" means an employed person whose normal hours of work are less than those of comparable full-time workers;

(b) the normal hours of work referred to in clause (a) may be calculated weekly or on average over a given period of employment;

(c) the term "comparable full-time worker" refers to a full-time worker who:

- (i) has the same type of employment relationship;
- (ii) is engaged in the same or a similar type of work or occupation; and
- (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,

as the part-time worker concerned;

(d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

3. This Recommendation applies to all part-time workers.

4. In accordance with national law and practice, employers should consult the representatives of the workers concerned on the introduction or extension of part-time work on a broad scale, on the rules and procedures applying to such work and on the protective and promotional measures that may be appropriate.

5. Part-time workers should be informed of their specific conditions of employment in writing or by any other means consistent with national law and practice.

6. The adaptations to be made in accordance with Article 6 of the Convention to statutory social security schemes which are based on occupational activity should aim at:

(a) if appropriate, progressively reducing threshold requirements based on earnings or hours of work as a condition for coverage by these schemes;

(b) as appropriate, granting to part-time workers minimum or flat-rate benefits, in particular old-age, sickness, invalidity and maternity benefits, as well as family allowances;

(c) accepting in principle that part-time workers whose employment has come to an end or been suspended and who are seeking only part-time employment meet the condition of availability for work required for the payment of unemployment benefits;

(d) reducing the risk that part-time workers may be penalized by schemes which:

  (i) subject the right to benefits to a qualifying period, expressed in terms of periods of contribution, of insurance or of employment during a given reference period; or

  (ii) fix the amount of benefits by reference both to the average of former earnings and to the length of the periods of contribution, of insurance or of employment.

7. (1) Where appropriate, threshold requirements for access to coverage under private occupational schemes which supplement or replace statutory social security schemes should be progressively reduced to allow part-time workers to be covered as widely as possible.

(2) Part-time workers should be protected by such schemes under conditions equivalent to those of comparable full-time workers. Where appropriate, these conditions may be determined in proportion to hours of work, contributions or earnings.

8. (1) As appropriate, threshold requirements based on hours of work or earnings as specified under Article 8 of the Convention in the fields referred to in its Article 7 should be progressively reduced.

(2) The periods of service required as a condition for protection in the fields referred to in Article 7 of the Convention should not be longer for part-time workers than for comparable full-time workers.

9. Where part-time workers have more than one job, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements in statutory social security schemes which are based on occupational activity.

10. Part-time workers should benefit on an equitable basis from financial compensation, additional to basic wages, which is received by comparable full-time workers.

11. All appropriate measures should be taken to ensure that as far as practicable part-time workers have access on an equitable basis to the welfare facilities and social services of the establishment concerned; these facilities and services should, to the extent possible, be adapted to take into account the needs of part-time workers.

12. (1) The number and scheduling of hours of work of part-time workers should be established taking into account the interests of the worker as well as the needs of the establishment.

(2) As far as possible, changes in the agreed work schedule and work beyond scheduled hours should be subject to restrictions and to prior notice.

(3) The system of compensation for work beyond the agreed work schedule should be subject to negotiations in accordance with national law and practice.

13. In accordance with national law and practice, part-time workers should have access on an equitable basis, and as far as possible under equivalent conditions, to all forms of leave available to comparable full-time workers, in particular paid educational leave, parental leave and leave in cases of illness of a child or another member of a worker's immediate family.

14. Where appropriate, the same rules should apply to part-time workers as to comparable full-time workers with respect to scheduling of annual leave and work on customary rest days and public holidays.

15. Where appropriate, measures should be taken to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility.

16. Provisions of statutory social security schemes based on occupational activity that may discourage recourse to or acceptance of part-time work should be adapted, in particular those which:

(a) result in proportionately higher contributions for part-time workers unless these are justified by corresponding proportionately higher benefits;

(b) without reasonable grounds, significantly reduce the unemployment benefits of unemployed workers who temporarily accept part-time work;

(c) overemphasize, in the calculation of old-age benefits, the reduced income from part-time work undertaken solely during the period preceding retirement.

17. Measures should be considered by employers to facilitate access to part-time work at all levels of the enterprise, including skilled and managerial positions where appropriate.

18. (1) Where appropriate, employers should give consideration to:

(a) requests by workers for transfer from full-time to part-time work that becomes available in the enterprise; and

(b) requests by workers for transfer from part-time to full-time work that becomes available in the enterprise.

(2) Employers should provide timely information to the workers on the availability of part-time and full-time positions in the establishment, in order to facilitate transfers from full-time to part-time work or vice versa.

19. A worker's refusal to transfer from full-time to part-time work or vice versa should not in itself constitute a valid reason for termination of employment, without prejudice to termination, in accordance with national law and practice, for other reasons such as may arise from the operational requirements of the establishment concerned.

20. Where national or establishment-level conditions permit, workers should be enabled to transfer to part-time work in justified cases, such as pregnancy or the need to care for a young child or a disabled or sick member of a worker's immediate family, and subsequently to return to full-time work.

21. Where obligations on employers depend on the number of the workers they employ, part-time workers should be counted as full-time workers. Nevertheless, where appropriate, part-time workers may be counted proportionately to their hours of work, it being understood that where such obligations refer to the protection mentioned in Article 4 of the Convention, they should be counted as full-time workers.

22. Information should be disseminated on the protective measures that apply to part-time work and on practical arrangements for various part-time work schemes.

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International Labour Conference

Provisional Record

Eighty-first Session, Geneva, 1994

24

Twenty-fourth sitting

Wednesday, 22 June 1994, 10 a.m.

Presidents: Mr. Gray, Mr. Ould Sidi

ELEVENTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

The PRESIDENT – The first item on our agenda this morning is the eleventh report of the Selection Committee, which you can find in *Provisional Record* No. 3K.

I would like to submit this report to you for adoption. If there are no objections, I shall take it that this report is adopted.

(The report is adopted.)

REPORT OF THE COMMITTEE ON ACTION AGAINST APARTHEID: SUBMISSION AND DISCUSSION

The PRESIDENT – The next item on our agenda is the consideration and adoption of the report of the Committee on Action against Apartheid.

I am pleased to ask Mr. Balopi, Minister of Labour and Home Affairs, Botswana, Chairman of the Committee; Mr. Hernandez, Employers' adviser, Philippines, Employer Vice-Chairman; Mr. Brett, Workers' delegate, United Kingdom, Worker Vice-Chairman; and Mr. Jonzon, Government delegate, Sweden, Reporter of the Committee, to come to the rostrum.

I invite Mr. Jonzon to submit the report to the Conference.

Mr. JONZON *(Government delegate, Sweden; Reporter of the Committee on Action against Apartheid)* – I have the honour to present to this session of the International Labour Conference the report of the Committee on Action against Apartheid.

At an historical moment such as this I think it is more appropriate for people other than the Reporter to speak. In this room, there are women and men with their own experience of apartheid. There are others who for many years, inside and outside the ILO, have fought against apartheid. Like you, I want to listen to them.

Further, the report on the deliberations, proceedings and conclusions of the Committee is tabled before you and there is no need for me to repeat here what is in it. Therefore I will be brief and highlight a few things only.

I would like to read out the first operative paragraph in the resolution annexed to the report. It reads, "The General Conference of the International Labour Organization (...) rescinds forthwith the Declaration concerning Action against Apartheid in South Africa adopted by the International Labour Conference on 8 July 1964 and revised on 18 June 1981, 16 June 1988 and 20 June 1991, and consequently decides to dissolve forthwith the Conference Committee on Action against Apartheid."

The reason is that the system of apartheid is now dead!

The following paragraphs contain a plea to the ILO to work closely with, and to assist, the tripartite community of South Africa on a wide range of important matters within the broad fields of responsibility of the Organization.

The resolution also gives the ILO a clear mandate to cooperate and to coordinate their efforts with those of other United Nations agencies and donors for the total elimination of the consequences of apartheid. The ILO now has a crucial role to play in South Africa and in neighbouring countries, as the evil of apartheid also had severe implications outside the country. In essence, the conclusions form an imperative for action and they give the ILO a mandate and a broad agenda for its future work.

I want to underline very clearly that the report and the resolution were worked out and agreed upon by the Committee without a single vote, either in the Committee or in the Working Party. In addition, there are no reservations. A very important reason for this was the deep commitment demonstrated by the whole Committee combined with the unfailing wisdom of our Chairman and two Vice-Chairmen, Mr. Balopi, Mr. Hernandez and Mr. Brett.

A second reason was an outstanding secretariat of which I will mention three names only. The representative of the Secretary-General Mr. Abdel-Rahman, Mr. Swepston, and Mrs. Hodges, although many others, either on or behind the scenes, should also have been mentioned. I would like to add for your information and as a further sign of the dedication of all those involved in the work, that I have been told that the interpreters have for years volunteered to work for the Committee on Apartheid.

On behalf of the whole Committee I want to express my thanks to each and every one of the people I have referred to.

However, I personally think that an additional reason for the atmosphere that has made it possible to reach a unanimous decision, is the presence and the very active participation of the tripartite delegation from South Africa and the fact that all Employers', Workers' and Government delegates in the Committee took into their hearts the words spoken by Nelson Mandela in this room four years ago. He called upon all of us to walk the last mile together. The Committee followed his wise appeal.

The very impressive fact that a person who has been imprisoned for almost three decades shows no bitterness but creates hope for us all through his unfailing work for justice, equality and solidarity on the basis of cooperation and understanding, is something for which we are humbly grateful. It is a source of strength to us all, urging us to continue to work for the good of all those people who in various parts of the world are today suffering from poverty, aggression and violence.

South Africa, welcome home, we have been waiting for you.

The PRESIDENT – The report is now open for discussion.

Mr. BRETT *(Workers' delegate, United Kingdom; Worker Vice-Chairperson of the Committee on Action against Apartheid)* – My first task here is to express our most sincere gratitude to the Chairperson of the Conference Committee on Action against Apartheid, Mr. Balopi, Minister of Labour and Home Affairs of the Republic of Botswana. He presided over our work with the Committee most efficiently and admirably. I would also like to thank Mr. Jonzon, Reporter of the Committee and Chairperson of the Working Party, who had the unenviable task of putting together not only the report but also a compromise position acceptable to all three partners in the Committee.

May I also express our gratitude to Mr. Hernandez, the Employer Vice-Chairperson, and to his colleagues in the Employers' group. It is obvious that their cooperation was essential, and their sense of duty in the task of reaching a successful conclusion has been immensely helpful.

As members of the Committee will testify, the work of the Committee on this occasion was carried out without acrimony and the report before you was adopted unanimously. What is more, no vote was ever taken at any stage of the deliberations.

The elections held in South Africa that produced a first democratic government were a triumph for all of us. There were many international observers during the election process. The ICFTU and its affiliates and the ITS alone had more than 200 observers who followed the elections closely in most major employment centres. The international observers recognized the logistical problems that the process faced, but they were also unanimous in their conclusion that the voting process had been free and fair and that the outcome represented the will of the South African people. The outcome of the election is of course known, and the subsequent developments are also a matter of public knowledge. We must, however, congratulate the South African people for the peaceful manner in which the elections were conducted. The fear of widespread violence during the voting process proved groundless. We must also congratulate President Nelson Mandela on being unanimously elected President of the new non-racial and democratic South Africa and on establishing a Government of national unity. It is a very promising start, and we urge the international community to support his policies.

As we rejoice at having reached this stage, a stage we believe that ushers in an era of irreversible change, it is perhaps too easy to forget what it has taken to reach this particular point. Without going back and recounting all the difficulties of the apartheid era, I have to say that we should recognize that it has taken a long time to eradicate apartheid, too long in fact, and a lot of sacrifices have had to be made. Many people have paid a heavy price, some have even given their lives to bring about the downfall of the apartheid system. The Sharpeville massacres in 1960 of peaceful demonstrators against the pass laws, or the 1976 massacres of Soweto school children whose crime it was simply to refuse to be instructed through the language of the so-called "master race" are not isolated incidents, nor is the slaughter of refugees in Lesotho in 1982 and in several other countries in Southern Africa. In the dark days of apartheid, no opponent of this evil system was safe. Indeed, no one was safe as an opponent anywhere in the world. We know, of course, that many others suffered greatly in South Africa's prisons. If you were against apartheid, you were either on a list to be killed or to be imprisoned. There are those who endured long terms of imprisonment. Some came back maimed, others perished because of brutal and barbaric assaults and torture. This is a period of human history we wish never existed, and must never be repeated.

Now, not only we here but many people across the world, share the joy of the South African people over having put an end to this sad chapter in their history, and having done it through the ballot box. Let me also pay tribute to the many people and organizations outside South Africa who quite clearly played a significant role in the defeat of the apartheid system. Apartheid was seen by many people and many organizations throughout the world, rightly so, as a crime against humanity.

Thirty-three years ago, the ILO made its home unwelcome for South Africa to continue its membership, so South Africa was forced to leave our Organization. The ILO did not just criticize the apartheid system, but went on to set up machinery to follow up its policies and recommendations with action, and to ensure that its decisions were implemented. Unlike others who were content in issuing resolutions, the ILO took practical steps to ensure that the apartheid system was condemned, isolated and defeated. The decision of the ILO to have a special report at each Conference dealing with the apartheid system, and the subsequent setting up of a Committee on Action against Apartheid, are some of the most farsighted decisions taken anywhere in the fight against that evil system. Those of us who spent some time reading the special reports of the Conference over the years and the conclusions of the work of the Conference Committee, cannot fail to be moved by its work and by its effort. This work, in my view, makes the ILO the unequivocal moral conscience of humanity. It inspired people across the world and gave hope to millions of people who are victims of the apartheid system.

Thus the ILO's role in the fight against apartheid is an honourable one. It can derive much satisfaction in that its stand has been fully vindicated. And if the ILO made an important contribution in this field, it is because above all it remained true to its founding principles, especially its tripartite character. In this respect I would like to pay a sincere tribute to those who had the vision and the courage to stand up against the apologists of the evil system, and the mad men in Pretoria, who represented their evil ventures as "the very epitome of civilized behaviour". An arrogant and nonsensical statement if there ever was one.

Although apartheid has been defeated at the ballot box, after over three decades in existence, its legacy will be with us for many years to come. It is with this in mind that the Committee is placing before you the resolution that clearly spells out the need for the ILO to take urgent action to consult with the social partners in South Africa, thus ensuring that all appropriate action is taken to bring about the implementation of the ILO's plan of action. Among the issues needing urgent attention will no doubt be the development of tripartite structures, capacity-building for employers' and workers' organizations and the updating of labour legislation. But above all, there is a clear need for a comprehensive programme of workers' educational activities at all levels. The trade union movement in South Africa, and in particular COSATU and NACTU, played a major role in the fight against apartheid and in the building of democratic structures. As the country enters the traditional process to full democracy, it is important that the trade union movement continues to play an equally active role.

Nelson Mandela, speaking from this very rostrum some few years ago, told us that the transformation we all seek to achieve in South Africa will need more resources because, as he said, "it will be necessary to repair the damage caused by the apartheid system, both in South Africa and in the rest of Southern Africa".

It has to be remembered that, in spite of its resources, unemployment in South Africa is extremely high. Perhaps as many as half the total labour force is unemployed, a majority of whom are young people living in urban areas, where alternative job opportunities barely exist. A large part of the South African population is illiterate and the shortage of housing in urban areas has to be seen to be believed. Access to clean water, education and health facilities in rural areas is also limited. The task is not only to provide physical infrastructure; it is also to ensure that resources, both human and material, are fully mobilized and systematically deployed. In some cases, it means that the limited human resources available are switched from one sector to another. A typical situation is the development and deployment of key personnel. As the State seeks to build up its social and physical infrastructure, in order to develop and carry on its policies effectively, social partners, such as the trade unions, are likely to experience a political shortage of key personnel as some of its senior members are called upon directly to participate in the process.

It is a mammoth task and requires the support of the international community. In this respect, the ILO and its constituent bodies can play a major and significant supportive role in the transitional process. The ILO as an organization, perhaps more than any other, is uniquely placed to give this support. It has the experience and expertise that South Africa can call upon; it has above all the concerns of the people at heart; and it has, through practical work, built for itself a high reputation. It is our hope that the ILO should take up this challenge, not only by mobilizing its own resources, but by encouraging others to support South Africa's plans for reconstruction and development.

The resolution which I am commending to you for support reflects the wishes and aspirations of South Africa's working people as well as those of the other social partners. It has been carefully worked out to take account of the various interests and, as I said earlier on, the Committee concluded its work on a smooth note. I urge you to support the report and the resolution, and to adopt them unanimously.

Finally, I wish to join in thanking all the members of the Committee, the Secretary-General's representative, Mr. Abdel-Rahman, and all his colleagues from the secretariat, as well as the interpreters, for their dedicated commitment and very able support which was appreciated by all of us.

When it comes to a moment in history that you never expected to be part of, it gives great pleasure. But the real pleasure will be, for me at least and for the Workers' group, to know that the ILO is not abandoning South Africa. It will continue to give support. As we enter a new era, the ILO has a great part to play, just as it has played through this Committee, and we therefore support the resolutions and dissolve this Committee but do so on a joyful note and not a sad one. We wish everyone in South Africa the best of luck.

Mr. HERNANDEZ *(Employers' adviser, Philippines; Employer Vice-Chairman of the Committee on Action against Apartheid)* – On behalf of the Employers' group in general, and the Employers' Confederation of the Philippines in particular, permit me to enjoy the personal luxury of extending to you, the President our most profound felicitations on his well-deserved election to the post he now occupies and on the efficient manner with which he is directing the proceedings of this session of the Conference.

Our warm congratulations are also conveyed to the elected Vice-Presidents, and particularly to Mr. Mendoza, our dear compatriot whose election to the position is a source of unabashed pride indeed for our entire delegation.

I would like to associate myself with Mr. Jonzon, the Reporter of the Committee on Action against Apartheid, and Mr. Brett, the Workers' spokesman and Vice-Chairman of the Committee, in requesting from all the delegates attending this 81st Session of the International Labour Conference their unanimous and unconditional support for the adoption and approval of the Committee's report and resolution, which appears in *Provisional Record* No. 17.

The primary task of the Committee, as mandated by the Governing Body, was to review the Declaration concerning Action against Apartheid in South Africa, which was first adopted in 1964 and updated in 1981, 1988 and 1991, and to come to a decision to recommend to this Conference that the Declaration be rescinded and the Committee dissolved.

The concatenation and congruence of salutatory events in South Africa, the expansion of the democratic horizon and the establishment of the frontiers of freedom in that great country provided the Committee with the wherewithal to conclude without any acrimony, reservation or condition at all that the Declaration has become totally irrelevant and has to be rescinded immediately. As a Corollary to this, the Committee, as I personally predicted last year, has resolved to recommend to the Conference that it be dismantled and abolished forthwith.

As South Africa enters the initial stage of the post-apartheid era, there is an imperative need for the ILO and the international community to lend unstinted support to the adoption and implementation of appropriate and necessary measures, in line with the process of reconstruction and development of South Africa. In this regard, the resolution contained in the report invites the Governing Body to instruct the Director-General to adapt, in consultation with the tripartite constituents in South Africa, the plan of action approved by the Governing Body of the social and economic development needs of the new South Africa, with particular emphasis on such matters as the promotion of trade union and human rights, capacity-building for employers' and workers' organizations, employment creation, promotion of small and medium-sized enterprises, reform and restructuring of labour market institutions and labour administration, labour relations and collective bargaining, the effective use of all factors of production, the improvement of labour legislation and upgrading of labour standards, the improvement of working and living conditions in the rural areas and for farm workers, education and training, and in particular vocational training, human resources development and management training, occupational health and safety and the promotion of equality of opportunity and treatment.

During this session of the International Labour Conference we are celebrating two historic, memorable occasions: one involving life, and another concerning death.

The 75th anniversary of this noble Organization is indeed a cause for rejoicing, as we recall its brilliant past and earnestly hope that it will continue to live on and on, to serve much more ably the cause of the toiling masses of the world under the aegis of freedom, of industrial peace and social justice.

We also celebrate, the demise of the Committee on Action against Apartheid which has, of course, contributed in no small measure to the total elimination and eradication of a political system that for years unashamedly rejected the principles enshrined in the Declaration of Philadelphia. The Committee on Action against Apartheid is now gasping for its final breath as it awaits the last nail in its coffin. As we bid the Committee farewell, the Declaration concerning Action against Apartheid will be consigned to the dustbin of history. This is a fitting testimonial to the unrelenting and patient efforts of the International Labour Organization and its tripartite constituents, including the International Organization of Employers, to eliminate exclusion and discrimination in South Africa and to strengthen their affirmation of and fidelity to the principle that all human beings, irrespective of race, creed or sex, have the right to pursue both their material development and spiritual upliftment in conditions of freedom and dignity, of economic security and equal opportunity.

As we commend the Committee's report and resolution for unanimous vote and acclamation, may we, once again pay special tribute to Mr. Nelson Mandela and Mr. F.W. de Klerk, the principal linchpins in the elimination of apartheid in South Africa, humble and unselfish heroes of this century who any without doubt did indeed deserve the Nobel Peace Prize. May the good Lord grant them and all South Africans the best of His blessings.

Finally, we extend most profoundly our thanks and appreciation to the officers of the Committee, to the Honourable Minister of Labour and Home Affairs of Botswana, Mr. Balopi, to Mr. Brett, the Workers' spokesman and Vice-Chairman of the Committee, to Mr. Jonzon, the Reporter, and to the representative of the Director-General, Mr. Abdel- Rahman, and all the members of his staff and all the members of the Committee for formulating and adopting the Committee's report in the highest spirit of oneness, international camaraderie, understanding and solidarity. This report was much easier to formulate than reports in previous years, when we had to make reservations in the final report, in view of certain constraints being experienced by some of the employers of the world. This unanimity was found because there was virtually a congruence of the points of view of the tripartite partners in the Committee concerning the events that have taken place, and this the report easy to formulate.

Once again, farewell to the Declaration concerning Action against Apartheid. Farewell to the Committee on Action against Apartheid. Our work has indeed been a rewarding experience.

Mr. P.K. BALOPI *(Minister of Labour and Home Affairs, Botswana; Chairman of the Committee on Action against Apartheid)* – I think it is only proper that I hasten to express my depth of appreciation to all those who worked so hard and with such a great degree of diligence and dedication to produce this report that we are discussing this morning. Here I include the two Vice-Chairpersons, the Chairperson of the Working Party, the members of the secretariat and, indeed, the members of the Committee itself.

It was with a sense of honour and a genuine appreciation of the historic importance of the timing that I chaired the 1994 session of the Conference Committee on Action against Apartheid in South Africa. If this august assembly agrees with the Committee's report and resolution annexed thereto, it will help, being the last meeting of the Committee.

And rightly so, as we have witnessed over the last months the final dismantling of apartheid and the measures to create a new South Africa, free, democratic and based on respect for all South Africans irrespective of race. My country, Botswana, and I are particularly sensitive to this remarkable victory of the popular will, given the historic part that Botswana has played against apartheid in South Africa and since our two countries have so much in common, for not only do we share the longest common frontier but our peoples are also related and therefore share common cultures and traditions. We are also both members of our common customs agreement.

As I pointed out in the Committee, at the regional level Botswana played a significant role in the liberation of South Africa by promoting a spirit of reconciliation and mutual understanding. We unreservedly and despite our vulnerability advocated the promotion of a non-racial and democratic South Africa. At the international level as well, Botswana did not shy away from pushing for change. Several of my predecessors spoke out in the early years of this Conference Committee with unreserved condemnation of the apartheid system.

To the other African governments and to all who worked so hard, we wish to say that we all shared the struggle and we can all say "This has been a job well done!"

But the efforts for South Africa do not end here. As our Committee's resolution notes, much needs to be done to eliminate the legacy of apartheid. The ILO is called upon to play a major role in this respect, as are the member States of the Organization, particularly in the effort to find resources for the technical assistance needed for South Africa's social reconstruction. I appeal for just such strong support from the ILO's plan of action to redress the effect of apartheid as was shown in the efforts to get rid of that system itself. I hope this appeal will be heard, particularly in September this year when the ILO takes part in an International Donors' Conference on Human Resource Development for a Post-Apartheid South Africa to be held in Johannesburg and organized by the United Nations Development Programme and the Commonwealth.

The Committee on Action against Apartheid has reviewed the Special Report of the Director-General on the Review of the Declaration concerning Action against Apartheid in South Africa and the supplement to that Special Report. It now advises the Conference to rescind the Declaration concerning Action against Apartheid in South Africa and to dissolve the Committee itself.

The resolution also calls for follow-up action and my Government commends these decisions to this Conference. Let our decision here be a fitting end to our efforts in the ILO and a continuation to the joyful development in South Africa.

Mr. SUNMONU *(representative, Organization of African Trade Union Unity)* – Please permit me, on behalf of African workers and the Organization of African Trade Union Unity and myself, to congratulate the Director-General for his Special Report on the Review of the Declaration concerning Action against Apartheid, and also to the Chairman and members of the Committee on Action against Apartheid for their excellent report.

The ILO and its tripartite constituents have reason to be justifiably proud of their immense contribution to the destruction of apartheid. The ILO has done more than any United Nations agency in terms of concrete and practical steps taken to fight apartheid.

African workers and the Organization of African Trade Union Unity heartily congratulate President Nelson Mandela, the Government and people of South Africa for their successful transition from apartheid oppression to multi-party, non-racial and democratic government. The heroic patience, forbearance and forgiveness of the black majority in spite of decades of apartheid crime against humanity, epitomized by President Nelson Mandela, is the legacy the black peoples of South Africa have given to the world. It is a good example that people of Rwanda, Burundi and Bosnia have to emulate.

May I ask your indulgence for a minute's silence in memory of the victims of apartheid who lost their lives in their struggles against it.

(A minute's silence is observed.)

Mr. SUNMONU – Thank you all.

With the death of apartheid, the concern of the ILO and its constituents should shift to the reconstruction of the social and economic destruction caused by it to the majority of South Africans. A comprehensive programme to help the disadvantaged communities, in the areas of basic needs, such as education and training, housing, water, electricity and employment, is urgently required. The ILO should assist in mobilizing international support and assistance to the new Government of South Africa in order to consolidate its young democracy and promote the empowerment of its people.

The ILO's technical assistance to South Africa should be aimed principally at the development of human resources and capacity building of its tripartite constituents, especially the workers' and employers' organizations. South African workers and trade unions should also be assisted by the ILO in the areas of: workers' education, vocational training, industrial relations, labour legislation, employment-generation strategies, management training and international labour standards.

Fellowships should be given by the ILO for the intensive training of South African trade union leaders to replace those that answered the call of duty in government and industry.

The Organization of African Trade Union Unity is proud of the role African workers and trade unions and their counterparts throughout the world played in the fight against apartheid. The pressure workers and trade unions brought on governments and employers worldwide in a positive display of unity and solidarity contributed immensely to the success story of today's democratic South Africa. We should all continue to display the same unity and solidarity for the reconstruction of post-apartheid democratic South Africa.

We heartily welcome South Africa back into the ILO and look forward to it playing an active and constructive part in the work of the ILO.

We congratulate the ILO and its tripartite constituents for a job very well done in the fight against, and the destruction of, apartheid. We support and call for the unanimous adoption of the report of the Committee on Action against Apartheid and the resolution concerning post-apartheid South Africa.

Long live peace, democracy, social and economic justice.

Mr. KAILEMBO *(representative, International Confederation of Free Trade Unions)* – On behalf of the International Confederation of Free Trade Unions, representing 120 million members throughout the world, I would like to express my true support for the report of the Committee on Action against Apartheid as contained in *Provisional Record* No. 17. I very much hope that the report and the resolution concerning post-apartheid South Africa, which is annexed to the report, will be unanimously adopted by the Conference.

At a time when the ILO is celebrating its 75th anniversary, the unanimous adoption of the report would be a timely gift and a recognition of the ILO's relentless efforts in the struggle against apartheid.

Of course, the democratic political development in South Africa should be welcomed. In the light of the installation of a government of national unity, following the democratic elections that took place on 27-29 April and the subsequent unanimous election on 9 May of Mr. Nelson Mandela as President of the Republic of South Africa, it became obvious that the Declaration concerning Action against Apartheid had to be welcomed. This is what should be done after all. The Republic of South Africa has now been readmitted as a full member of the ILO. But it has taken too long, far too long, to bring about the downfall of the apartheid system. For many people today's session is the culmination a lifelong commitment to fighting what has rightly been described as a "crime against humanity".

I would like to congratulate warmly the Chairperson of the Committee, Mr. Balopi, Minister of Labour and Home Affairs of the Republic of Botswana, and also the two Vice-Chairpersons for the Employers and the Workers, Mr. Hernandez and Mr. Brett, for steering the Committee to a most successful conclusion.

I would also like to extend my congratulations to the representative of the Secretary-General, Mr. Abdel-Rahman, and other members of staff for their diligent work. The adoption of the report and the resolution will effectively dissolve the Conference Committee on Action against Apartheid and rescind the Declaration on Action against Apartheid. This will close an era of more than three decades of intensive work against apartheid, during which the Republic of South Africa was prevailed upon to withdraw its membership from the ILO.

The ICFTU has all along supported the struggle against apartheid. Through its Coordinating Committee on South Africa, which was set up in the 1970s and which met twice every year, it focused on building and strengthening black trade unions in South Africa and building trade-union capacity to defend and protect workers' rights. In the early 1970s, when black workers had to hold union meetings in churches and in minibuses, because of the Riotous Assemblies Act which prevented more than three Africans from meeting together at any one time, the ICFTU was able to provide some minibuses to help workers to organize. In the early 1980's the ICFTU adopted a sanctions policy and campaigned relentlessly for total isolation of South Africa, politically, economically and culturally. Considerable resources were also devoted to fighting the cases of those who became victims of pernicious apartheid laws through international trade union solidarity. The treason trial of Moses Mayekiso in 1987, is one of many examples. On any occasion when there was an industrial dispute, which often ended with the arrest and imprisonment of those seen as its leaders, we sent clear messages to the apartheid regime, to show them that, in the struggle against apartheid, the workers of South Africa were not alone. Over the years, we have constantly been reminded by the heroic struggles the workers waged: the Durban strikes in 1973; the meat-workers' strike in Cape Town in 1980; the Sasol strike in 1986; the struggle of workers at pain to win recognition of their union, which took a decade to be settled; the BTR strike in the 1980s, the railway workers' strike in 1989; and of course the miners' strikes, especially that of 1987, are but a few cases to remind us of the sacrifices the workers made in the struggle against the apartheid system. The desire of a people to be free is indeed eternal. It can be suppressed, but no force can extinguish it.

Last year, when the Conference was in session, it was still uncertain whether the elections would be held as had been agreed. There was the ongoing violence on the one hand; on the other hand, the major negotiating parties had not agreed on the transitional machinery to oversee and administer the elections. The situation changed dramatically towards the end of the year. The Transitional Executive Council was established in December, and it was quickly followed by the establishment of the Independent Electoral Commission.

As the country's main focus shifted towards preparations for the elections, the ICFTU observer group on violence, which was established last year by ICFTU affiliates working closely with COSATU and NACTU, also followed this trend. The ICFTU readily changed its terms of reference and placed its expertise at the service of the non-racial democratic trade unions. In this respect, the group assisted in the orientation of over 200 international trade union observers during the elections and ensured that they were deployed in accordance with the wishes of COSATU and NACTU.

In spite of the fact that negotiations were protracted and that violence intensified with a view to derailing the negotiation and election process, the downfall of the apartheid government took place in a relatively peaceful atmosphere. Fears that the elections might be disrupted proved groundless, although some attempts were made by what we believed to have been right-wing forces. But the police quickly rounded up the alleged perpetrators, and the situation was brought back to normal. South Africans of all races embraced their newly won freedom with both hands; they turned out in large numbers to vote, and they were patient, as they were enthusiastic; even when some of them had to wait the whole day to cast their ballot papers. Thus, the resources made available from various sources including ICFTU and the ILO itself, in voter education for working people and especially COSATU and NACTU, played a significant part in mobilizing voters. The non-racial democratic trade union movement, in particular COSATU and its affiliates, played a key role in the mobilization of voters at the grassroots level, and in ensuring that there was massive turnout on voting days. The ICFTU and its affiliates, together with the International Trade Secretariats, which had sent more than 200 international observers to South Africa to be deployed in cooperation with COSATU and NACTU, were immensely impressed with the large turnout of voters. They were clearly more than happy to confirm that the vote had been free and fair. The presence of international observers was highly appreciated, not only by the trade union movement, but also by political leaders and election administrators. It was said that the large participation of international observers helped to minimise violence and to guarantee the integrity of the election process.

The trade union movement has not restricted its participation to mobilizing for change. It seeks to participate in the process of change itself. This is why some of its leading officials are now in the legislative bodies at national and provincial levels. At the moment, over 100 key leaders have taken up the challenge. In COSATU alone, many of its regional secretaries and the general secretaries of its affiliates have moved, not to mention some key negotiators and administrators who have taken up appointments in government. It is with this in mind that the ICFTU would welcome a clear and unequivocal commitment on the part of the ILO to support the trade union movement in South Africa. The plan of action that is contained in the resolution before the Conference gives explicit recognition to the needs of the trade union movement, as the country enters its transitional stage to full democracy. It is a plan which has been discussed by the Committee with the full participation of the tripartite delegation from South Africa. We are also pleased to note that the Committee clearly called on the ILO to ensure that all appropriate action is taken to bring about the implementation of this plan of action. The ICFTU and its affiliates are ready to continue giving every possible support and assistance to the democratic trade union movement in South Africa. Special attention will be given to trade union education at all levels, and to the trade union capacity-building, in cooperation with COSATU and NACTU.

The ICFTU is also pleased to note the intention expressed by the Government of the Republic of South Africa, to recommend the immediate ratification of the ILO Conventions on freedom of association, collective bargaining, discrimination and against forced labour. We are very much encouraged by this move, and wish to express the hope that this will be followed by ratification of other key Conventions and a new look at labour legislation which has been an issue of contention in recent years. There is no doubt, however, that the legacy of apartheid will be with us for a long time, and it will require considerable resources to provide for basic needs and promote equality for all the people of South Africa. In this respect, therefore, urgent steps must be taken to start addressing the legacy of apartheid. It cannot be over-stressed that the success of the transitional process to full democracy will be largely dependent on what the new government is able to deliver to the vast majority of its people, long denied their rights under apartheid, certainly in terms of education, health, housing, employment and equality of opportunity. Thus, the wider international community must also be ready to respond positively and urgently to the needs of South Africa.

As this Conference is closing its chapter on apartheid, allow me to congratulate the people of South Africa, under Nelson Mandela's leadership, for their steadfast commitment in the face of an evil system of government, for their profound sacrifice. We rejoice with them at having reclaimed their right to be governed by the people of their choice and we rejoice that South Africa has now rejoined the international community as a free and democratic country.

The ICFTU would also like to pay tribute to the ILO for its outstanding contribution to the downfall of apartheid. The work of the ILO not only gave strength to those who were victims of apartheid, it also inspired those who struggled against apartheid throughout the world. The Reports of the Director-General, especially in more recent years, were not only informative, but also offered an insight into the apartheid system that was rarely equalled elsewhere, and clearly laid the basis for the development of policy in the fight against apartheid. It is, of course, impossible for me to single out the many people who played a major role in this struggle against apartheid. But in this exceptional situation, allow me to express my organization's profound thanks to Mr. Joe Morris and Ms. Shirley Carr, both Presidents of the Canadian Labour Congress and Chairpersons of the Workers' group, here at the ILO, who played a leading role in the struggle against apartheid. I would also like to thank Mr. Bill Brett, the current Chairperson of the Workers' group, whose profound commitment to the principles and values of free trade union movements has won him the respect and recognition of not only the South African workers, but also the workers all over the world. It has also been our good fortune to have had their leadership in the difficult period of the struggle; their keen interest in the affairs of South Africa profoundly enriched the workers' contribution to this struggle, and we are eternally grateful to them.

Finally, I must pay tribute to the many trade unionists across the world who took the struggle against apartheid as their struggle, and selflessly devoted their time, their energy and their resources; and also to the people of southern Africa who were victims of South Africa's destabilization policies. To them all, the international community owes a debt of gratitude for playing a leading role in the struggle against what was clearly one of the most hideous crimes against humanity.

Before ending my remarks, I would like to express the ICFTU's full support for the request of Mr. Bill Brett, Worker Vice-Chairman of the Committee, that the Report and the resolution be adopted unanimously by the Conference. Such a decision would assure the people of South Africa that the ILO is still with them as they embark on the reconstruction and development of their country.

Ms. HAK *(Employers' adviser, Netherlands)* – When Mr. Mandela – now President Mandela – was here in 1990, he asked us to walk the last mile together. We have done so, but before that the Committee on Action against Apartheid walked many miles, and it was not an easy road. We did have a common goal – the abolition of apartheid – but there were differences of opinion regarding how to achieve such a goal. Now here we are and we have a new member, South Africa, which when it came in, I regret to say did not get the treatment which I thought it would get, that is the red carpet treatment.

I would like to pay a tribute to many friends, and in particular to friends from South Africa. Here in this Office we frequently compliment each other, compliments have already been made this morning and more are to come as the sitting proceeds. I would like to pay tribute in the first instance to my South African trade union. They have operated here under very difficult circumstances and it has been a pleasure for us to know them; we hope to continue working with them in the future.

Of course we also have friends among the Employers' side. They have done a great deal in this country of which not many people here are aware and we have great admiration for them.

I would also like to pay a tribute to the International Labour Organization – we did not always agree, but we remained friends and I think that is the most important thing.

The ILO will not abandon South Africa, the resolution is concrete proof of that. You can still count on our assistance if you request it.

In the last two weeks many things have been said about the future of the ILO, about standard-setting and social clauses. But there is one thing that has not been mentioned at all during these past weeks, and that is the role that the ILO can and should play as a defender of human rights. That was the reason why we started the discussion on apartheid – to defend basic human rights. To me it is a great disappointment that hardly anyone, and certainly not the Organization, has taken any initiative or even mentioned what is happening at this moment in Africa in Rwanda and Somalia, and what is happening in Bosnia. So I appeal to the ILO to stop looking only inwards and to remember that it is an Organization which has and should continue to have a name as a defender of human rights.

Mr. NGCUCKANA *(Workers' adviser, South Africa)* – On behalf of the South African Workers' delegation, it is a pleasure for me to address the 81st Session of the International Labour Conference on the 75th anniversary of the founding of the ILO and the 50th anniversary of the Philadelphia Declaration.

This is an important session of the Conference this year for the ILO in that it is not only a celebration of 75 years of its existence but also an opportunity to celebrate the victory over apartheid. It is a Conference that the ILO can justly claim to be a victory because of its sterling contribution in the fight against apartheid. Allow me, on behalf of the South African workers, to pay tribute to the ILO for its unrelenting stand and fight against apartheid for a period spanning 30 years. It was in 1964 that South Africa was forced to leave the ILO by men and women who belonged to the constituent bodies of the ILO. The ILO adopted a Declaration concerning Action against Apartheid and instructed the Director-General to produce a report on apartheid in South Africa that was discussed annually by the International Labour Conference. That decision in 1964 set in motion a massive international assault against apartheid across the continent, with ordinary men and women enlisting in the fight against apartheid. An international solidarity unparalleled in the history of mankind was born and ensured that the victims of apartheid had support. On behalf of those victims, as we stand here free from apartheid, we say we will remain eternally grateful to the ILO. To do that was not an easy task. Men and women remained true to the mandate of the ILO, stood and fought against powerful governments and representatives of multinationals. But they prevailed. And we knew that in the struggle against apartheid at home the world stood with us. The support that was generated by the ILO sustained those in exile, in prisons, at the barricades and in picket lines. A special tribute goes to the Workers' group and the various chairpersons who have ensured that the ILO Committee on Action against Apartheid tightened the screws against apartheid and provided technical assistance to the democratic trade union movement that was born in struggle, in particular COSATU and NACTU.

ILO standards served as inspiration in the struggle for workers' rights and the assistance given by the ILO to the democratic trade union movement ensured the growth of the movement that became the locomotive for change. A special tribute to the former Workers' Vice-Chairperson, Ms. Shirley Carr, who provided leadership and fought apartheid with passion. It is a pity that she is not here to share with us this moment of glory. We should also pay a special tribute to Mr. Brett, who ensured that the heat was not lifted until everybody was sure that they were free, to the international trade union movement that ensured that the ILO remained seized of developments in South Africa, to the front-line States who, even in poverty, made sacrifices that remain indelible in our memories and to the employers and governments of the world that kept the torch of freedom and democracy burning in the portals of the ILO. We will never be able to find words to say thank you to you all. The victory in South Africa is not only ours but yours. You made it possible for the first time in our history to have a tripartite delegation to participate at this Conference. This 81st Session of the Conference will end a chapter in partnership and struggle against apartheid and establish a partnership that will address the legacy of apartheid.

You have before you today the resolution to rescind the Declaration concerning Action against Apartheid and to dissolve the Committee on Action against Apartheid and to adopt a technical assistance programme to assist in the programme of construction and development announced by the State President, Comrade Nelson Mandela. That programme is a programme designed to address the legacy of apartheid and to bring about national conciliation, because there can never be conciliation with the glaring inequalities that permeate our society today.

The technical assistance programme that is contained in the resolution includes the following: technical assistance for labour legislation reforms; vocational training, which we believe will assist in providing skills to hundreds of thousands of youths who have spent much of their time on the barricades in the struggle for the demise of apartheid – it is important that they be helped to acquire skills to participate in the process of rebuilding the country; human resource development and management – this is to ensure a balanced approach in building human resources and management to bring those excluded by apartheid education into skilled jobs and management; affirmative action – this is a programme that permeates every aspect of South African social and economic life, to ensure that those disadvantaged by apartheid are brought into the mainstream of the social and economic life of our country; occupational health and safety – assistance to ensure that international standards are upheld and that workers can effectively participate in making safe and healthy working places; capacity-building – this will assist trade unions to participate effectively in the emerging tripartite structures in South Africa, an important task, with COSATU having contributed its capable leadership to government to assist in the process of rebuilding the country. The list is not exhaustive. This programme will also assist southern African workers with whom we are joined with SATUCC. The success of South African democracy is not only a South African responsibility, but the responsibility of all freedom-loving and justice-loving people of the world. Success will ensure that the economic development of the southern African region will be achieved faster than had been anticipated.

In conclusion, allow me, on behalf of the South African Workers' delegation, to pledge our commitment to the social clause in GATT and the World Trade Organization. There can never be balanced trade with countries that trample on human and trade union rights. If the ILO wishes to renew itself and to be effective in carrying out its mandate, the social clause is the route. The fight against apartheid linked human and trade union rights to trade, hence the sanctions. I would not be standing here speaking to you as a free man if sanctions had not been applied against South Africa. That is the basic reason that the South African Workers' delegation stand in full support behind the social clause. On behalf of the South African workers, I wish to pledge our solidarity with workers across the continents who live and work under inhuman conditions. We commit our trade union movement at home to meet its obligations in the fight for international human and trade union rights and we pledge our solidarity with them. We pledge to join you in the fight for a better life for all working people of the world.

Ms. WIKLUND *(Government delegate, Sweden, speaking on behalf of the Nordic countries)* – I have the honour to make this statement on behalf of the Governments of the five Nordic countries: Denmark, Finland, Iceland, Norway and Sweden.

Against all odds, the process towards a truly democratic South Africa, initiated at the beginning of this decade, has continued. Our hopes for free and fair elections have come true.

Therefore, I have the tremendous pleasure, on behalf of the Nordic Governments, to express our satisfaction with the developments in South Africa and to welcome this beautiful country and all its people back into the international family.

But to express satisfaction is not enough. We are indeed also deeply impressed by the way in which the people of South Africa have managed to handle the process leading to democracy. With sanctions lifted, South Africa is now resuming its rightful place in the international community and in the United Nations – a move fully supported by the Nordic Governments. You can, all of you, see here the new colourful flag of South Africa, the second one on that side. Apartheid has finally been abolished.

The Nordic countries have for many years demonstrated their deeply felt detestation of the policy of apartheid. They have therefore strongly supported opposition to racial discrimination. They have all adhered to the international sanctions imposed on South Africa by the United Nations. Their relations with the South African Government of apartheid have been strained and limited.

But, all this is now history. The whole world rejoices at the new democratic South Africa and indeed at the election of its President, Nelson Mandela. Nelson Mandela now heads a government of national unity and reconciliation.

Its work of steering the country through the important transitional period has begun, but we all know it will not be an easy undertaking.

The laws of apartheid have been abolished for ever. But the wounds left as a legacy of this system will take a long time to heal. No doubt, the country has great economic potential, but this is a long-term problem.

The South African Government will face a tremendous challenge during the transitional period. The task of increasing confidence in the future and bringing decent living conditions for the many South Africans who lack basic facilities is enormous. It will take time to bring about all the improvements that are needed. Adequate housing will not be provided immediately. Unemployment will not disappear overnight. The means available will most likely not match the ambitions and almost certainly will not meet expectations.

Therefore, the international community and international organizations such as the ILO have a lot to contribute to the future development of the country, to the easing of tensions and to reducing the risk of violence.

Labour and social matters play a decisive role in the development of any democratic nation. In the view of the five Nordic Governments, the resolution concerning post-apartheid South Africa presented by the Committee on Action against Apartheid and worked out at its final meeting *ever* constitutes an excellent beginning for future ILO cooperation with the tripartite community of South Africa.

The resolution also gives the ILO a mandate to implement a plan of action, to work together with other agencies within the United Nations family and to take initiatives to coordinate broad areas of activities for the consolidation of democracy and the reconstruction of the country.

The Nordic Governments will continue to support South Africa's transformation to a peaceful and prosperous democracy.

Let me finally thank all the participants in the Committee on Action against Apartheid for their dedicated and constructive efforts, and express the hope of the Nordic Governments that we will continue to walk together.

Mr. BOUCAOURIS *(Government delegate, Greece, speaking on behalf of the European Union)* – A long-awaited event has at last occurred. Having, on 27 April this year, held free and democratic elections, South Africa can once again rejoin the community of nations both in the United Nations Organization and in all specialized agencies including the International Labour Organization, sharing with them the same values and principles on which a free society should rest.

Congratulations are due to the people of South Africa and to the new Government which embodies the legitimate aspirations of that people. On behalf of the European Union, I wish to welcome the tripartite delegation of South Africa to the Conference. The Government of Austria requests that I should make this statement also on its behalf.

A new era has begun for South Africa – an era which will be characterized by a democratic and non-racial society, where respect for human rights, respect for the rights of minorities, the rule of law, promotion of social justice and the elimination of all forms of discrimination will prevail.

Hard times lie ahead for the new Government. To enable it to achieve its goals, much help is required. The European Union shall play its full part to assist the new Government in its formidable task.

On 19 April, the European Union adopted a package of immediate measures to assist the new South Africa. These will focus on a dialogue centred on important sectors of cooperation such as trade, economic cooperation and development cooperation, in order to help address the immediate needs and aspirations of the South African people. These measures will be coupled with the beginning of a political dialogue to enhance and consolidate the democratic institutions upon which the new South African society will build its future.

Furthermore, the European Union, taking into account the decision of the United Nations Security Council of 25 May concerning the lifting of United Nations sanctions against South Africa, has decided to lift all remaining restrictive measures still in place against this country.

Of crucial importance for the future of the country will be the settlement of the issues of land ownership and employment. These are multifaceted problems where, on the latter at least, the ILO has an important and constructive part to play and can help considerably.

The ILO can usefully contribute to the process through its plan of action. The European Union encourages the Organization to make special efforts to assist the new South Africa within its areas of competence. South Africa needs all the assistance it can get to support the consolidation of democracy and reconstruction of the country.

The fact remains that a new page has now been turned in South Africa, and the challenges facing the Organization are of a different nature from those tackled so far in the Committee on Action against Apartheid.

It is time for the Organization to move on to a new phase of cooperation and involvement in South Africa. In short, we in the European Union feel that the Committee on Action against Apartheid has lived up to its expectations and accomplished its goals. Its task was extremely specific, for it was meant to combat a unique form of discrimination – bearing no resemblance whatsoever to other forms of discrimination – which it successfully did. It would be meaningless for it to outlive its use and *raison d'être*. This is the reason we are pleased to be in a position to request its immediate dissolution.

Mr. EDSTRÖM *(Workers' delegate, Sweden)* – The workers of Sweden, Finland, Norway, Denmark and Iceland want to salute and congratulate the people of South Africa for their victory over the most horrible political system in world history – apartheid.

We welcome both the readmission of South Africa at the ILO and the participation of the country's full, tripartite and multiracial delegation to this Conference. We are certain of the important future contribution that the country will make to the ILO in its work to promote social justice in the world. And, as from tomorrow, South Africa will rejoin the United Nations family. There are not really words enough to express our satisfaction at these events.

South Africa is now a free, democratic country for all its citizens, independent of race, creed or sex. But the legacy and consequences of apartheid are very severe and will remain so for many years to come. Therefore, it is essential for the ILO and its constituents to continue to assist the South African people to consolidate their democracy, and to give them technical assistance.

We fully agree with Mr. Mboweni, Minister of Labour of South Africa, that the final action of the Conference Committee on Action against Apartheid must be to put in motion a programme of technical assistance for the reconstruction and development of South African society.

And consequent to that, the Conference Committee on Action against Apartheid must be dissolved and the Declaration concerning Action against Apartheid, first adopted by the International Labour Conference in July 1964, be rescinded.

We see the resolution and its proposed programme of assistance as an important step to continue the commitment of the ILO and its constituents in the overcoming of the legacy of apartheid in this period of transition to full democracy that South Africa is now undergoing. We particularly want to emphasize the following areas: labour relations and collective bargaining; reform and restructuring of labour market institutions and labour administration; human resources development and management training; promotion of equality of opportunity and treatment; promotion of trade union and human rights; capacity building for workers' and employers' organizations; and employment creation.

We, the trade unions in the Nordic countries, will continue our very close cooperation with the trade unions in South Africa, and we are convinced that they have the capacity to meet the future challenges in the new democratic South Africa.

We will continue to assist our trade union brothers and sisters in their efforts to educate their members and to build up their trade union structures. We are also aware of the continued need for legal assistance. It is also important to stress the need for trade union unity, and we are particularly anxious to give support in the organizing of trade unions in the former homelands.

To conclude, we fully approve this last report of the Conference Committee on Action against Apartheid and the annexed resolution with its proposed programme of action and we expect it will be adopted by the Conference unanimously.

Mr. O'FARRELL *(Workers' adviser, United States)* – Upon reaching the successful conclusion of a struggle which continued over a period of more than 30 years, it is perhaps natural to want to review the struggle and highlight the role we have all played. As one of the initial members of the Committee, I will forego that desire and make a statement on behalf of the American Workers' delegation. However, for those who were dragged along every step of the way in this crusade, opposing the very idea that it was any of the ILO's business, it is not surprising that they might now want to take the least possible notice of the passing of the apartheid system and simply declare the work of the Committee they opposed over all those 30 years to be completed.

The Workers' delegation of the United States is proud of the role it has played over the years in this Committee and the equally important role played in cooperation with our trade union colleagues in supporting the development of a viable trade union movement inside South Africa, a movement able to speak for itself without proxies.

Many individuals, organizations, governments and even employers have participated in bringing about the end of apartheid and the dawn of a new day in South Africa. Arguably, the organizations that were on the cutting edge of the struggle and played the major role inside the country were the trade unions. It is gratifying for those of us who have been at this for a long time to see one of those veterans who carried on that struggle inside the country longer than most sitting on the South African bench. I am referring to Ms. Mashinini. It a great pleasure to see her here.

Many of us listened to the trade unionists inside South Africa and were guided in our actions by their advice on what we could do that would be most useful to them in ending the apartheid system. So today the workers of the United States intend to continue to be guided by our colleagues inside South Africa on the actions needed to assist them in their continuing struggle to overcome the effects of the system that so long oppressed them.

Those in this chamber who think that the end of this Committee marks the end of the need for the ILO to be concerned about South Africa, and that any future problems in South Africa should now simply be handled as routine matters of the Organization, fail to understand what has happened over the last 30 years, and indeed over more than the last three centuries, in South Africa, and are blind to the needs of the majority of the South African population. There is also, in our opinion, a lack of understanding of what the mandate of the ILO is.

In the final days of its existence, the Committee has produced a plan of action for the ILO that will hopefully meet some of the needs of the workers of South Africa in the coming years. It is significant that this document has been prepared with the full participation of a tripartite delegation from South Africa and reflects the need for a programme as seen by those most directly affected by that programme. This programme has the full support of the United States Workers' delegation and we are confident that it will be adopted unanimously by the Conference.

There are those who fear that the action we have undertaken over the years may have set a precedent for the ILO, but we do not believe this to be the case. This was a unique situation, one that demanded unique measures, and it is extremely unlikely that another such system of legalized discrimination will ever again arise. There is probably no such system or situation anywhere in the world that requires the ILO to take the type of action it has taken regarding South Africa. South Africa is on the threshold of a new and potentially wonderful world: universal suffrage, free and fair elections, a new and unspoiled government of national unity, ready to forgive the sins and right the wrongs of the past and face the future unafraid.

Let us wish them every success in their brave venture, but let us not forget that this is not the first time we have seen a nation set out on this path. Let us remember the experiences of others equally optimistic, equally brave, equally determined, who have as yet failed to reach their goals. Let us remember the past and learn from the experience of others lest we repeat their mistakes. Let us all here gathered pledge anew to provide what assistance we can to our colleagues as they set out upon this journey. A milestone on this road has been passed this year, but for South Africa and elsewhere, the fight for individual human rights, trade union rights, freedom and equality, the struggle continues.

The AFL-CIO and the American workers will continue to walk beside our trade union colleagues in South Africa in the future as we have in the past in the truest sense of international solidarity and friendship.

(Mr. Ould Sidi takes the Chair.)

Mr. SIBANDA *(Workers' delegate, Zimbabwe)* – On behalf of the Zimbabwe Congress of Trade Unions, allow me first and foremost to congratulate Nelson Mandela on his election as President of democratic South Africa, and also to thank the Chairman of the Conference Committee on Action against Apartheid, Mr. Balopi, Minister of Labour and Home Affairs of the Republic of Botswana, for having efficiently conducted the work of the Committee. I would like also to thank Mr. Jonzon, the Reporter of the Committee, for his work and especially for having been able to produce a text for the report that was acceptable to all parties on the Committee.

The ILO has carried out excellent work in the fight against apartheid. Its support for the struggle in South Africa gave hope to millions of people, not only in South Africa but throughout the world. Those of us whose countries share borders with South Africa know some of the activities the ILO carried out, because they were carried out in our own countries. We also remember the ILO's efforts to strengthen the front-line States in a period when the countries of southern Africa were victims of the aggression and destabilization policies of the South African regime. We also remember the ILO's work in the field of labour, which was largely responsible for the establishment of the Southern African Labour Commission. This body has now become a centre for our work on labour matters. It is, I am happy to say, organized on a tripartite basis.

In our work to fight the apartheid system, the ILO was an indispensable source of information, especially with regard to what was happening in South Africa, and also to what various bodies were doing to bring about the downfall of the apartheid system. The Director-General's annual Report on the situation in South Africa provided us with information that was not easily available elsewhere. But I must say, at least for those of us who had the opportunity to be here at recent sessions of the International Labour Conference, that the work of the Conference Committee on Action against Apartheid has been influential. Its conclusions and recommendations have been not only practical, but have been a call for action. In following the Committee's work, we saw the ILO in action and at its best. I wish to pay tribute to the work of the ILO in this field. In my own view, if apartheid is being buried today, it is in part due to the work of the ILO that has been undertaken here.

Now that South Africa has a democratically elected Government, it is important that the ILO take a lead in ensuring that the reconstruction policies of the new Government are fully supported. I am happy to say that the ILO's plan of action, which is well summarized in the resolution annexed to the Report, clearly spells out the needs of South Africa and those of the social partners. As everyone knows, the legacy of apartheid is going to be with us for many years to come. Therefore urgent steps must be taken to ensure that the basic needs of the people of South Africa, especially those who have been victims of apartheid, are met. I am talking here about education, health, housing and about all employment opportunities. The Government of national unity which has been installed in South Africa will largely be judged on whether it can deliver change or not.

The ILO has experience and it has expertise: it can make a direct contribution in the field of human resource development, especially in capacity-building in trade unions and employers' organizations. But the ILO should also be a major actor in influencing international opinion to support South Africa.

I would like to conclude my remarks by supporting the report of the Conference Committee on Action against Apartheid and the resolution annexed to it. I fully support the call by the spokesperson of the Workers' group on the Committee, Mr. Bill Brett, that the report be adopted unanimously.

Mr. ITOH *(Workers' delegate, Japan)* – I would like once again to congratulate the South African people and colleagues for having established a democratic Government with Mr. Nelson Mandela as its President, through non-racial, free and democratic election, and thus giving birth to a new South Africa, and put final end to apartheid. It has been above all the long and tenacious struggles of the South African people and workers who have brought the victory at this time. It has also been the international public opinion and cooperation built up by the United Nations and other international organizations, especially the ILO, which have contributed to the success. We heartily hope that the new South Africa will develop as a stable and genuine democratic country from now on.

Eight million Japanese workers who are together in our Japanese Trade Union Confederation (JTUC-RENGO) have participated in anti-apartheid international activities through the ICFTU, to which RENGO is affiliated, and extended assistance to the trade unions and workers in South Africa.

We also have developed various anti-apartheid activities in Japan over many years. Since the African National Congress opened its office in Tokyo about 15 years ago, it has been RENGO and its affiliates which have consistently provided moral and material assistance to the office. With the new situation in South Africa, the ANC office in Tokyo has completed its task and was closed amid the blessing of the Japanese people concerned.

JTUC-RENGO, in response to a call by the ICFTU, sent five member observers to monitor the election in April in South Africa. Moreover, RENGO, with the thought that South Africa will need human resources commensurate with the new situation in South Africa, has started from this year a student scholarship programme for South Africa with the money contributed from our members.

I would like to express our overall support for the report of the Committee on Action against Apartheid and its annex, the resolution concerning post-apartheid South Africa. In order that South Africa can develop socially and economically as a stable and genuinely democratic country from now on, it is essential to provide international assistance and cooperation more than ever. This is what not only Mr. Mboweni, Minister of Labour of South Africa, but also all the members of the Committee emphasized in the deliberations of the Committee. I strongly support that the ILO strengthens its technical and other aspects of cooperation with South Africa, as emphasized in the resolution.

RENGO will also promote cooperation activities with South African friends directly as well as through the ICFTU. As a trade union organization in Japan, we will also urge the Government of Japan to strengthen its assistance and cooperation to South Africa.

This Conference Committee on Action against Apartheid which has played a central role in the ILO's anti-apartheid activities has completed its historical task and been rescinded. The Committee has completed its task amid a great victory. The victory has been won through the hard work and great efforts of many people of the Government and Employers' and Workers' groups who have been involved in the Committee. I would like to particularly express my deep and sincere esteem to Ms. Carr, and all other colleagues, who have devotedly and enthusiastically contributed to anti-apartheid activities from the Workers' side.

Mr. DOUGLAS *(Workers' delegate, New Zealand)* – On behalf of the Workers' delegation of New Zealand, I would advise support for endorsement of the Committee's report, and the adoption of the resolution proposed. In doing so, I would like to congratulate the Committee, and all of the members of the earlier committees, on the work contributed. In particular, I wish to recall the fact that the New Zealand trade union movement has participated regularly and consistently in the work of this Committee, and I acknowledge the contribution of the late Jim Knox from our country.

The events of the last year, which are outlined in this report, are momentous and form in themselves a testament to, on the one hand, the dynamics and speed of change. On the other, they are a unique example of the courage, creativity and humanism of a people in a movement whose objective was simply to win the right to dignity and respect for millions of working people, their families and their children. The events demonstrated positively what is possible.

As an organization, the ILO is entitled to share in the credit for what has been achieved, and in doing so we must not however accept that the job has been finally done. The government of national unity has been established. The leadership of Mr. Mandela is a graphic demonstration of the humility of a leadership won in struggle, that is committed to provide for the enrichment of peoples' lives by establishing and building processes for people and workers in particular to bring into being a uniquely democratic system that reflects the principles of the ILO itself.

South Africa has the potential and the capability to be a beacon for many countries. It can show that the process of democratic elections is not to win power for a particular elite, but to give leadership that breathes life into the words of the Declaration of Human Rights, the ILO's founding statement and the Declaration of Philadelphia.

As a Workers' representative, I share in the acclaim of what, to the peoples of South Africa, is rightfully theirs, but is yet to be won by so many in other parts of the world. The defeat of racism in South Africa is a defeat for racism everywhere.

The report of the Committee and the resolution proposed spell out clearly that the legacy of apartheid will be with us for a long time. It is important for the ILO to remain a central element in the organization and delivery, not only of its plan of action but also the technical assistance programmes that will be necessary to turn the vast tide of hope and goodwill into tangible improvements for the peoples of South Africa. It will be important that the ILO recognizes and accepts its ongoing role in monitoring progress, implementing its plan and reporting regularly to the Governing Body.

I not only accord the warmest congratulations to the new Government of South Africa, and send our best wishes for the future for the tasks ahead, but convey greetings and solidarity not only from the workers and the unions of New Zealand, but from all of the opposition political parties of our country that make up 49 per cent of the Parliament, from the New Zealand First Party, from the Alliance Party, and from the New Zealand Labour Party.

The New Zealand people demonstrated in practical ways their opposition to apartheid in many forms, and in doing so often had to fight against our own Government, on the issue of sports, and contacts in particular. In 1981, New Zealand, for some four months, took on the characteristics of a police State. At that time we fought to stop the Springbok rugby tour. In six weeks' time all New Zealand will join in welcoming the Springbok tour of this year.

I am sure the adoption of this report and its resolution, will gain universal support from all New Zealanders, including our Government. I can, with confidence, state that New Zealand will contribute positively to the implementation of the resolution before this meeting, which the New Zealand delegation hopes will be carried out unanimously.

Mr. PARROT *(Workers' delegate, Canada)* – On behalf of the Canadian Labour Congress and its 2.4 million members, on behalf of the hundreds of thousands of other workers represented by other trade union organizations in Canada, on behalf of the members of the Executive Council of the CLC, including the President, and the other officers, on behalf of our friend, a former president of the CLC, Shirley Carr, who from her home in Canada is no doubt following our proceedings today, and on my own behalf, I would like first to congratulate the men and women of South Africa for their courage, their tenacity and their creativity. These have been the subject of our admiration and this remains the case today. The example given by the people of South Africa is most encouraging for people all around the world who are looking for hope and for the belief that we can make changes in our societies.

To end apartheid was quite a challenge for the people of South Africa, but we know more challenges await them in the future in the transition to full democracy and in overcoming the effects of apartheid.

The report of the Committee on Action against Apartheid gives us the opportunity to make our humble contribution to assist the men and women of South Africa in meeting this new challenge. I will not today attempt to mention the names of people from South Africa, because I know I would omit too many. But I would like to wish all the best to all those who are part of the delegation today, and to all those who came to Canada in the course of the last 15 years or more to help us understand the struggle of the people of South Africa and to help us educate our membership so that they could support the struggle of the people of South Africa. I want to thank them all, and I want to say that we are very, very proud to be your friends.

Today, let us adopt the report unanimously, and long live the men and women of South Africa.

Original French: Mr. OECHSLIN *(Chairman of the Employers' delegate, France)* – As an Employers' delegate from France, but also as Chairman of the Employers' group, and also on my personal behalf, it is a great honour and joy for me to be able to thank the Committee on Action against Apartheid, and to congratulate it for having done an extraordinarily good job.

It has been a very long road; there were difficult moments; there was disagreement as regards the means but never on the purpose. But this year, amongst its members, the Committee had a Government representative, an employers' representative and a workers' representative from South Africa; and the very fact that they were present bears witness to the success of the Committee's work.

Consequently, I would like to thank all those who contributed to that success: the Chairperson of the Committee, Mr. Balopi, the Worker Vice-Chairman, Mr. Brett – and through him, those who preceded him and particularly our colleague, Ms. Carr, who is certainly thinking of us today; and I would obviously like to thank all my Employer colleagues – first and foremost, our leader, Mr. Hernandez, Ms. Hak, and many others.

After many years, we now have before us a new South Africa and, as part of its tripartite machinery, an employers' organization – Business South Africa – a modern multiracial organization that includes all sectors of activity. We are very happy to see it here, playing its normal role as a delegation.

In this very hall, I was here when South Africa left the Organization; and I have always felt closely involved in this long process which has never been for me just another issue.

Consequently, I have a particular satisfaction in the way the situation has developed. I would like to assure all our friends in South Africa, the Government, employers and workers, of our total readiness as employers from all countries of the world to help them in their exhilarating task.

I would also like to express satisfaction with the resolution concerning post-apartheid South Africa which is annexed to the report, and which I am sure we will be adopting unanimously. This resolution invites the Governing Body to adapt the plan of action approved at its November 1993 Session to development needs in South Africa, with special attention to a number of points. I obviously cannot refer to them all, but the most important are: the promotion of trade union rights and human rights – upon which everything else hinges; capacity-building for employers' and workers' organizations and employment creation.

However, what we need to establish clearly is that – throughout this plan and during the follow-up of the plan – action should be linked to the needs expressed by the ILO constituents in South Africa themselves. I think this is very important. Indeed, all paragraphs in the resolution refer to this. I particularly welcome paragraph (e) which concerns the strengthening of independent, strong and non-racial employers' and workers' organizations, and paragraph (f), which provides that the tripartite constituents in South Africa should be given all the necessary support to assist them in the adoption of labour legislation and other measures which are compatible with international labour standards. It is therefore with great joy that I can associate myself with the Committee's conclusions.

Mr. LIEBENBERG *(Employers' delegate, Republic of South Africa)* – It is for me a particular honour, on behalf of South African employers, to address this plenary sitting in support of the Resolution of the Committee on Action against Apartheid.

Just over 31 years have passed since a South African employer last stood at this podium to address the International Labour Conference. This is an experience I have been yearning for for many years. It is an experience I will savour for the rest of my life. You will understand more clearly why this is, for me personally, such a momentous occasion if I tell you that, in the South African delegation that was compelled to leave the ILO in 1963, was my late father, J.H. Liebenberg. How happy and proud he would have been if he could have been here today to witness this proud moment, this event. Indeed, how moved he would have been if he could have experienced the warmth we South Africans have all experienced in these past hectic but happy two and a half weeks.

I speak not only for South African employers, but I think for all the South Africans who are participating in this Conference when I thank you, the international labour community, for the big-hearted, warm welcome which you have given all of us on our return to this magnificent Organization, after our long but self-inflicted and deserved absence.

As a country, as a nation, we have made mistakes that lesser people would not have forgiven. Yet you, individually and collectively, through organizations such as the ILO, have over the years reminded us sometimes gently, often vigorously, of the standards expected of a nation state in this modern world. And now that we appear to understand and have turned out of the dead-end alley we were in you have welcomed us back, and we say to you "Thank you – Thank you from the bottom of our hearts".

There are many individuals who have played a pivotal role in the long and difficult journey which has led to us once again occupying our seat in this plenary, too many to mention them all. But I cannot omit mentioning a few in the Employer ranks, such as Cornélie Hak and Tom Owuor, and Hans Hammar from the International Labour Office. Cornélie Hak must be thanked for her vision and her faith that South Africans in general, and South African employers in particular, would eventually get it right. Hans Hammar – to him we are indebted for his even-handedness. He never accepted or condoned the policies of my country. We knew where he stood but we also always knew that he was encouraging us to do things differently.

And then there is Tom Owuor, who played a decisive role in forcing South African employers out of the International Organization of Employers and our last remaining foothold in Geneva, but did so without malice and on the basis of deeply-held convictions – convictions and principles which made it possible for him to play a very important role in unifying South African employers into a new, non-racial national employer and business body, called Business South Africa. Tom Owuor personally officiated at the launch of Business South Africa a couple of months ago which was a momentous occasion. There have also been other moments that we have cherished over these past two and a half weeks, such as becoming full members again of the International Organization of Employers and of the Pan-African Employers' Confederation.

South Africa is an African country – it is a developing African country, experiencing to a greater or lesser extent the same growing pains as our sub-Saharan African brothers and sisters, and we sincerely hope that we will be able to share experiences with our African colleagues to our mutual benefit. There is much that we can learn from them, and I also think that there is a contribution that we can make in the sub-continent.

Our experience over the past years in dealing with problems in a tripartite and multi-party fashion may be of particular interest. In my country, we have not left it to the politicians and the Government alone to attempt to solve all the difficult problems. We and our trade union colleagues have concluded that even a popularly elected Government such as President Mandela's will not, on its own, succeed in making South Africa a winning nation. Over the last years bodies such as the National Manpower Commission, the National Economic Forum, the National Housing Forum, the National Education and Training Forum, the National Electrification Forum and many other national and regional fora have come into being. In these bodies the relevant stakeholders – almost always including government, labour and business – have been addressing the most pertinent policy issues and quite a number of important achievements have been made.

One cannot mention the tripartite and multi-party bodies in South Africa without paying special tribute to the South African trade union movement. We at the southern tip of Africa have one of the most robust and innovative union movements in the developing world. In fact, quite a number of the tripartite bodies came into being on the initiative of our trade unions. Over the last three or four years we have concluded that often more can be gained by bringing together all the main players and discussing issues rationally using bargaining power alone than through outright conflict leading to victory or defeat. We have had our major strikes and conflict and no doubt we will continue to experience the results of failed collective bargaining. But in a relatively short period of time the employer organizations and the South African labour movement have reached a surprising level of maturity.

This maturity manifested itself clearly, I think, at this Conference. The other Employer and Worker representatives who participated actively in the work of the Committee on Action against Apartheid would readily agree that their task was made infinitely easier because of the ability of the South African Employer and Worker representatives to discuss issues quietly amongst themselves and actually help the Committee to reach its unanimous decision last Thursday. This ability to meet each other in quiet discussion is not a habit suddenly acquired here in Geneva. It is a healthy habit both sides have been working hard at over a period of time. It is a habit we will continue to nurture until, hopefully, it becomes a natural way of life for us in South Africa.

We should surely exercise this habit urgently now to reach internal consensus on the nature of the technical assistance we should be requesting from the ILO. In discussions we have already had with Mrs. Mary Chinery-Hesse and other senior ILO persons, we have stated that it is important that the South African social partners consult their grass-roots structures and then formulate our proposals in the National Manpower Commission, a tripartite body.

The re-entry of South Africa into the ILO and the decision of the Conference Committee on Action against Apartheid to rescind the Declaration concerning Action against Apartheid and to dissolve itself does not end the South African story. As far as we are concerned, this is just the beginning. Today is the first day of the rest of our lives.

Original French: Mr. DIOP *(representative, World Federation of Trade Unions)* – On behalf of the World Federation of Trade Unions, I have pleasure in congratulating the President on his election to the presidency of the 81st Session of the Conference and in thanking the Director-General of the ILO for the particular attention he has consistently given to the situation in Africa over many years.

I would also like to take this opportunity of reiterating our congratulations to Mr. Mandela on his brilliant election to the highest post in the Republic of South Africa.

The World Federation of Trade Unions, which has been an active contributor to international solidarity, has been an eye-witness to history since it participated as an international observer in monitoring the elections held in April 1994.

In that capacity, we would like to bear witness to the part played by the South African trade union organizations, in particular COSATU and NACTU, whose leaders have displayed responsibility, lucidity, courage and vigilance so as not to react to the constant provocations directed against them throughout the course of the elections.

Without that self-restraint and that sense of responsibility displayed by our comrades in South Africa, it would have been impossible for such free, democratic and transparent elections to be organized in that country. So this is the appropriate place for us to pay them a tribute they fully merit.

The elections in South Africa, a country where there have been such fierce struggles – elections long awaited by the entire international community including the ILO – are now behind us.

A new period has opened up before us and we believe the ILO, just as it has done for the past 30 years in working for the elimination of apartheid, must now continue to be attentive and responsive to the essential concerns of the workers and people of South Africa.

Yes, the ILO and the international community still, and even more so today, have a responsibility and an obligation to continue working to ensure that the economic, political and social consequences of apartheid are eradicated once and for all, and to ensure that South Africa be equipped with strong and democratic institutions, without which it would be impossible to achieve social justice and lasting peace – the guarantors of stability in that country.

As you are undoubtedly aware, the brand new democracy of South Africa needs assistance in every way and in every area if it is to take root and flourish.

To that end, we fervently hope that our Organization's action programme will be updated and strengthened so as to adapt it to the new situation and the new needs which have arisen in South Africa – as has emerged from the Report under discussion.

Similarly, we consider that all assistance intended for the people and workers of South Africa and for the purposes of the country's reconstruction must be effected in cooperation with COSATU and NACTU, two democratic and responsible organizations which have already demonstrated their mettle in the consideration they have shown for the workers' and the people's concerns, and which have made a concrete and effective contribution to solving the country's many problems.

Thus in collaboration with the country's administrative authorities and with the other social partners, the reconstruction of South Africa can go forward in consensus and in perfect harmony in the interests of all the sons and daughters of that great country.

Mr. AHMED *(Workers' delegate, Pakistan)* – On behalf of the Workers' delegation of Pakistan and myself, I feel it is a privilege to offer felicitations and express our sense of joy on this historic occasion. It is a Conference which celebrates the 75th anniversary of the forming of this great Organization, which believes that all human beings, irrespective of race, colour and creed, are equal and should have an equal opportunity to pursue their economic and social well-being without any discrimination, in an atmosphere of freedom and economic security. And we are happy at this 75th anniversary to welcome the Republic of South Africa. Their tripartite delegation is participating as an independent nation, as a full member of this great Organization. We welcome them and we salute them.

This Conference also establishes that the crimes that have been committed against mankind and the shameful system of apartheid have been eliminated by the heroic struggle of the people of South Africa and also the support of freedom-loving people in all parts of the world. We peoples of the world may be black or white but we belong to one family. We are born alike, and we will die alike, and we have to live alike, with love and affection instead of hate. And we therefore welcome the establishment of the new democracy in South Africa, a multi-racial society under the leadership of the great Nelson Mandela. We wish them success.

I have the honour and privilege to offer felicitations to the distinguished members of this Committee on Action against Apartheid, His Excellency the Minister of Labour and Home Affairs of Botswana who chaired it, Brother William Brett representing the Workers' group and Mr. Hernandez representing the Employers' group. We appreciate the work which they have done and the report which has been submitted.

I also take the opportunity to commend the work of Ms. Carr, our previous spokesperson in this Committee who has represented the Workers' group for many years for the cause of the freedom-loving people of South Africa.

On this occasion, we in the ILO are pleased with the resolution which has been adopted by the Committee and which should be carried out by the Director-General in his future activities in order to strengthen the new democracy and to eliminate the consequences of apartheid. This requires that technical cooperation should be extended to the new democratic regime of South Africa, and also to the social partners, the workers' and employers' organizations, to develop industrial relations to help to create more job opportunities in order to tackle unemployment, to alleviate poverty and to provide for human resources development in order to give each side the right to meaningful education and training.

With these remarks we hope that the Director-General and his good team will continue to extend all support, as they have been doing in the past, and we wish complete success to the people of South Africa in their new journey.

Original Chinese: Mr. FU *(Workers' adviser, China)* – At a time when the people of South Africa have achieved a tremendous victory of historic significance and far-reaching influence, we are now discussing with great excitement the report of the Committee on Action against Apartheid to the Conference. This report is a very good one. It reviews the heroic struggle against apartheid by the people of South Africa as well as various activities of the ILO in support of their struggle.

More than one month ago the Chinese workers and trade unions sent a cable to the Congress of South African Trade Unions hailing, together with the peoples and workers of the entire world, the victory of the African National Congress, led by Mr. Mandela, in the first all-race general election in South Africa.

This victory marks the end of the last, most inhuman apartheid system in the world and the birth of a new South Africa of racial equality. It is therefore not only a great event in the political life of the people of both South Africa and Africa as a whole, but also a major event in the history of human civilization in this century.

We are pleased to note that the ILO has done much work in supporting the people of South Africa in their just struggle. The Declaration concerning Action against Apartheid in South Africa, which was adopted in 1964 and revised on many occasions, including in 1981 and 1988, solemnly announces that the ILO: "strongly reaffirms its determination to pursue its action until respect for the freedom and the dignity of all human beings, irrespective of their race, is fully assured in South Africa", so as to attain the "total and final elimination of the policy of apartheid in South Africa". The ILO, based on this Declaration and supported by its constituents, has made positive contributions to the South African people's elimination of racial oppression and to the elimination of racism in civilized human society. Today we can proudly announce that the Declaration concerning Action against Apartheid in South Africa has successfully fulfilled its historical mission.

Let us once again extend our warm congratulations to the people of South Africa, of African countries in general and particularly those of the front-line States and southern Africa, on the achievement of this historic victory. However, we should also be aware that the success of the first general election in South Africa does not mean the conclusion of the struggle of the people of South Africa. The ILO should, in accordance with the resolution concerning post-apartheid South Africa which is to be adopted at this session of the Conference, continue to provide the people and workers of South Africa with technical cooperation projects and technical advice so as to make active contributions to helping them overcome all difficulties and construct a new South Africa.

The Chinese trade unions and workers have always firmly supported the people of South Africa in their just struggle and will continue to do so, and we will support the country in all its efforts to build a new South Africa of racial equality, stability, democracy and prosperity. We are convinced that the victory belongs to the people of South Africa who have made great achievements in eliminating racism from their society.

Mr. MABUMO *(Workers' delegate, Mozambique)* – It is indeed an honour and great pleasure for me on behalf of the Workers' Organization of Mozambique (OTM) and as a former member of the Committee on Action against Apartheid for the last decade and a half to congratulate your election as the President of this historic international Conference.

Mozambican workers would also like to congratulate Mr. Balopi the Minister of Labour and Home Affairs of Botswana for his wise and dynamic leadership as the chairperson of this last ILO Committee on Action against Apartheid.

Mozambican workers also hail the front-line States for their dedication in the struggle against apartheid in South Africa. The concrete conclusions before this special session are undeniable proof of comrade Balopi's wise leadership.

For the Mozambican workers in particular and the population in general we are not merely welcoming a tripartite delegation from a new South Africa, it is indeed an inspiration of hope and satisfaction for the subregion to have at last a free, democratic and non-racial Government in South Africa.

The astounding joy expressed by most delegates of this session of the Conference means a lot for Mozambican workers, both inside South Africa and in Mozambique, because they contributed their skin, blood and bone to the bitter and arduous struggle waged by their sisters and brothers in South Africa in order to gain their legitimate, democratic and non-racial destiny which today we witness.

The report of the Committee before this sitting is the thermometer with which we can testify to and determine who is in favour or not in favour of the free democratic and non-racial new South Africa, as well as the peaceful and neighbourly coexistence among the countries in southern Africa. We urge that the report be adopted by acclamation.

The Minister of Labour of South Africa – Comrade Mboweni – clearly stated in the Committee on Action against Apartheid that the new Government of South Africa will no longer be a starting point for the destabilization of the region.

Mozambican workers and the population in general welcome this illustrative and guiding philosophy expressed by the Minister of Labour of South Africa because we know the meaning of the destabilization.

In conclusion, Mozambican workers look forward, as in the past, to continue without vacillation to work together with their sister trade union organizations COSATU and NACTU in this challenging period faced both by South Africa and Mozambique.

We shall march forward together in the struggle for the total elimination of legacies of apartheid and its consequences, both in South Africa, Angola, Namibia and Mozambique, COSATU, NACTU and OTM.

Mr. DATO' ANTHONY YEO *(Government delegate, Malaysia)* – The Committee on Action against Apartheid, in its report, reviewed the 1964 Declaration in the light of the historic progress towards a new constitutional order in South Africa. This significant development towards the establishment of a truly free, democratic and non-racial government has ushered in a new era for South Africa, requiring that the Committee should look beyond the post-apartheid era to see how the ILO can assist the South African Government in promoting social development in the country.

Even as the Committee was seized of the immediate task of reaching a decision on rescinding the Declaration, it had to acknowledge that the legacy of apartheid would take many years to eradicate, and that enormous resources would be required to promote equality and provide for the basic needs of all South Africans, as part of the national agenda to correct some of the social and economic imbalances in the country.

It is obvious that the international community has to address this situation, to be faithful to its declared commitment to promote social justice and to stay relevant to the daily struggle of the disadvantaged masses of South African society. The tripartite constituents in South Africa may be expected to appeal to the ILO to play its role in this context.

During its November 1993 session, the Governing Body also approved a plan of action for ILO assistance to South Africa in the transition to full democracy and in overcoming the ill effects of apartheid. Malaysia welcomes the ILO plan of action for assistance.

It is important that the members of the international community continue to support South Africa in its efforts to eliminate the consequences of apartheid. Needless to say, the ILO must be provided with the necessary resources to ensure that the implementation of the plan of action for technical assistance is adapted to the social reconstruction and the long-term development needs of post-apartheid South Africa.

Malaysia has provided some training assistance for the people of South Africa on a bilateral basis. We are prepared to contribute our assistance towards solving some of South Africa's social, economic and political problems, in view of our vast experience in social engineering policies to restructure society, with a view to bringing about balanced development and an equitable sharing of wealth in the country. We welcome the resolution prepared by the working group, of which Malaysia is one of the five government members. It is the product of long negotiations and reflects the consensus among the entire membership of the Committee. We trust that we will lay the foundation for the ILO to render effective assistance and to coordinate with other United Nations agencies in the planning and execution of programmes of socio-economic assistance to South Africa.

Mr. FREEMAN *(Government delegate, United States)* – The Government of the United States of America wishes to congratulate the people of South Africa on their hard fought and rightful transformation of South Africa into a free non-racial democracy. The recent election of Nelson Mandela as the President of South Africa and the creation of a Government of national unity represent an epic victory of popular will and the human spirit.

It underscores the enduring appeal and power of the democratic ideal and gives evidence that bitter division and conflict can be overcome in the effort to create a common destiny of peace and prosperity. The United States welcomes the readmission of South Africa to the ILO. We have noted with profound satisfaction South Africa's participation in the 81st Session of the International Labour Conference as a full and equal Member. I believe I speak for everyone who has met with or heard South Africa's Government, Workers' and Employers' representatives when I say that they have impressed all of us as exceptionally eloquent and constructive contributors to our work. Nowhere were they more eloquent or persuasive than in the Committee on Action against Apartheid. We look forward to having the support, wisdom and experience of the tripartite delegates from South Africa in the coming years, as we work in the ILO to promote workers' rights, human rights and democracy throughout the globe. As an observer and participant in the Committee on Action against Apartheid over the past decade, during which we on occasion have had some differences over tactics, I want to acknowledge clearly and emphatically here today that the Committee has made an important contribution to the struggle to end apartheid. I commend the Committee for its steadfast efforts through many years. All who have served on it and supported its work have ample and just reasons to be proud of its record. Today we have before us the final report of the Committee on Action against Apartheid. I want to comment on two points relating to the Committee's work during the last two weeks. First, although the legal and political system of apartheid is dead, the legacy of apartheid remains a very serious problem for South Africa. South Africa's Minister of Labour, Mr. Mboweni, has made moving statements about this problem and what a daunting task the new Government has before it in moving South Africa towards social and economic justice. To do this, he pointed out, the new Government must make tangible and immediate progress in decreasing the enormous inequalities in opportunity and income, as well as in access to adequate housing, health care, education, basic services and so on. As the Committee correctly points out in the report before us, in dealing with these daunting problems, South Africa should have the full support and assistance of the ILO and the rest of the international community. Secondly, on a procedural note, my delegation would like to point out that this is an extraordinary occasion. The Committee on Action against Apartheid has recognized that its purpose has been served and, in a unanimous decision, it has recommended that it be dissolved. It is a rare occurrence for any United Nations body to take such an action by unanimous decision. We should note this today. We hope that more United Nations bodies will see the achievement of their objectives, as this Committee has, and will be able to follow its precedent.

Original Chinese: Mr. ZHANG *(Government adviser, China)* – The Committee on Action against Apartheid, after a careful analysis of the situation in South Africa following apartheid, has submitted to the Conference a relevant resolution. The Chinese delegation, which played its role, thanks the Chairman of the Committee and their colleagues for the excellent work they have done. The Chinese delegation, which played an active role in the work of the Committee, supports this document. The resolution requests that the Declaration concerning Action against Apartheid in South Africa, which was adopted by the ILO on 8 July 1964 and revised on 18 June 1981, 16 June 1988 and 20 June 1991, be immediately rescinded and the Conference Committee on Action against Apartheid be immediately dissolved. The resolution proposes and asks the international community to continue its support for South Africa in its efforts totally to eliminate the heritage of apartheid. Following a very difficult struggle, the people of South Africa have finally conquered the apartheid system. The non-racial elections of last 26-28 April have opened a new era in South Africa, with the election of Mr. Mandela as President of the Republic of South Africa and the establishment of a Government of national unity. The birth of the new South Africa is of great historical importance for Africa and for all humanity, as well as for South Africa itself. It is the end of a long struggle carried out by the people of South Africa with international support. The dismantling of apartheid does not mean the disappearance of the negative effects of segregation. The eradication of the heritage of apartheid is for the people and Government of South Africa a very difficult task that cannot be accomplished overnight. Therefore South Africa will need assistance and support from the international community and the ILO. The Chinese delegation appreciates the efforts that have been made by the ILO over the many years in favour of the struggle of the South African people. We hope that in the reconstruction and development of the new South Africa the ILO will continue to strengthen its tripartite assistance and will provide effective and necessary support and assistance to meet the needs of economic and social development in South Africa. The people and Government of China have given their firm support to the people of South Africa in their just struggle against racism, and welcome the historic victory which was thus obtained. The Chinese people attach great importance to the strong friendship they developed with the South African people during their long struggle. China is ready and willing to develop friendly relations of cooperation with the new South Africa on the basis of the five principles of peaceful coexistence. We also intend to cooperate with South Africa in the area of labour relations in order to promote together the world of labour. We hope that the Government will strengthen its policies in order to promote a new multi-racial and democratic South Africa and eradicate the heritage of apartheid in order to contribute to peace and development in South Africa and the world.

Original Arabic: Mr. BADER *(representative, International Confederation of Arab Trade Unions)* – It is an honour and a pleasure for me to address you on behalf of the Secretary-General of the International Confederation of Arab Trade Unions and on behalf of millions and millions of Arab workers in order to express our joy at the fall of the apartheid regime, and the victory of liberty and democracy. There is no longer white or black, everybody is equal again before the law. A thousand times no to racism! Arab workers and their unions have lived and suffered beside their brothers in South Africa. They have shared the hopes of the workers of South Africa throughout their years of struggle and Arab workers consider that the victory of the South Africans is a victory for all freedom fighters throughout the world.

I would like to take this opportunity to congratulate the workers and trade unions of South Africa on their victory over a system that lasted for 350 years. We have witnessed the successful outcome of the struggle waged by the great fighter Mr. Nelson Mandela. Arab workers and the unions in our countries express their solidarity with the people and Government of the new South Africa and ask international trade unions and international organizations to give all kinds of moral and financial support to the unions and democratic organizations in the new South Africa.

I would also like to express my thanks to the ILO and its secretariat for all they have done to unmask the activities of the minority Government of South Africa, activities carried out against the interests of the black majority. The ILO revealed that there was a connection between certain international authorities, particularly financial authorities, and the minority Government of South Africa. The ILO allowed all of us for years to express our rejection of apartheid and our support for the legitimate fight of the people of South Africa and of all peoples fighting for dignity, freedom and independence on their own territory.

The struggle of the workers of South Africa, both within and outside the country, has been an example for all of us who are fighting for freedom. It is a struggle which has deserved our admiration, and all the peoples of the world, whatever their social origins, have taken up the fight against apartheid as their own cause. But today, in spite of the fall of the apartheid regime, we see that another racist regime still exists, and I refer to the Zionist, colonialist regime which is the equal of the apartheid regime. Palestinian Arabs are still suffering from racial discrimination. They are suffering from oppression in spite of the fact that they are the true native population of the country. Palestinians are the victims of all kinds of practices perpetrated by the Israeli occupation authorities, and human rights are still trampled underfoot in Palestine.

We are convinced that the trend since the Second World War has been towards the destruction of colonialism and we are sure that this trend will continue. I am convinced that the fall of the South African apartheid regime is the forerunner of the forthcoming fall of the regime of racial segregation in Palestine. There can never be peace in Palestine until the Palestinian people recover their national rights – the right to return, the right to self-determination and the right to a Palestinian State within its capital in Jerusalem.

Our President has always supported the fight of the people of South Africa. This battle has been won and today the rights of workers are recognized in South Africa. Workers there have set an example for other deprived peoples, such as the people of Palestine, Bosnia Herzegovina and Somalia, and all the immigrant workers who suffer from all sorts of racial discrimination and oppression.

The people of South Africa have shown that liberty has, in the final analysis, triumphed. The great Arab poet Abul Qassim al-Shabi was right when he said that if a people yearned for freedom, they had to take charge of their destiny; but the night always ended and their chains would eventually be broken.

Well, the destiny of the people of South Africa has finally been affirmed. Night has given way to day. The chains have been broken asunder and the apartheid regime has gone, never to return.

On behalf of millions of Arab workers, I would like to extend to Mr. Nelson Mandela our most sincere congratulations on the victory of his people under his leadership and on his election to the presidency of the new Republic of South Africa. I am quite sure that he will remain a staunch fighter, braving the storms and difficulties, and will leave his mark on the struggle of all peoples who love liberty.

I wish the people and workers of South Africa total success in this new phase.

Long live the struggle of freedom-loving people and of people fighting for their dignity and independence.

(The Conference adjourned at 1 p.m.)

Twenty-fifth sitting

Wednesday, 22 June 1994, 3 p.m.

President: Mr. Gray

REPORT OF THE COMMITTEE ON ACTION AGAINST APARTHEID: DISCUSSION *(concl.)* AND ADOPTION

The PRESIDENT – We shall continue our discussion of the report of the Committee on Action against Apartheid.

Ms. KOLTHOFF *(representative, Women's International League for Peace and Freedom)* – As this is the first time the Women's International League for Peace and Freedom has taken the floor during the 81st Session of the International Labour Conference, we wish to offer our congratulations on the two auspicious anniversaries being celebrated by the International Labour Organization this year – the 75th anniversary of its foundation and the 50th anniversary of the Declaration of Philadelphia.

We also wish to welcome the tripartite delegation from South Africa, the first to attend the Conference since 1964 and the first to include members of a non-racial and democratically elected government.

The Women's International League for Peace and Freedom is four years older than the ILO and is active in more than 40 countries. We have had a long tradition of anti-apartheid solidarity work and recently sent some of our members to observe the recent elections in South Africa. We are pleased to have the opportunity to discuss the resolution concerning post-apartheid South Africa and the proposed plan of action.

The recent elections in South Africa are only the first step towards true democracy and development in that country, and indeed in the region. Democracy depends on full and equal participation of all parts of the population in all areas of political, economic, social and cultural life. This means participation by all racial groups in South Africa, but it also means participation of women from all racial groups as well. A women's draft charter, endorsed by 92 South African women's groups, stressed that women face social, economic and ideological barriers to full and equal participation in the economy. Any ILO plan of action addressing the social and economic development needs of post-apartheid South Africa must not exclude the needs and concerns of women, paid and unpaid, workers.

The plan of action approved by the Governing Body at its 258th Session, (November 1993) included in the resolution concerning post-apartheid South Africa, contains many positive ideas for work at the governmental, employer and worker levels. However, we feel that the position of women could be more clearly emphasized. We also have the following suggestions regarding the areas singled out for special attention in the plan of action.

The topics of education and training, in particular vocational training and human resources development and management training, must emphasize the training of women in both the worker and employer and management sectors. In this report on the activities of the ILO, 1992-93, submitted to the 81st Session of the International Labour Conference, the Director-General mentions that throughout the world and in all sectors of the workforce women generally do not have the same access to training opportunities as men. This reality should be kept in mind when formulating policies regarding the plan of action.

Consideration of the improvement of working and living conditions in the rural areas and for farm workers should take into account the fundamental problems of poor women in the rural and informal sectors as discussed in this same report. Women have even more limited access to productive resources and services, have a more precarious employment situation and lower productivity than their male counterparts. The focus on promotion of equality of opportunity and treatment is intended to relate to the equality of workers of different races but it must also apply to women.

The women's charter discusses the limitations placed on women's opportunities to participate in paid employment by their family responsibilities and proposes a reorganization of the workplace in terms of hours and times of work in order to accommodate them. Effective affirmative action based on gender as well as racial inequalities is necessary to ensure equal access to all jobs, training and promotion.

The Director-General's Report on ILO activities, names sexual harassment as an obstacle to equality of opportunity and treatment and this too must be addressed.

Pay equity and equal pay for work of equal value between the sexes must also be an integral part of any promotion of equality.

These are a few suggestions of how the needs of women can be integrated into specific areas of the plan of action, but the situation should be considered in all areas of the plan and in all areas of the work of the ILO.

Mr. Nkomo, Chairman of the Governing Body of the International Labour Office, said in his opening remarks to the Conference that the ILO's objectives can only be achieved in the context of actual developments in the real world. These words must be also kept in mind with regard to South Africa. Apartheid is gone, but racist and racial violence remain in South Africa and in the rest of the world. We must all work diligently against this as we did against apartheid because it is another factor which can divide workers from other workers.

Mr. Nkomo also mentioned the importance of understanding that seemingly unrelated issues like social justice, peace and stability can impinge on the realization of the ILO objectives. This, in fact, is the main prerequisite for democratization of a post-apartheid South Africa and indeed for the whole southern African region. The international community should take responsibility for assisting in this transformation and, as a non-governmental organization, the Women's International League for Peace and Freedom will continue to support and learn from the people of South Africa in this important historic period.

We support the ILO plan for action, as well as the rest of the ILO machinery, which may strengthen this process of transformation; and we invite you to consider our suggestions to ensure that women are not excluded from these new developments.

Original French: Mr. MIRCEA *(Government delegate, Romania)* – First of all, I should like to offer most cordial congratulations to the President and also to the other officers of the Conference on their respective posts and on the way in which they are conducting the work of this session of the Conference.

As Government delegate of Romania, I should at once like to support the proposals, submitted by the Committee on Action against Apartheid, concerning the immediate abrogation of the 1964 Declaration on Action against South Africa and the instruction to the Director-General of the ILO to adapt the plan of action for technical advisory services and technical assistance to the social and economic development needs of South Africa.

Even if these proposals were to be expected, in the light of the process that has led to the establishment of democratic institutions of national unity in South Africa and the readmission of that country to the ILO, activities within the Committee are still of importance. As a member of this Committee, I should like to emphasize in particular the constructive spirit in which the work has been conducted, and the understanding that has been manifested by all three groups of the particular importance of the different proposals to be submitted to the Conference.

The Chairman of the Committee, Mr. Balopi, Minister of Labour and Home Affairs, Botswana has contributed considerably to this particular atmosphere as have the Vice-Chairman, Mr. Hernandez, Employer member from the Philippines, and the Worker Vice-Chairman, Mr. Brett of the United Kingdom, and also the Reporter, Mr. Jonzon, Government member of Sweden.

All of them merit our thanks and congratulations. But I should also like to extend this to the members of the ILO secretariat who, with their documentation and pertinent analysis, have considerably facilitated the Committee's tasks.

Romania has given its support to the democratization process in South Africa on a bilateral basis. Economic and trade relations have been maintained, as have political contacts at high level, both before and after the election of Mr. Nelson Mandela to the presidency of the country and the establishment of a government of national unity.

As a member of the Governing Body within the ILO, Romania has made its contribution to the decision taken by the Governing Body in November 1993 to suspend the application of the Declaration on Apartheid and to carry out a plan of action for ILO assistance to South Africa in the transition to full democracy and in overcoming the effects of apartheid.

In the same spirit of solidarity and active cooperation, Romania will do all in its power, within the ILO Governing Body, to ensure the appropriate adaptation and application of the assistance programme for South Africa, taking into account the resolution submitted today by the Committee. It is our belief that this will cover a number of areas of action to bring about the consolidation of the democratic process in South Africa.

In conclusion, I should like to applaud the fact that South Africa is now returning to its activities in the Organization, and cordially welcome this country's delegation to this session of the Conference assuring our full cooperation and of the readiness of the competent Romanian authorities to associate themselves with the ILO programme of consultative and assistance activities for South Africa.

Mr. OWUOR *(Employers' delegate, Kenya)* – May I, on behalf of the Kenyan employers, add my voice to all those delegates that have called for the adoption of the Committee's report and draft conclusions. I would like also to take the opportunity to thank the Chairman of the Committee, his two Vice-Chairmen, and the Reporter on the excellent report.

The rescission of the Declaration by this Conference would be a cause for both celebration and reflection. It will be a cause for celebration because we will be able to share with the South Africans their joy in winning their hard-won freedom which has ushered in a new spirit of racial reconciliation in that beautiful land. But it is also a time for reflection in memory of those who had to pay the supreme sacrifice by watering their country's tree of freedom with their blood so that all South Africans can live in peace and racial harmony.

The work of this Committee has taken place in many venues, here at the Palais des Nations, in Zambia in 1981, Lusaka in 1984 and Harare in 1988. The impact of this updated Declaration arising from these meetings helps in mobilizing international public opinion against apartheid. I am pleased to be associated with the activities of this Committee almost since its inception. I take this opportunity to thank the South African Employers' delegate, Mr. Liebenberg, for the kind remarks made about me this morning. It was my great pleasure, first, to initiate the expulsion of South African employers from International Organization of Employers membership in 1983 in the cause of freedom, and then to spearhead their return, as a non-racial employers' body under the aegis Business South Africa in 1994, also in the cause of freedom. I also thank him and his colleagues for the warm and wonderful welcome which they extended to me on the occasion of my attendance at the inaugural meeting of Business South Africa on 15 April 1994. South African industry has played a pivotal role in the reconciliation process. Its representatives discretely intervened at critical moments during the negotiation process by hosting meetings between

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seemingly irreconcilable political forces. They succeeded in their endeavour.

I therefore advise the ILO to channel all its assistance programmes to employers in that country through the organs of Business South Africa, so as to strengthen the constitutional path of that body to enable it to play its role in nation-building. I share the call by the South African employers for ILO assistance to them to be demand-driven, and based on the identified needs of their membership.

Before concluding my remarks, may I thank the African employers for their active contribution to the fight for freedom in South Africa. I also wish to thank the International Organization of Employers for their clear understanding of the African employers' position on the apartheid question. May I particularly thank Mr. Hernandez, the Vice-Chairman of the Employers' group, Mr. Da Silva, the previous Vice-Chairman of the Employers' group and other Employers' members of the Committee, particularly my thanks go to my colleague, Mr.Maenda of the United Republic of Tanzania, and the late Dr. Chanaiwa of Zimbabwe who played a major role in first initiating the dialogue between South African Employers and the rest of the African Employers.

I advise the Conference to adopt the Committee's report.

Mr. WOZNIEWSKI *(Workers' adviser, Poland)* – Allow me first of all to congratulate Mr. Charles Gray on his election to the presidency of the 81st Session of the International Labour Conference.

I would like to remind you that the Independent and Self-Governing Trade Union "Solidarnosc" has been entirely supporting the struggle of our sisters and brothers in South Africa against apartheid.

We are happy to be able to express our satisfaction with the formation of a sovereign government of national unity following free and democratic elections, and readmission to membership of the ILO. We hope that currently and in the future the Congress of South African Trade Unions and the National Council of Trade Unions will not be faced with problems in connection with the promotion and protection of their trade union rights. We believe, as in previous years, that the South African workers and people will further strengthen their unity and overcome all hardships and obstacles on their way to the complete elimination of the apartheid system.

At such an historical moment, "Solidarnosc" would like to share with South Africans some of the experience it has gained in the course of transition from autocratic rule to democracy. The elimination of the totalitarian regime is not sufficient in itself to build up an indispensable infrastructure for democratic government, the rule of law and respect for fundamental human rights and freedoms. We are aware that the achievement of the unity of pro-democracy forces is easier during the struggle for democracy than afterwards, when the diversity of interests of different groups in society becomes more discernible.

Our conviction is that one of the very first tasks of the new Government should be the review and amendment of labour legislation, in order to bring it into line with international labour standards.

There are many impediments awaiting the young democracy. The most important that we have experienced is social and political impatience. All the social partners have many objectives to strive for, especially establishing their position in economic, labour and industrial relationships. This takes time. The Government should always remember that implementation of economic reforms without the direct or indirect support of the people is very seldom entirely successful. What should be emphasized is the need to avoid political, religious and racial intolerance. During the formation of a new public service in South Africa revenge should not be regarded as the guiding principle, particularly revenge against the white minority. Nevertheless, all persons who committed serious violations of human rights should not be treated with impunity.

"Solidarnosc" trade union subscribes to the conclusions of the Committee on Action against Apartheid and supports the adoption of the report, particularly the plan of action approved by the Governing Body of the ILO on the social and economic development needs of post-apartheid South Africa.

One of the great lessons of our struggle for democracy has been to use peaceful and non-violent measures. This guiding principle remains valid for the period after democratic elections since each new democracy is extremely fragile. To destroy democracy is much easier than to achieve it. Yet one more experience needs to be emphasized, namely, that democracy cannot be solely equated with the principles of majority rule. It is a well-known fact that there is no genuine democracy where a majority parliament eliminates its minority. Against this background, we advise the South African people, be they white, black or otherwise, to build their democracy along the lines of a national, interracial consensus approach. Only in this way will the young South African democracy be able to prove its fully fledged maturity to the entire international community.

During our struggle against Communism we have been guided by the principles of solidarity, we have borne in mind since the very beginning that the idea of solidarity extends not only to Polish people but also to each individual person on our planet, as well as to the next generation.

For all these reasons, let me recall a universal message contained in article 28 of the Universal Declaration of Human Rights, to the effect that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

Let this message be our joint programme for shaping democracy and social justice, domestically and internationally.

Finally, let me say that the South African Workers' delegation has actively contributed to the successful outcome of this session of the International Labour Conference.

Original Spanish: Mrs. AROSTEGUI MEDEROS *(Government adviser, Cuba)* – The Government of the Republic of Cuba welcomes the establishment of a sovereign government of national unity following the free and democratic elections conducted in South Africa, and takes this opportunity to congratulate Mr. Nelson Mandela on his unanimous election as President of South Africa.

This victory was principally the result of the laborious struggle conducted by the people of South Africa under the leadership of the ANC, with the support of all those who steadfastly condemned the infernal regime of racial segregation. Our people and Government always gave both political and military support to the struggle against apartheid. It is worth remembering that the fall of this regime was accelerated by the bloody battles in Cuito Cuanavale.

The time has come to pay special tribute to the role that was played in this process by the front-line countries for their praiseworthy solidarity with the South African people.

We should also not forget the hard work that was done by the ILO's Committee on Action against Apartheid, which is now concluding its mandate with honour.

Naturally, we realize that much remains to be done before all the effects of apartheid on the complex society of South Africa can be definitively eliminated. We therefore call on the ILO to develop programmes of action as quickly as possible to eliminate inequalities remaining in South Africa's labour structures.

For its part, Cuba will give its full support to the Government of national unity of President Mandela so that it can fulfil all its objectives and so that peace and social equity may prevail and poverty may be eliminated in South African society.

Original French: Mrs. FAUCHERE *(representative, World Confederation of Labour)* – On 8 June 1990, in this very hall, the International Labour Conference received Mr. Nelson Mandela the hero of the struggle against apartheid. Four years later South Africa was able to rejoin the ILO, and we have the pleasure of welcoming its accomplished representatives to this august assembly. There is no need to recall that, thanks to the will of the immense majority of the people of South Africa, under the leadership of Mr. Nelson Mandela, a system of segregation, and then of institutionalized apartheid after 1948 which caused so much suffering to more than 30 million people has been brought to an end.

Having elected Mr. Nelson Mandela to the Presidency, South Africa is inaugurating a new era of peace, stability, progress, social justice and national reconciliation. The appeal of the ANC inviting all sectors of society to work under the leadership of a government of national unity should support the will of the Government to take up the challenge of the political, social and economic development of the country for the good of all its citizens and with their voluntary participation.

The task before all concerned, at all levels of responsibility – government, employers and workers – is tremendous. Although apartheid has been legally abolished, its legacy remains present throughout society. In order to eradicate it, and in order to rebuild a new country, the cooperation of the entire international community is indispensable so as to back up the efforts of the various sectors of the national population.

The ILO can and should play a key ròle in the areas of its competence, that is: the promotion of equality among all people; the promotion of the rights of workers, both men and women; the strengthening of human rights including workers' participation at all levels of decision-making; the promotion of good industrial relations including bi– and tripartite negotiations; employment, universal access to education, vocational guidance and training systems; and universal enjoyment of social protection and health.

It is with this in mind that the World Confederation of Labour solemnly invites the democratically elected Government of the country to reinforce its action of social promotion through the ratification of the ILO's international Conventions. Furthermore, it would like to see all the assistance of the United Nations system redirected to help South Africa to attain this goal.

This is an occasion for the WCL to congratulate the workers of South Africa and their representative organizations most warmly for the magnificent conquest of their fundamental rights, which was achieved with dignity, serenity and determination while preserving the social and political peace of the country.

We would like to reiterate the expression of our solidarity in the pursuit of future social conquests. This means that we strongly hope that the report and the resolution which is before the Conference supporting the reconstruction and development programme of the country will be adopted.

Mr. FANNI ZADEH *(Government delegate, Islamic Republic of Iran)* – It is a pleasure for me to speak on this memorable and historic occasion, as we celebrate with joy the long-awaited end to the apartheid system. I congratulate the people of South Africa and their leadership on their great victory.

Apartheid was not just a specific situation in a particular country. It was a disgrace to humanity as a whole, and its eradication was therefore a task shared by the whole international community.

During this long period much blood was spilt and many lives were lost. Yet it was devotion to justice and aspirations for quality amongst all races that kept the anti-apartheid movement alive and flourishing. Thus, and at last, justice has prevailed and humanity has been preserved.

The eradication of apartheid is without doubt or hesitation one of the most noble achievements of the second part of this century. For those who shared in this struggle, and for the heroic people of South Africa, it is just the beginning of a promising future.

A number of events contributed to the eventual triumph over apartheid. Yet there must remain no doubt today that the political pressure imposed on Pretoria was an effective means at the international level to force a radical change.

We are overwhelmed with joy at this triumph, as it is a victory for all of us. Yet we must not set aside the fact that the struggle was often hindered by the lax attitude of particular countries.

For a very long time, the international community was faced with stubborn resistance to the all-out pressure exerted against the apartheid regime. We shall never be able to tell how many lives could have been spared, how much more speedily apartheid would have been effectively dealt with had there been a solid commitment by those countries to side with the will of the international community.

We can only hope and pray, however, that the lesson has been learned – that the will of the people and the resolution to remove racism constitutes the inevitable eventuality and not the political interest of this or that country no matter how powerful they are. It is a lesson that could be of benefit for other disgraceful situations – Palestine and Bosnia.

The Committee on Action against Apartheid and the ILO as a whole have played their modest share in the struggle against apartheid. The ILO has consistently supported the cause and the rights of the South African workers in the context of its mandate. It has observed the situation ceaselessly and voiced its concern persistently.

The Islamic Republic of Iran has actively participated on the Committee on Action against Apartheid for the last several years. Action against apartheid has been a principle of our foreign policy. And we are now happy to support the resolution presented here by the Committee. It is time to assist the non-racial tripartite structures in South Africa and to render any assistance possible for the promotion of trade union rights.

I salute the brave South African people for the victory manifested in the first free elections which brought their desired representative and hero, Mr. Nelson Mandela, to the post of President.

I welcome the delegation of South Africa to the Conference. At long last South Africa is back amongst us, ready to play its deserved role as an important developing country in international affairs.

The Committee on Apartheid can now end its work with the seal of success.

Original Arabic: Mr. HAIDOUB *(Government delegate, Sudan)* – In the name of God, the Merciful, the Compassionate! I should like to congratulate the President on his election to the chair of this Conference and to wish him every success in his stewardship so that the Conference achieves favourable results.

I am delighted that our review of the Declaration concerning Action against Apartheid with a view to rescinding it coincides with the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia.

It is not just a correspondence in terms of time but also in terms of the values of social justice enshrined in the Constitution of the International Labour Organization which correspond to the principles of equality that have triumphed in South Africa through the defeat of the apartheid regime.

As we discuss this matter on this historic occasion, we wish to make a number of observations.

The triumph of the values of right, social justice and equality calls for patience, perseverance and endurance in the face of adversity. And the patience and struggle of the people of South Africa under the leadership of the freedom fighter Nelson Mandela and his comrades is certainly a fine example of the triumph of such values.

The solidarity of peoples, organizations and institutions in proclaiming the values of right and social justice must eventually bear fruit, however long it takes. And surely the solidarity of the freedom-loving and peace-loving peoples who have aligned themselves with right standards is cogent proof of this fact.

As we discuss this report today, we have every right to feel proud of the endeavours of the ILO and its tripartite constituents, of their active solidarity in adopting the Declaration concerning Action against Apartheid in 1964 and later in resolutely following up the matter through their discussions of the reports of the Director-General and the Conference Committee on Action against Apartheid.

With the dawn of an era of freedom in South Africa and the election of a democratic Government representing the entire population of South Africa, we must congratulate the people of that country on their historic and outstanding achievement and welcome their tripartite delegation, which has resumed its rightful status and has played an effective part in the proceedings of this session of the Conference.

The Governing Body of the ILO, having evaluated the substantial progress that has been made in furthering the triumph of civilized values, suspended the Declaration by a decision adopted at its 258th session in November 1993 and adopted a plan of action for assistance to South Africa in overcoming the effects of apartheid. The Governing Body is to be commended on its action. At its historic meeting, the Committee on Action against Apartheid considered the approach taken by the Governing Body and adopted a decision rescinding the Declaration and endorsing the plan of action to assist the people and the social partners in South Africa.

The delegation of the Government of Sudan, having studied the report of the Committee, warmly thanks it for its evaluation of the situation following the triumph of the people of South Africa and the election of a democratic Government and supports the resolution concerning post-apartheid South Africa submitted by the Committee. It is also in favour of endorsing the plan of action adopted by the Governing Body with a view to eliminating the adverse effects of apartheid and meeting the basic needs of the people of South Africa.

We in Sudan feel that our support for the struggle of the people of South Africa is a form of duty to ensure that the values of right and social justice ultimately triumph. We aspire to friendly and productive relations with the people and Government of South Africa and we believe that a free South Africa will contribute to the promotion of development efforts, not only on behalf of the people of South Africa but on behalf of all the peoples of Africa, since it is a country with material, natural and technical resources in addition to its long experience of combat.

We shall move forward, God willing, along the path shown to us by the great leader Mandela towards the increased normalization and the strengthening of democracy.

In conclusion, we wish to say that we support the resolution submitted by the Committee to the Conference and that we hope that it will be adopted unanimously.

May the peace of God and His mercy and blessings be upon you.

Original Russian: Mr. BORSHCHEVSKY *(Government delegate, Russian Federation)* – The Russian Federation supports and fully endorses the contents of the resolution concerning post-apartheid South Africa.

My country, over a period of many years, has consistently and with great energy contributed to the fight against apartheid. Today, from this rostrum, we would like to congratulate the people of the Republic of South Africa, President Nelson Mandela and the Government of national unity on their historic victory. We welcome the return of a democratic South Africa into the family of the United Nations.

A new and difficult phase is now beginning in the life of the people of South Africa. Difficult work lies ahead to eradicate fully the vestiges of the shameful practices of humiliation and inequality that were part of apartheid. It is necessary to make use of all possible channels to build a new South Africa and solve these problems. An important role in this process can and must be played by international organizations, including the International Labour Organization.

That is the very idea which lies at the heart of the resolution under consideration. The plan of action referred to in paragraph 2 of the resolution determines a very large area of action for the International Labour Organization, together with the Government and employers' and workers' organizations in South Africa.

Russia, for its part, is already actively participating by developing mutually beneficial cooperation with South Africa in order to help this country solve the serious problems that now lie before it.

The possibilities and potential that the Russian Federation and South Africa have are in many respects complementary, and this creates an environment conducive to such cooperation.

In conclusion, we would like to pay tribute to the Declaration concerning Action against Apartheid in South Africa and also to the Committee on Action against Apartheid. They have fulfilled their important role, but they should not yet fully be written into the history books. They can serve as a beacon to direct us as we attempt to solve other complex tasks and problems that we are confronted with in the present-day world.

Original Arabic: Mr. ISSA *(Workers' delegate, Syrian Arab Republic)* – I have pleasure in participating in this sitting so as to pay tribute to the people of South Africa. For many years in the Committee on Action against Apartheid, we have been witnesses of the suffering of these people, and this is a happy occasion because, as a result of this great victory, we have put an end to a very difficult period of their existence.

This victory has, in fact, put an end to the spectre of the worst kind of colonialization, namely the apartheid regime. For the Arabs, this great victory achieved by the workers and the people of South Africa is a factor which encourages us to continue our struggle to recover our occupied territories and to recover our rights. Finally, this victory will, of course, drive us forward even harder to attain our objectives and bring closer the date to which we are all looking forward.

The struggle of the workers and the people of South Africa has for many years received our support, and we have always shown solidarity with those involved in the struggle. We wanted to see South Africa attain all of its objectives fully through this struggle against the apartheid system.

We have also observed the positive trend in political life in South Africa, in particular thanks to the dialogue and negotiation between the national liberation movement presided by the great Nelson Mandela and the white minority led by Mr. De Klerk.

Today, following the end of the struggle which led to the victory of the people of South Africa, we pay tribute to the victory achieved by these people. We would like to reaffirm our attachment to solidarity, cooperation and the struggle against the worst form of colonization in our times, which has brought us closer to the people of South Africa. We are happy to see any victory for democracy and freedom achieved by the people of South Africa in their legitimate struggle. That is why we feel that what has happened in South Africa is a victory for us as well.

In the Syrian Arab Republic we are fighting for legitimate humanitarian objectives, which are supported by all international standards, through the international institutions, in particular the United Nations. On various occasions and in various bodies, we have reaffirmed our attachment to the right of the Arab people to liberate their occupied territories. This is a very important principle on which we base the continuation of the struggle pursued by President Assad in an attempt to find a global solution to the struggle between the Arabs and the Zionists on the basis of a total and unconditional withdrawal of Israeli forces from all occupied territories, including the Golan, southern Lebanon, the West Bank and Gaza, in accordance with Security Council resolutions 142, 143, 138 and 425.

On behalf of the workers and trade unionists of Syria and the trade union movement in Syria, I would like to express our warmest and most sincere congratulations to the workers of South Africa who have always pursued their struggle and to their trade unions, NACTU and COSATU. I would also like to express our satisfaction that, with the election of Mr. Nelson Mandela to the presidency of South Africa, they have recovered their rights. This is a great victory and, from this rostrum, I would like to express our confidence that relations of mutual cooperation and friendship will further develop between us. We are ready to make greater efforts to strengthen this cooperation and to render service to our common objectives and our cause.

Among the important milestones that have marked the life of this Organization, there is one important event and that is the return of South Africa to the United Nations family. The people of that country can now participate in the adoption of international labour standards and their reinforcement.

And I would like to pay tribute here to the efforts of the International Labour Organization in giving the workers in South Africa its full support against the apartheid regime. The ILO will, of course, provide increased assistance and establish a reconstruction cooperation programme with South Africa so as to eliminate the consequences of apartheid.

Having taken part in the work of the Committee on Action against Apartheid for many years, I would like to pay tribute to the efforts made by our colleagues in the Committee in the struggle against the policy of apartheid and inhuman practices. I would like to congratulate all those who participated in putting an end to this regime. We pay tribute to the workers and people of South Africa, and to the South African martyrs who have paid with their lives for this victory which we welcome most warmly.

In conclusion, I would like to pay tribute to all of you. We are confident that, one day, we will be able to celebrate the victory of our Arab nation as we are celebrating today the victory of the people and workers of South Africa.

Long live workers' solidarity between peoples of the world and between Syria and South Africa and their trade unions! Long live people struggling for justice, development and freedom!

Original Farsi: Mr. GHEITASI *(Workers' adviser, Islamic Republic of Iran)* – In the name of God, the Merciful, the Compassionate! I am happy to be able to address this august assembly on the occasion of the end of apartheid in South Africa. After more than 30 years since the last representative of South Africa left this assembly in 1963, we are pleased to welcome this country into our midst once again. As a former member of the Committee on Action against Apartheid, I would like to say that the workers of the Islamic Republic of Iran congratulate this Committee and its Chairperson who was able skilfully to guide the work of the Committee. We would like to address our congratulations to the workers of South Africa on their victory against apartheid. This is proof of the serious work which was done in the Committee on Action against Apartheid. I would like to refer to paragraphs (e) and (f) of the resolution concerning post-apartheid South Africa.

We continue to be witness to various forms of apartheid throughout the world. We still have in some parts of the world apartheid between whites and blacks; we have Zionism; we have fascism; we have segregation problems that take various forms and we hope that we can eliminate them all.

In conclusion, I would once again like to reiterate my congratulations to the people of South Africa and Mr. Nelson Mandela on his election. We consider his victory as our victory and we would like to appeal to the international community and the international trade union movement to support the trade unions in South Africa. I would like to thank once again all those who have taken part in the struggle against apartheid. Today we see a new South Africa. We see a new democratic system and we in the Islamic Republic of Iran would like to confirm our support for the workers and people of the new South Africa.

Mr. VAN HEERDEN *(Government adviser, Republic of South Africa)* – My task today is very simple. I have three things that I want to say. The first is to say thank you; the second is to make a request; and the third is to make a commitment.

Saying thank you is undoubtedly the hardest thing to do, partly because it is impossible to list all the people to whom thanks are due, and partly because it would be impossible to convey the depth of our gratitude to the ILO and the people who make it up. It is necessary for me to name some people in particular, but it is by no means all the people to whom we want to convey our thanks; but certainly we must mention the Officers of the Committee on Action against Apartheid, the excellent Chairperson, Mr. Balopi from Botswana, our Reporter, Mr. Jonzon from Sweden, the Worker and Employer Vice-Chairpersons and members of the Workers' and Employers' benches. Earlier, tribute was paid to Ms. Hak from the Netherlands, who served for many many years on that Committee and is a dear friend of ours, and to Ms. Carr who is not here this year, but who has also made an invaluable contribution to our work. I would like to add to that list the members of the secretariats of the Workers' and Employers' groups, who make a contribution that is not often officially recognized, but which has been absolutely vital to the success of that Committee; and I would like to mention as well the staff of the Equality and Human Rights Coordination Branch, which, under the direction of Mr. Maier and Ms. Chinery-Hesse, have made a very consistent contribution to the process of change in South Africa. I know that I have certainly left out people and I want to convey to all of the delegates, to the Organization as a whole, our sincere thanks.

This session of the Conference is marked by many significant dates – the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. It is also the 30th occasion on which the Conference has considered the Declaration concerning Action against Apartheid in South Africa and the Special Report of the Director-General on the same subject. These three events, these three significant dates, deserve to be celebrated together, not just because of their historical symmetry, but because the end of apartheid in South Africa is a victory for all those who share the vision of those who founded the ILO in 1919. The principles embodied in the Constitution of the ILO and the Declaration of Philadelphia are the same as those that guided the course of democracy in South Africa, and those principles will continue to inform the Government of national unity.

The consistency shown by the ILO in 30 years of unrelenting concern with the issue of apartheid is nothing short of remarkable. The 30 Special Reports of the Director-General provide not only an educative panorama of the rise and the fall of apartheid, but testify to the rigour with which the ILO can and should pursue its principles. The ILO's stand on apartheid should become the benchmark of its promotional activities. The supportive role played by the technical cooperation activities implemented in terms of the Declaration concerning Action against Apartheid succeeded in promoting principles and concepts, such as tripartism, which proved invaluable in the democratization of South African industrial relations, and then of South African politics as well. Countless ILO seminars, study tours and training programmes built capacity in the liberation movements, the trade unions and the employers' organizations – capacity on which the future of South Africa now rests.

My delegation believes that the most appropriate and effective way to reciprocate for the 30 years of solidarity shown by the ILO is to affirm the principles of the Organization in the construction of a new society in South Africa and to provide a working model of tripartism and social justice of which the ILO can be proud. In addition, we commit ourselves to assuming the full responsibilities of membership. South Africa was a founding member of the ILO and we look forward to renewing our contribution to the development of this vital agency of the United Nations system as it faces up to the challenges of a world that is changing with unprecedented speed.

South Africa, too, faces its challenges. Challenges that are not unique to South or southern Africa, but are increasingly global – challenges such as unemployment, particularly amongst young people and women, rural development, job creation, appropriate training and retraining, discrimination. These are the criteria by which democracy in South Africa will be judged. South Africans want more than just the vote, essential as that may be. They want their fair share of South Africa's resources – housing, education and training, productive employment. They want an end to 300 years of systematic exclusion. In short, they want social justice.

To measure up to the challenges facing the Government of national unity and the social partners in South Africa, we will need a massive mobilization of both domestic and international resources and we look to the ILO to play a key role in this offensive. The resolution before you in the report of the Committee shows an appreciation of the fact that the struggle for social justice in South Africa has only just begun and demonstrates the resolve of the ILO to help address the deep legacies of apartheid.

If we succeed in providing a decent measure of social justice to the majority of South Africans, we will have rewarded not only the South Africans who struggled for it, but we will have also rewarded the international community for its moral and material support throughout that struggle. South Africa may become a case-study on how to address many of the critical issues that now fall within the core mandate of the ILO and we hope that our experience will enable others to make progress in tackling the problems of inequality and exclusion.

Frankly when we survey the world situation at the close of the century, we are forced to acknowledge that the state of society is perhaps no better than it was when the ILO was formed in 1919. Social, economic and political institutions are cracking and we are forced to re-examine their foundations to ascertain whether they can withstand the increasingly frequent and violent tremors which shake them. In South Africa we are in the process of thoroughly reviewing our socio-economic system, trying to assess what is valid and what is not and laying a new base for the future. In that process we want to learn from the experience of others and simultaneously to share with them what we are learning. What better international forum for such a dialogue and partnership than the ILO?

In this respect, we fully support the efforts of the Director-General to make the ILO a more lively and critical forum for debate. The Organization forged many of the policies that are central to the reconstruction and development programme that has now been launched in South Africa. And we look to the ILO to continue to provide intellectual leadership on the rather perplexing problems that global change has brought in its wake.

Of special significance to South Africans, and we believe to many other parts of the world, is the question of equality, real equality. We have dismantled the system of apartheid, but we have only just begun the process of establishing equality in South Africa. We have made a solid start by acknowledging that equality is more than the mere abolition of unjust laws, and more than simple legislation. We will have to change, as individuals and as institutions, and change again and again, if we are to provide an apposite form of equality in practice. That is the target we are committed to in South Africa, as tripartite social partners, and it is a commitment that we will not neglect. In fact this shared tripartite commitment to democracy and social justice probably provides the main prospect for success in South Africa. Reconstruction, development, progress, these are only words without the very concrete commitment from the social partners.

I believe that we will succeed in establishing equity in South Africa, and my confidence is based not on a simple leap of faith. It is not simple rhetoric. It is based on what I have seen inside my fellow South Africans – that is a determination and a resilience that defies description. We stood by our principles in the face of terrible repression, and we will stand by our principles – your principles – in the face of terrible challenges as well. Stand by us, and we will stand by you.

The PRESIDENT – With one "small" exception there are no more speakers on my list. The delegates to the Conference have just completed a thorough discussion on this important question. The adoption of the report entails not only the adoption of the summary of the Committee's discussions, paragraphs 1 to 29, but also the resolution submitted by the Committee to the Conference.

May I take it that paragraphs 1 to 29 of the report are adopted?

(The report is adopted, paragraphs 1 to 29.)

RESOLUTION CONCERNING POST-APARTHEID SOUTH AFRICA, SUBMITTED BY THE COMMITTEE ON ACTION AGAINST APARTHEID: ADOPTION

The PRESIDENT – The resolution concerning post-apartheid South Africa was unanimously adopted by the Committee. If there are no objections I shall take it that the resolution is unanimously adopted by the Conference.

(The resolution is adopted.)

The PRESIDENT – During the past couple of weeks I have made every effort to exercise my prerogatives judiciously. Now, however, I would like to use them, as President of this Conference, to express my deepest satisfaction at the adoption of the resolution concerning post-apartheid South Africa and at the historical developments in that great country which have, in the view of this Conference, rendered the Committee on Action against Apartheid obsolete – one of the few United Nations committees ever rendered obsolete, I might add.

In a time when new forms of apartheid are rearing their ugly heads throughout the world, your steadfast determination to fight discrimination and social exclusion should be an inspiration to us all. Of course, the struggle against social exclusion is far from over. As stated in the resolution which has just been passed, the legacy of apartheid will take many years to eradicate. However, the first all-important steps have been taken, and I assure you that the ILO will continue as your partner during the long journey that lies ahead.

I would particularly like to commend the South African employers and workers for the key role they have played alongside the Government in achieving not only political agreements, but also in building the socio-economic foundation necessary for social justice and peace. Two weeks ago, we heard Mr. Mboweni, the Minister of Labour of South Africa, tell us that "the ILO principles of tripartism, social partnership and social justice are our compass". We also heard him tell us that South Africa's reconstruction and development programme derives its legitimacy from the support it commands amongst the major stakeholders in South African society.

In this regard, I would like to cite just two concrete examples showing that South Africa's social partners are serious about creating jobs, and demonstrating to us all what tripartism can do in the fight against poverty and social exclusion. The first example concerns the framework agreement promoting the use of labour-intensive methods in the South African construction industry. This agreement was negotiated directly between worker and employer representatives, and it paves the way for increasing the impact of infrastructure investment programmes on sustainable employment. The second example concerns the manner in which South Africans have used tripartite collaboration, involving – together with workers and employers – a broad cross-section of civil society, to arrive at a consensus in the formulation of a national public works programme which will focus on productive employment cooperation and creation.

In both cases, employers and workers have understood that their own sectoral interests are intimately linked to the future of South Africa as a whole. The employers have understood that they share a responsibility in creating not just profits, but also jobs – and that this is in their own best interest to ensure a stable business climate in South Africa. The workers within this country's formal sector have understood that they will not be able to protect their hard-won rights without looking beyond the circle of their immediate membership to the problems of unemployment and social exclusion in society as a whole.

Once again, in the name of all the delegates to this historic 81st Session of the International Labour Conference, let me congratulate the Committee on Action against Apartheid for their excellent report, and let me thank the South African tripartite delegation for contributing to the success of this Conference. With South Africa as a Member and as a partner in development, the ILO is now a richer and wiser organization. We look forward to working together with South Africa to bring the just-adopted resolution to reality. But we also look forward to learning from South Africa's experiences to help us confront together the challenges that lie ahead.

REPORT OF THE RESOLUTIONS COMMITTEE: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT – We now move on to the report of the Resolutions Committee, which is found in *Provisional Record* No. 19.

It is my pleasure to invite the Officers of the Committee to come up to the rostrum: the Chairman and Reporter, Mr. Gopalan, Government delegate, India; the Employer Vice-Chairman, Mr. Castle, Employers' Adviser, United Kingdom; and the Worker Vice-Chairman, Mr. Tapiola, Workers' delegate, Finland.

Mr. GOPALAN *(Government delegate, India; Chairman and Reporter of the Resolutions Committee)* – I have great pleasure in presenting the report of the Resolutions Committee. Ten resolutions have been submitted on the occasion of the present session of the International Labour Conference in accordance with article 17 of the Standing Orders. The text of these resolutions are reproduced in *Provisional Record* No. 1.

The Resolutions Committee was set up by the Conference to deal with these resolutions, which were introduced by their authors. There were two mergers presented by the Workers' delegates: one of the resolutions concerning the 75th anniversary of the ILO and another concerning the World Summit for Social Development.

The Committee had then before it eight resolutions to determine, through a vote, the order of priorities of the first five. Since among the eight remaining resolutions there were still three that concerned the 75th anniversary of the ILO, one from each of the three groups, the Employers' and Workers' groups in the Committee decided to withdraw theirs. The Committee had finally only six resolutions to vote on in order to determine the order of priority.

As indicated in paragraph 9 of the Resolutions Committee's report, the first five resolutions have been classified as follows: (i) the 75th anniversary of the ILO and its future orientation; (ii) the World Summit for Social Development; (iii) the role of the ILO in the elimination of child labour; (iv) a resolution calling upon the ILO to resist the introduction of a social clause in international trade and to review ILO standards; and (v) the need to harmonize and improve ILO informatics systems for optimal utilization and accessibility by all States. With only six resolutions, there was no need for the Committee to set up a working party to make recommendations as to the ordering of the remaining resolutions.

Following a general debate and the consideration of 41 amendments, the Committee adopted by consensus a text of a resolution entitled "Resolution concerning the 75th anniversary of the ILO and its future orientation".

Having reaffirmed the fundamental principles and values of the ILO, this resolution calls upon member States and employers' and workers' organizations to join efforts to renew the means of action of the ILO so that its constituents can enjoy improved benefits from it, in the light of the changes in the world today. In this connection, the resolution recognizes the different stages of development of countries and the need to keep paragraph 3 of article 19 of the ILO Constitution in mind.

The resolution also requests the Director-General to present his views to the Governing Body of the ILO as to how to follow up to the ideas expressed during the debate on his Report to the present session of the International Labour Conference, and calls upon the Governing Body to duly inform the Conference.

A second resolution titled "Resolution concerning the World Summit for Social Development" was also adopted by the Committee, after a general discussion and the examination of 55 amendments.

The main thrust of this resolution is to promote the appropriate involvement of workers' and employers' organizations in the preparation for, conduct of and follow-up to the World Social Summit. Due consideration should be given to the competence, mandate and work of the ILO. The resolution also invites the Governing Body to instruct the Director-General to give the full support needed, before and after the World Summit, as described in the text of the resolution, bearing in mind the problems of developing countries, particularly the least developed countries and the countries in transition.

Although the Committee had a brief general discussion on the third resolution entitled "Resolution concerning the role of the ILO in the elimination of child labour", on account of the limited time available it could not be taken up for detailed consideration. However, during the general discussion, differing views were expressed regarding the strategies for the elimination of child labour.

The work of the Resolutions Committee was carried out smoothly and all decisions were taken by consensus, thanks to the spirit of cooperation of the members of the Committee from all three groups. I would, in this context, place on record my deep appreciation of the two Vice-Chairmen, Mr. Kari Tapiola of the Workers' group, and Mr. Charles Castle of the Employers' group. My special appreciation and thanks are also due to Mr. von Muralt and his dedicated team in the secretariat of the Resolutions Committee.

The **PRESIDENT** – The discussion of the report is now open.

Mr. **CASTLE** *(Employers' adviser, United Kingdom; Employer Vice-Chairman of the Resolutions Committee)* – I am both personally and formally pleased to be called to this rostrum by such a distinguished graduate of, among other institutions, the old university of the Resolutions Committee. I was expecting to be called tomorrow, but here I am a day early, which must be a tribute to the smooth and efficient way in which the business of our session of the Conference has been conducted so far.

On behalf of the Employer members of the Resolutions Committee at the 81st Session of the International Labour Conference, I am pleased to recommend, without reservation, the adoption by the Conference of the report of the Committee, the resolution concerning the 75th anniversary of the ILO and its future orientation, and the resolution concerning the World Summit for Social Development.

The Employer members of the Resolutions Committee welcomed the opportunity to mark the 75th anniversary of the ILO with a reaffirmation of the principles and fundamental values upon which the ILO was founded. We also welcomed the debate which was going on in plenary based on the Director-General's Report *Defending values, promoting change – Social justice in a global economy: An ILO agenda*.

While we were keen that our resolution should encourage member States, and employers' and workers' organizations to work together to revitalize the ILO, to renew and adapt its means of action, to improve and optimize the benefits it offers to its constituents and to increase its effectiveness in a changing world environment, we did not consider it appropriate that the Resolutions Committee should prejudge how this should be done. This, we believed, was the duty of the many contributors to the debate held in plenary.

The Director-General will no doubt, in the light of the views expressed in the debate on his Report, present his views on the options available, and the Governing Body will decide how to proceed. That is precisely the eventual conclusion adopted by the Resolutions Committee.

It sounds so simple. Why did it take three meetings, or nearly eight and a half hours to put it together? The answer is also simple and it is to be found in the report of our work. For some in our Committee, the temptation proved too great to load the resolution with matter that did not belong to it. For instance, attempts to incorporate direct and indirect statements relating to a linkage between workers' rights and international trade was one such issue. The many opinions expressed by employers against such a linkage in the plenary debate should have provided ample evidence that consensus on the issue would not have been possible.

Nevertheless, even if it took a long time to formulate, the resolution concerning the 75th anniversary of the ILO and its future orientation is good and apposite. May the ILO continue to play a useful and effective role in the years ahead and survive to see its 100th anniversary.

In the resolution concerning the World Summit for Social Development, the Employer members of the Resolutions Committee were keen to ensure that since many of the core issues to be debated at the Summit in Copenhagen in 1995 are central to the mandate and the competence of the ILO, everyone involved should recognize that the ILO has a primary responsibility and role to play in the preparation and conduct of the Summit and in the consideration and implementation of the conclusions which fall within its mandate.

We were also anxious to ensure that since the outcome of the Summit is not likely to be without implications for employers and people at work, that proper provisions should be made to secure the active participation of employers, workers and their respective organizations, as advisers, at all stages of the Summit. In this context, we were somewhat disappointed that the acceptance of our wishes was enveloped in a number of reservations.

All the same, the resolution is a useful reminder to all concerned of the need to take the ILO seriously as a member of the United Nations system and there is no need to create any alternative organization to develop international social standards. I endorse the adoption of the resolution.

This year we had before us the opportunity to adopt a resolution concerning the role of the ILO in the elimination of child labour. I am very sad indeed that the time spent on other preoccupations did not allow the Committee to develop this resolution for consideration. It would have provided a useful opportunity to draw the attention of the world to the plight and misery of some 200 million exploited and abused children. This is a matter that requires immediate and compassionate attention by all caring communities.

Before I leave this platform, I would like to pay a number of small but heartfelt tributes. The first goes to our Chairman who saw us through our difficulties with patience, wisdom and good humour. The second tribute goes to Mr. Tapiola, that formidable representative of the workers who is always keen to introduce what he calls a neutral amendment to a text so long as it advances the cause of his colleagues by whatever measurable distance, however small. It is always a pleasure to engage in a battle of the art of the possible with him and to admire his skills as a composer of ILO poetical interludes or prosaic, down-to-earth amendments. After so many years of combat in the Resolutions Committee, it is hard not to think of him as a friend. The third tribute I want to address is to Mr. von Muralt and his admirable team. Without their patience, dedication, tact and efficiency, our Committee could not function properly. No doubt, Mr. von Muralt will feel that he will have a healthier life without the Committee. But we shall miss him when he is no longer with us.

This leads me to my final point. Next year, there will be no Resolutions Committee. Can there be a session of the Conference without a Resolutions Committee? Will you not miss us? Obviously, only time will tell. But, in the interval, should we not submit an emergency resolution to provide adequate compensation for loss of office for those who have devoted a lifetime to putting resolutions together and who, through no fault of their own, will find their skills surplus to requirements? As a distinguished trade unionist, will the President not help us?

I wish everyone a successful conclusion to this session of the Conference, a safe journey home, and hope you will adopt the resolutions.

Mr. TAPIOLA *(Workers' delegate, Finland; Worker Vice-Chairman of the Resolutions Committee)* – The Workers' group is satisfied with the outcome of the Resolutions Committee, and we support the report and the resolutions. We all know how long it takes to obtain even one resolution and towards the end we broke some speed records this time. So, with a much tighter schedule than before, we still managed to adopt two resolutions.

Our initial concern was that we would only adopt resolutions which were procedural. We in the Workers' group wanted to say more than just "Happy birthday ILO" and "It is nice that the ILO will be fully involved in the World Summit for Social Development".

In the end we did say something more. But we would have liked to say more still. I share the view of Mr. Castle that it is a pity, in fact it is a shame, that we did not get down to seriously dealing with child labour. This painful and evil issue remains unaddressed once again in the outcome of the Resolutions Committee. It is encouraging, however, that in the priority vote, this resolution was placed so high up that we at least had a brief general discussion on it and we do have an ILO programme on the topic.

Both resolutions which we are putting before this plenary session stressed that the mandate and tripartite structure of the ILO give it a unique role in the United Nations system. Hopefully then, government representatives here will be successful in conveying this message to their government colleagues in the rest of this system, otherwise we might suspect that governments sometimes speak with two tongues.

In the resolution concerning the 75th anniversary of the ILO and its future orientation, the first resolution, the following points are particularly important. We reaffirm that the principles and fundamental values of the ILO retain their relevance in a changing world. We note the particular importance of human rights Conventions on freedom of association, collective bargaining, forced labour and discrimination. Of course, a resolution on the elimination of child labour would have completed this important list. We also acknowledge that structural change has a profound effect on the world of work. This requires the ILO to pursue social justice, employment creation and better working conditions.

As to what happens next, our understanding is that the Director-General will process the views presented at this Conference and produce enough substantive material so that the Governing Body can, as of November, start drawing conclusions and making decisions. The result may not be a brave new ILO by this time next year, but the Conference must be able to justifiably expect clear progress towards our agreed goals.

The resolution concerning the World Summit for Social Development, the second resolution, is a necessary reminder of why the input of the constituents of the ILO, and of the ILO itself, are so important in the summit process. In the preamble we give the background, spelling out the core issues of the Summit as we, in the ILO, understand them: the expansion of full, freely chosen and productive employment and the reduction of unemployment; the reduction and elimination of poverty; and the promotion of social integration.

On a number of issues, this resolution builds upon discussions which we had last year in the Committee. This concerns particularly the ways in which economic efficiency and growth interact with, and support, social progress and protection. Another such item is the active participation of employers' and workers' organizations in working out in each country policies and ways to follow up the decisions and recommendations of the Summit.

It will be particularly appropriate for the ILO to follow up the Summit when the Governing Body, immediately after the Summit itself, will discuss the next biennium's programme and budget. The ILO is well placed to do something useful and concrete immediately after the Summit.

I wish to underline paragraph 1(c) of the operative part of this resolution, the language of which could be clearer as Mr. Castle has just said. But its intention is clear in the present text too. It covers the ways in which employers' and workers' organizations should be involved in the Summit process. It talks about national involvement, which already takes place. It asks all countries to consider, and hopefully decide on having representatives of these organizations as advisers in their delegations to the Summit. And it asks them to consider how, in practice, the participation of the social partners will be ensured at the Summit itself, which is something which will continue to be discussed and worked out with Ambassador Somavia and his preparatory bodies and team.

I wish to turn now to some reflections on the future, as next year there will be no Resolutions Committee. Those who have seen this Committee as a troublesome factor, a nuisance and a source of problems, conflict and confusion – and who sometimes have difficulties in deciphering its results – may yet find out that, in a year where there is no such committee, there may be trouble elsewhere in the Conference.

The Resolutions Committee has a lightning-rod function, which helps the rest of the Conference to carry out its business relatively peacefully. It is also a place where the political will of the Conference can be measured and, when necessary, distilled into a few words and sentences, which may not be immortal and certainly are not poetry, but which have a certain function.

Where else could we this year have had, in the course of less than two hours, a debate which determined that this Conference was not willing at this time to make pronouncements on the contentious issue of the link between workers' rights and international trade? In one brief but intense discussion, we were able to avoid locking ourselves behind any simplistic view on the issue, so that we can in a sensible way reflect upon it and work upon it in the future.

My concern is that, when there is no Resolutions Committee, a contentious issue might spill over to other parts of the Conference and cause disruption. Let us hope that this will not happen.

In conclusion, I wish to thank sincerely our Chairman, Mr. Gopalan, who competently undertook the conduct of a committee which has its fair share of seasoned performers and which can at times be quite unruly.

I thank once again my friend Mr. Castle for his cooperation and constructive desire to achieve results in this Committee, and I shall join him in any conspiracy to keep at least the spirit of the Resolutions Committee alive. I shall also join in any emergency resolution for just compensation for the slings and arrows to which fortune exposes those now threatened with redundancy due to structural change – honest wage-earners in all sectors who have taken a liking to the subculture of formulating resolutions in order to express what other people really have wanted both to think and to say.

I most cordially thank Mr. von Muralt and his staff. I thank all the sensible and cooperative members of the Employers' group. I thank all Government representatives who again have shared in the quest for results, and I also thank the Worker members of the Committee for their commitment and patience.

Original Spanish: Mr. PEREZ VEGA *(Government delegate, Chile)* – The Government of Chile's proposal to hold a World Summit for Social Development has been warmly welcomed by the international community, which sees an important and authentic need for such a summit, and by private entities and civilian society because it provides a response to the concerns raised by the intensification of trade and to the challenges encountered on the international scene at the end of this century.

Faced with these challenges, I would like to set before you some considerations which are based on the proposal for productive change that the Economic Commission for Latin America and the Caribbean recently drew up for the Social Summit in a document entitled *The Social Summit: A vision of Latin America and the Caribbean.* The proposal is aimed at providing food for thought for the countries of the region with a view to the meeting in Copenhagen.

This document received the support of the countries of the Commission at a recent meeting held in Cartagena de las Indias. It essentially maintains that growth and equity must develop simultaneously and not consecutively if social development is to take place. This should be achieved through an integrated approach which promotes those economic policies that lead both to growth and equity, but which also promotes social policies which seek effectiveness and efficiency, and not just equity.

The integration of economic and social objectives reflects a vision of more solidarity in society. It presupposes that dispute negotiating mechanisms work properly and it favours tolerance and consensus to unite private and public efforts. Based on this approach, the three issues that will be dealt with by the Summit, fostering social integration, the reduction of poverty and the generation of productive employment, are all aspects of a single movement.

As regards social integration, the Summit will seek a broad consensus for the adoption of standards, codes of ethics and values to strengthen democracy and the participation by citizens at all levels of decision-making. Special emphasis will be laid on the promotion of those groups which, owing to their race, age, ethnic group or other factors, suffer from discrimination, with a view to ensuring greater equality of opportunity. Education and health reform is particularly relevant in this regard.

As regards the reduction of poverty, over and above the effort to ensure durable growth, it is necessary to put into practice policies to increase productivity among the poor, together with a safety net of social policies for the most disadvantaged.

As regards the creation of productive employment, accent should be laid on a set of policies aimed at maintaining high levels of capitalization, at productive technological development, at human resources development and at creating a new relationship between workers and productivity. Cultural exchanges should take place between employers and workers, and protection should be ensured vis-à-vis the inevitable mobility of labour.

This list of issues shows the scope of the challenges to be met with realism and imagination on the threshold of the next century. Of course it would be wrong to think of the Summit itself as a solution to all these problems, but there is no doubt that it will help provide an opportunity to conceive of a better, more secure, more just and freer future than that which would await us if present trends simply continue unchanged.

Indeed the most important thing about this Summit is the process leading up to it. Thanks to the initiative of the Government of Chile, a thought process has begun, with all the member countries of the United Nations, its regional commissions and it specialized agencies such as the ILO participating by making proposals. Our country gives its full support to the resolutions on the World Summit and on the 75th anniversary of the International Labour Organization and its future directions.

Original German: Mr. OHNDORF *(Government adviser, Germany)* – Originally I did not intend to take the floor. However, I think that since there are so many people present in this forum this afternoon, I would like to take this opportunity to launch an appeal that I already voiced in the Resolutions Committee itself.

This year, I participated in the work of this Committee as a Government delegate for the fourth time, and I must say we carried out an excellent job. I have been involved in the work of a number of committees in the past, and sometimes committees can be somewhat tedious.

The Resolutions Committee, however, is one of the most interesting, and I think that we should express our thanks to the two Vice-Chairpersons who have already spoken – Mr. Castle and Mr. Tapiola. Although they defended the interests of their groups with firmness, they always managed to find a compromise.

And this is what I should like to emphasize. We also, as Government representatives, despite the large spectrum of different interests that we have, managed to produce joint solutions. On no occasion was it necessary to carry out some kind of conflictual vote on any of the resolutions; and I believe that that is a major achievement, in particular, in the case of the resolution concerning the World Summit for Social Development. This demonstrates the fact that the differences that exist throughout the world in the social field, between the North and the South and also between the countries in transition and the industrialized nations, but also the problems within countries as well, can be overcome and that it is possible for us to find common solutions which set the direction for the future work of us all.

I believe that this Resolutions Committee has demonstrated this goodwill in a magnificent way, both as regards the resolution that I have just mentioned on the World Summit for Social Development; and as regards the resolution concerning the 75th anniversary of the ILO and its future orientation. Both these resolutions, I believe, are so good that I appeal to the Assembly to adopt them. I believe that we have a fine basis for our future work and I think that we have made a fine contribution to the International Labour Organization and to the World Summit for Social Development; indeed, we have set a standard which I hope, will have some influence upon the whole of the United Nations during the Preparatory Committee for the Social Summit, to be held in New York, and during the Summit itself, to be held in Copenhagen next year.

If our Committee is able to continue in this spirit, then I believe that we shall contribute towards the success of this important meeting.

The **PRESIDENT** – There being no further speakers on the list, we will move on to the adoption of the report of the Resolutions Committee, which involves not only the adoption of the summary of the Committee's discussion, but also the adoption of the two resolutions submitted by the Committee.

I turn first to the adoption of the report, that is, paragraphs 1 to 278. May I take it that this report is adopted?

(The report is adopted, paragraphs 1 to 278.)

RESOLUTION CONCERNING THE 75TH ANNIVERSARY OF THE ILO AND ITS FUTURE ORIENTATION, SUBMITTED BY THE RESOLUTIONS COMMITTEE: ADOPTION

The **PRESIDENT** – Let us now proceed to the adoption of the resolutions submitted by the Committee. The first is the resolution concerning the 75th anniversary of the ILO and its future orientation. May I take it that this resolution is unanimously adopted?

(The resolution is adopted.)

RESOLUTION CONCERNING THE WORLD SUMMIT FOR SOCIAL DEVELOPMENT, SUBMITTED BY THE RESOLUTIONS COMMITTEE: ADOPTION

The **PRESIDENT** – We also have the resolution concerning the World Summit for Social Development.

May I take it that this resolution is unanimously adopted?

(The resolution is adopted.)

The **PRESIDENT** – We have completed the consideration of the report and the resolutions submitted by the Resolutions Committee. I would like to thank the Chairman, the Vice-Chairmen and the other members of the Committee and the secretariat for the excellent work they have done.

(The Conference adjourned at 5 p.m.)

Corrigendum

Provisional Record No. 21

Page 21/1, paragraph 4, should read "The Committee held 12 sittings."

Page 21/19, paragraph 96: the first line should read "At its 12th and final sitting".

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Third Item on the Agenda: Information and Reports on the Application of Conventions and Recommendations

Report of the Committee on the Application of Standards

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Report of the Committee on the Application of Standards

PART ONE

GENERAL REPORT

A. Introduction

1. In accordance with article 7 of its Standing Orders, the Conference set up a Committee to consider and report on item III on its agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of 227 members (109 Government members, 30 Employers' members and 88 Workers' members). It also included 13 Government deputy members, 35 Employers' deputy members and 77 Workers' deputy members.[1] In addition, 22 international non-governmental organizations were represented by observers. In the name of the Committee, the Chair welcomed South Africa's return to the ILO and its representatives' presence in the Committee.

2. The Committee elected its Officers as follows:

Chairman: Mr. J.-J. Elmiger (Government member, Switzerland).

Vice-Chairmen: Mr. A. Wisskirchen (Employers' member, Germany); and Mr. W. Peirens (Workers' member, Belgium).

Reporter: Ms. Khabo J. Dlamini (Government member, Swaziland).

3. The Committee held 19 sittings.

4. In accordance with its terms of reference, the Committee considered the following: (i) information supplied under article 19 of the Constitution on the submission to the competent authorities of Conventions and Recommendations adopted by the Conference; (ii) reports supplied under articles 22 and 35 of the Constitution on the application of ratified Conventions; and (iii) reports requested by the Governing Body under article 19 of the Constitution on Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).[2]

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[1] For changes in the composition of the Committee, see the reports of the Selection Committee, *Provisional Record* Nos. 3 to 3H.

5. As usual, the Committee began its work with a discussion of general aspects of the application of Conventions (particularly ratified Conventions) and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution. It then discussed the General Survey made by the Committee of Experts on the application of Conventions and Recommendations, on freedom of association and collective bargaining. This year, the general discussion included a third part, devoted to the special section of the Committee of Experts' report in which it joined in the commemoration of the 75th anniversary of the founding of the ILO and reflected on the history and the future of ILO standards. A special day during the present Committee was taken up by this item, a record of which appears hereafter. There are of course certain aspects of the general discussion which are covered in more than one part, but this may be helpful and is in any event not insignificant. Finally, as usual, the Committee considered various individual cases relating to the application of ratified Conventions or compliance with the obligations to supply reports and to submit Conventions and Recommendations to the competent national authorities.

6. The examination of those cases, which was the essential work of the Committee, was based principally on the observations contained in the report of the Committee of Experts and on the oral and written explanations provided by the governments concerned. The Committee also referred to its discussions in previous years, comments received from employers' or workers' organizations and, where appropriate, the reports of other ILO supervisory bodies. In view of the short time available, especially this year, the Committee made a selection among the Committee of Experts' observations and consequently discussed a limited number of cases. The necessity of making this selection in no way affects the conclusion of the Committee of Experts in other cases that, in view of the problems encountered, it would be appropriate to ask the governments concerned to supply information to the present session of the Conference. The Committee trusts that those governments will pay close attention to the requests of the Committee of Experts and will not fail to take the measures required to ensure fulfilment of the obligations they have undertaken. A summary of the information supplied by governments, the discussions in the present Committee and any conclusions it has drawn is set out in Part Two of this report.

B. General questions relating to international labour standards

Introduction

7. The Employers' members stated that for several years their views at the beginning of the general discussion were centred on changes, since it is change, development and new ideas which merit the Committee's attention and which should determine what is positive and to be maintained and when it is necessary to pursue new paths. This approach was right also in the year of the Organization's 75th anniversary, and the Employers' members recalled two *raison-d'être* or motivations at the origin of the ILO. The first was the idealistic one appearing in the opening phrase of the Preamble to the Constitution, linking lasting peace to social justice; the second was the rather pragmatic one similarly appearing in the Preamble, recognizing that social regulation can also increase production costs and that for competitivity's sake it is desirable that humane conditions of work should be accepted and applied in practice universally. In the ILO, not only social questions but also economic ones are dealt with, and the Employers' members considered that the idealistic and the realist approaches were both needed in order to fashion and adapt reality in a positive and effective way.

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[2] Report III (Parts 1 to 3) to the International Labour Conference: Summary of Reports (articles 19, 22 and 35 of the Constitution); Report III (Part 4A): Report of the Committee of Experts on the Application of Conventions and Recommendations; Report III (Part 4B): Freedom of association and collective bargaining.

8. The Committee considered how, as the Committee of Experts had noted in their report, the international environment had changed radically in recent years, with, for instance, the end of the cold war, the re-emergence of ethnic and nationalistic conflict, the growth of structural unemployment in the most developed countries, and structural adjustment programmes in some countries — including developing ones. The ILO's standard-setting activities must adapt to these new conditions so that the Organization may meet the challenge of the twenty-first century dynamically and effectively. The Committee accepted this, along with the need to adapt to changes — political, economic, technological — made or being made in the international community. The Government member of China observed that these questions of development, cooperation and progress are the universal aspiration of peoples, and the ILO with its standard-setting activities must be able to respond to its Members' expectations: of special importance in this must be employment promotion and the elimination of poverty and contribution to the reform of the international economic order.

9. There were, however, various opinions of recent events. The Workers' member of the United Kingdom thought the discussions should make use of the Director-General's Report to the Conference as well as the report of the Committee of Experts and was concerned at the tendency to rewrite and reinterpret history. Some of the Workers' members merely see one brutal economic theory replaced by another. If, indeed, progress cannot be stopped and everything is getting better, it is not clear why certain Asian countries are arguing, as they did last year, against universal standards or proposing, as they do this year, such a dangerous resolution as some seen during the time of the communist bloc. The Director-General's Report declares that for most observers it was the economic failure of that system rather than its moral bankruptcy which led to the failure of communism in Eastern Europe, and this is a distortion which champions of the free market wish to promote. That member stated that the free market should not be seen as the answer to all problems, competition cannot replace social justice, and economic reform and structural adjustment are often a pretext for destroying — or at least weakening — the influence of trade unions. Communism was swept aside because it was fundamentally anti-democratic and an affront to human dignity and human rights. The ILO was created to combat any system which does not recognize freedom of association and human rights, and not to praise the virtues of one or another economic system. Happily, the Committee of Experts indicated in paragraph 21 of its report that standards on fundamental human rights "must be observed regardless of economic circumstances or fluctuations" — and, one might add, of economic system.

10. The Employers' and the Workers' members made certain points. Despite the different interpretations of individual members, the Committee's discussions, as in the 70th anniversary celebrations in 1989 (the year when the Berlin Wall collapsed), reflected complete agreement on the permanence of the ILO's basic aims. Support for standard-setting activities and the supervisory system as means of promoting balanced development in justice and freedom and belief in the principle of universality of standards as a framework for economic activities in which the rules of the game are the same for all have not wavered.

11. Several Government (for example, Belgium, China, Egypt, Kenya, Japan, Morocco, Portugal) and Workers' (for example, China, Korea, Tunisia) members also expressed their conviction of the relevance and necessity of standard-setting activity in the ILO in relation to particular questions and situations.

12. The Workers' member of Pakistan stressed that workers in the Third World are especially attached to the principles laid down in the ILO Constitution and the Declaration of Philadelphia. Standards were at the root of the Organization and the reason why it is called the "World Parliament of Labour". Basic standards on human rights, freedom of association, abolition of forced labour and child labour and prohibition of all discrimination should be observed by all, and the world should not be divided into first and second class citizens. The Government member of Belgium called for an enlarged concept of fundamental standards not limited to the six "classic" Conventions but including others, as the Workers' members said, such as the Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

13. The Government member of Belgium thought at the same time that positive developments did not mean it was not necessary to remain vigilant. The Workers' member of France also noted that some questions were raised as regards standard-setting which ought not to be. Some countries sometimes say that standards do not have to follow the criteria for their evaluation. Standards have been seen as incompatible with the aim of full employment, and this was an important and fundamental question. Despite possible weaknesses in the full employment standards, there was no reason to question the principle of adoption and application of standards or the idea of standards itself, which remains the essence of the ILO.

14. Many speakers referred to paragraphs 19 and 21 of the Committee of Experts' report. Adapting to change goes together with the problem of flexibility in standards. This old debate is linked to the issue of universality and becomes more urgent as economic and social development accelerates in a context of globalization and pressure for deregulation. Paragraph 19 mentions the revision and updating of standards. In paragraph 21, the Committee of Experts noted that implementation of certain standards such as those on social security or paid leave can have direct repercussions on national economic policy and on individual enterprises, and thought it important to bear in mind the economic impact of such standards, so that the cost does not become a disincentive to ratification.

15. The aim of flexibility in standards is not often contested, although there are different attitudes in the interpretation of the notion and the desired degree of flexibility. As certain Workers' members (such as those of Germany and Tunisia) expressly stated, trade unions are not against flexibility in the sphere of labour so long as equilibrium between workers' and employers' interests is not damaged to the detriment of the former. Flexibility must not mean enabling governments to apply or not to apply standards or to interpret them as they wish. The Workers' member of Germany observed that many Conventions contain flexibility clauses enabling their scope to be limited (such as Nos. 102 and 119), so that the small numbers of ratifications of them cannot be attributed to lack of flexibility. The controversy on this subject was out of place. For new Conventions, there should be as concrete provisions as possible, in order to avoid doubt as to their purpose; and he thought the Employers' members were self-contradictory when they came out in favour of Conventions with no concrete content while at the same time criticizing the supervisory system, whose function is to give substance to the contents of Conventions.

16. The Workers' members of Guatemala and Uruguay, referring to paragraph 21 of the report of the Committee of Experts, disagreed with the distinction drawn between social security and paid leave standards on the one hand and basic human rights standards on the other: human rights should be viewed as a whole, and social security and paid leave are part of the human rights to be protected. The economic problems of Latin America result from other causes than social security spending. Neoliberal policies executed without consultation of workers' organizations go to destroy the social fabric, undo national solidarity, prevent the achievement of social justice and, moreover, seriously threaten explosive social consequences. This was reason enough, in their view, to resist flexibility imposed on workers, and the ILO would be the ideal forum for discussion of the issues, so that its role takes on particular importance and relevance.

Relations of the Committee of Experts and the Conference Committee

17. In response to the wish expressed last year by the Committee, the Director-General again invited the Chair of the Committee of Experts to attend the work of the Committee as an observer. Mr. Ruda recalled that last year's experience, when the Committee of Experts was for the first time given the opportunity to be represented in the Conference Committee, was for him and the other experts an instructive and enriching one: instructive because it enabled them to see more closely how the present Committee works, with its own customs and traditions, which should lay the groundwork for better mutual understanding between the two Committees; and enriching because it facilitated a better appreciation of the concerns, policies and aims of the present Committee, which should improve communications between the two. Mr. Ruda explained how the reports of the Committee of Experts which are placed before the present

Committee are the fruit of intense reflection. The part of the report headed "Seventy-fifth anniversary of the ILO" and the General Survey on freedom of association and collective bargaining were the most significant contributions of the Committee of Experts to this year's anniversary. At the end of the general discussion, Mr. Ruda again noted the attention given to the work of the Committee of Experts, which stimulated that Committee further: negative and positive comments alike would be transmitted to his colleagues, who would accord them the same attention. What counts most is that the work of the Committee of Experts should have the consideration it deserves as regards both general ideas and the concrete application of standards by States. The two bodies follow a common path laid down in the Constitution towards universal peace founded on social justice, and this involves the commitment, cooperation, solidarity of all concerned.

18. The Committee hailed the high quality of the report of the Committee of Experts, prepared as ever on the principles of independence, objectivity and impartiality and forming the essential basis for its discussions. It welcomed the positive response of the Committee of Experts to this second invitation issued to it, and the Government member of the United States hoped such participation would become a new tradition. The Workers' members considered that cooperation between the two Committees was enhanced by the presence of Mr. Ruda, tangible proof of which was there in the report of the Committee of Experts and the General Survey, as was also noted by the Government member of Portugal. The Workers' member of France, who last year was hesitant, this year joined the consensus on this point. The Employers' members welcomed that there were now three women members of the Committee of Experts. They also greeted the presence of the Chair of the Committee of Experts as a factor in the better understanding between the two bodies. It should yet be remembered that the dialogue between the two Committees was an internal one, and the main aim was to engage in dialogue with member States. To that end, it was important for the two Committees to agree wherever possible.

19. The Committee again expressed its wish that the Director-General should invite the Chair of the Committee of Experts to be present as an observer at its general discussion next year.

20. The Employers' members referred to paragraphs 24 and following of the Committee of Experts' report concerning the supervisory system, especially the indications of the respective functions of the two Committees. They welcomed the new approach of the Committee of Experts: whereas in 1990 they had concluded that, so long as the International Court of Justice did not contradict them, the Committee of Experts' interpretations might be regarded as valid and commonly accepted, in 1991 they had substantially changed their stance. The Committee of Experts recognized that their views could not be considered binding, that their opinions had no *erga omnes* effect, and that the fact that the Employers' members — or, where applicable, the Committee as a whole — reserved the right to dissent from those opinions was not incompatible with that position. The Committee of Experts now took a historical view of the supervisory bodies' work, and this year's report gave some space to the motives of the historical "legislator". Clearly, the increasing numbers of reports were what was behind the wish to create the Conference Committee and the Committee of Experts in 1926, initially only provisionally. The experts described their job as technical and legal supervision, not subject to group interests, and they concluded with some observations. For the experts, the supervision exercised by the Conference Committee, not described in detail, was essentially a dialogue between Governments and Employers' and Workers' members; the Conference Committee and the Committee of Experts had different but complementary functions.

21. The Employers' members' three comments on these observations did not concern the binding nature of the two bodies' comments. First, they wondered whether the roles of the two bodies are really different: they both had the aim of establishing whether member States meet their obligations, and for the present Committee this is laid down in article 7 of the Standing Orders of the Conference. It was also true that the Committee of Experts' tasks are purely technical and preparatory, as indicated when they were initially laid down and were substantially unchanged since then. The Committee of Experts is to inform the Conference and the Committee of the Conference "as to the facts". It was also recognized that "the Committee of experts would have no judicial capacity, nor would it be competent to give interpretations of the provisions of the Conventions nor to decide in favour of one interpretation rather than of another" (*sic* — see International Labour Conference, Eighth Session, 1926, Part Three, Appendix V, pages 395, 398 and 405). Thus, according to the Employers' members, the Conference Committee's supervisory role, like any other, can only be performed if there are concrete conceptions of the legal content and extent of the obligations on member States. The Conference Committee makes regular use of the preparatory work of the Committee of Experts, but there is no obligation to follow the comments of the experts exclusively or be bound by them. Only the International Court of Justice may give binding interpretations. The two Committees are considered complementary, with no hierarchical relation between them.

22. The Employers' members further thought there might be a contradiction in the description in the Committee of Experts' report, and that this should be avoided. The Committee of Experts was presented as a body responsible for technical supervision being outside of group interests and impartial, the Conference Committee as a political body with a highlighted tripartite structure. The Employers' members wished to avoid contrasting objectivity and impartiality with tripartism and policy, which gave the impression that the comments of the Committee of Experts were of higher value and standing. Such an attitude would be totally incomprehensible in a specifically tripartite organization where all the main organs, including the Committee on Freedom of Association, whose opinions are much appreciated by those who gain from them, are tripartite and thus — in terms of what has been said — "political".

23. The Workers' members recalled that the two Committees always worked in a spirit of openness and constructive dialogue. They were complementary, each with its own responsibilities. The Conference Committee on Standards, in virtue of its tripartite composition, guaranteed contact with the feelings of the practical protagonists; the Committee of Experts, in virtue of its composition and working methods, guaranteed the serenity and impartiality essential to the interpretation of

Conventions and its examination on the basis of guiding and unchanging principles. The Workers' members wished to continue to work in the spirit of constructive dialogue which enabled the vast majority of the Committee's conclusions to be adopted by consensus.

24. The Workers' speaker was thus surprised by the Employers' members' position as to the respective roles of the Committee of Experts and the present Committee and their reaction concerning the credibility of the experts, and he referred to the statements of the Workers' members of France, Germany and the United Kingdom on that point.

25. Those speakers criticized the Employers' members' arguments in often strong terms. They pointed out that their position was different in the discussion of the Committee's working methods in 1979-80 and in the discussion of the Director-General's Report on standards in 1984, when it was confirmed that system for supervising the application of standards was founded on legal evaluation by independent experts followed by examination by a tripartite body. They reflected on the reasons for such a change of attitude; and if the authority of the Committee of Experts — and thus of the supervisory system — were not to be undermined, it should be considered the final instance, so long as governments do not have recourse to the International Court of Justice (ICJ). Nobody questions the authority of the ICJ, but the reasons why there had been practically no recourse to it in 75 years should be clarified.

26. The Government members who spoke on this question, those of Germany, Morocco, Portugal and the United States, confirmed their confidence in the objectivity, independence and impartiality of the Committee of Experts and the complementary roles of the two supervisory bodies and stressed the need for dialogue and cooperation in aid of a common purpose.

27. In reply to the Workers' members' critique, the Employers' members said they found it unconvincing and no one wished to belittle the work of the Committee of Experts or sap its authority, as some Workers' members seemed to pretend. The Employers' members said they had done nothing but what the experts did when they drew attention to historical developments, and like the experts they noted that the experts were not trying to have the last word. When they disagreed with the experts on a question, they did so openly, unlike others, and were criticized for that. Yet they believe in the ILO's promising future, with the work of the experts unimpaired. They are convinced that the present Committee can only obtain results when employers and workers are at one, and this was so 10, 15 and 20 years ago as it is today.

Ratifications and denunciations of Conventions

28. Every year, the report of the Committee of Experts draws up a balance sheet of the obligations on member States relating to instruments adopted by the Conference. As in any balance sheet, there are credits — the ratifications — and debits — the denunciations.

29. The Committee was informed that 398 ratifications from 38 member States were registered in 1993, bringing the total as at 31 December 1993 to 6,050. As the representative of the Secretary-General pointed out in his opening statement, 192 ratifications were registered between 1 June 1993 and 1 June 1994. These are record figures to be seen, in part, alongside the increased number of member States from 148 to 171 in four years.

30. The Workers' members welcomed the higher number of ratifications, even allowing for those made by new member States. They found it encouraging as a concrete and immediate sign of the support of member States and their employers' and workers' organizations for the principles and values of the ILO, a point also made by Government members (for example, those of China and Portugal). It should give pause for thought to those incessantly and obstinately calling for revision of Conventions, said the Workers' members. Even countries where administrative and organizational constraints affect capacity to ratify might ratify Conventions on human rights and other priority ones such as the Employment Policy Convention (No. 122), the labour inspection ones (Nos. 81 and 129) and that on tripartite consultations (No. 144). The Conventions on workers' basic rights are the heart and backbone of the ILO and make no direct imposition on labour costs, and this was in line with paragraph 21 of the report of the Committee of Experts.

31. The Workers' members noted that several Governments supported promotional activities for standards, and the Government member of China had described his positive attitude to standards and promotion of them as part of the reforms leading to a market economy. That attitude should be given substance in a higher number of ratifications of basic as well as technical standards.

32. The Government member of Belgium referred to his country's experience, where the 75th anniversary has been the occasion for examining a series of possible new ratifications. The Workers' members pointed to the interest of that, as showing how unfounded the reasons for non-ratification can be; and to the usefulness of General Surveys in looking at the difficulties in the way of ratification of Conventions. Instruments should be quickly submitted to the competent authorities, and promotion of standards and the Committee of Experts' reports should extend to parliamentary and judicial bodies.

33. Information on ratifications completed, proceeding or envisaged was communicated to the Committee by other governments. The Government member of Germany said that in spring 1994 his Government had drafted a law to ratify Conventions Nos. 161 and 164, which had been submitted to the competent legislative authorities, and that ratification would be voted on shortly; Conventions Nos. 163, 165 and 166 had been submitted but it was not intended to ratify them. He said the Parliament criticized the delay before which Conventions and Recommendations were submitted to it, and a new procedure to remedy the situation was envisaged. The Government member of Australia announced preparation of a national plan of action to ratify some 28 Conventions, including Conventions Nos. 97, 141, 143, 151, 154 and Conventions on safety and health. The Government member of China said the Government was examining ILO instruments in detail in order to promote ratifications: Convention No. 170 concerning chemicals was submitted by the Government to the standing committee of the National Chinese People's Congress for consideration and should be ratified shortly. The Government member of Nigeria mentioned ratification of

Conventions Nos. 144 and 155. The Government member of Portugal announced ratification of the Social Security (Minimum Standards) Convention (No. 102) and the Radiation Protection Convention (No. 115), and approval for ratification of Conventions Nos. 158 on termination of employment and 171 on night work, by the National Assembly. The Workers' member of Argentina indicated that a working party created by the four members of MERCOSUR (Argentina, Brazil, Paraguay, Uruguay) had reached agreement on ratification of 34 important ILO Conventions, and a tripartite committee of MERCOSUR and central trade union organizations in the four countries had drafted a charter of basic rights with ILO assistance.

34. The Workers' members hoped the ratification procedures initiated by governments would lead to other governments taking similar steps.

35. The representative of the Secretary-General remarked on the absence of "pure" denunciations between June 1993 and the present, and on the five denunciations resulting from the ratification of a revising Convention. The total of denunciations not resulting from ratification of a revising Convention since 1919 was 72 as of 25 February 1994. The Government member of Kenya pointed out that the risk of denunciations can be minimized by the flexibility of standards which enables them to be ratified and applied by countries at different stages of economic development.

Reports on ratified Conventions

The obligation to report

36. The Committee again expressed its concern at failures to meet the constitutional obligation to supply reports, as noted by the Committee of Experts, since this is the very basis of the system of periodic supervision.

37. The Employers' and Workers' members and several Government members (China, Egypt, Germany, Morocco, Portugal, United Kingdom) regretted the continuing decline in that respect: the percentage of reports received (64.6 in February 1994) was lower than in 1993, which was in turn the lowest for 45 years. Only a quarter of reports received come by the due date, and in too many instances they do not contain the necessary replies to the comments of the supervisory bodies.

38. As the Employers' and Workers' members observed, the fact that one-third of States Members do not entirely fulfil their reporting obligations seriously affects the effectiveness of the supervisory system. Failure to reply to the comments of the supervisory bodies and poor quality of reports received impede the dialogue between the Committee of Experts and the present Committee, as the Workers' members regretfully noted, dialogue and cooperation being the cornerstone of the ILO's supervisory system. The Workers' member of Finland, speaking also on behalf of the Workers' members of the Nordic countries, agreed, while more generally drawing attention to paragraph 43 of the report of the Committee of Experts: "The obligation to report should not be regarded as a merely formal obligation, but more as a means for governments to take stock periodically of the state of their labour legislation using instruments that they have ratified voluntarily as a gauge."

39. After analysing the causes of this odd situation, the Workers' members refuted the argument of administrative constraints often advanced, since the great majority of questions raised need only simple replies. To them it seemed to be more a question of the order of governments' and labour administrations' priorities. The Employers' and Workers' members supported the Committee of Experts' call for national administrations and employers' and workers' organizations to participate more actively in the supervisory system.

40. The Committee joins the Committee of Experts in hoping that the new adjustment of regular supervisory procedures decided on by the Governing Body in November 1993 will enable member States better to meet their obligations under articles 19, 22 and 35 of the ILO Constitution.

41. For the Employers' members, revision and strengthening of the procedures linked to reporting obligations are crucial, since this is at the heart of the entire supervisory system. The new arrangements adopted by the Governing Body are regarded as an absolute minimum below which it would be impossible to obtain positive results.

42. The Workers' members also consider the new arrangement of regular reporting procedures should enable the difficulties referred to be overcome: they had not seen the need for them, but did not question them now the Governing Body decision was taken, especially as it was gratifying to note they largely meet the criteria and conditions they specified last year. These related to the special attention to be given to Conventions concerning basic rights and others considered as priority ones, examination outside the normal cycle of cases where there are serious implementation problems, and bringing forward the date of the Committee of Experts' report to allow for better preparation for the Conference. The Workers' members said they will closely follow the implementation of the new procedures adopted for a trial five-year period and will assess them in due course.

43. The Government members mentioned above agreed that the rearrangements should lighten the tasks of administrations and thus permit governments better to fulfil their constitutional obligations. In particular, the Government member of the United Kingdom hoped the new procedures would be implemented quickly; the Government member of Portugal hoped they would not lead to weakening of the supervisory system. The Government member of China observed that these new arrangements do not exhaust the wider question of improvement of the supervisory machinery and standard setting in general.

Examination of reports

Cases of progress and practical application

44. The Employers' and Workers' members and several Government members (for example, China, Egypt, Morocco, Portugal, the United States) welcomed the new cases of progress in the application of ratified Conventions and that the Committee of Experts referred to 42 cases in 30 States and one non-metropolitan territory, where following its comments steps have been taken to change the national law or practice as required. These are tangible proof of the impact of standards and the efficacity of the supervisory system, and the recompense for dialogue steadfastly maintained in different quarters.

45. The Government member of the United States considered that the present Committee should try to analyse the data more and she noted that this year the cases of progress included 12 countries whose problems were discussed in the Committee in the last ten years: four of them were dealt with in special paragraphs. The Workers' members agreed with the Government members mentioned that the cases concerning basic and priority Conventions were encouraging, as were those concerning developing countries. Nevertheless, the Workers' members considered the progress too slow sometimes and regretted that the supervisory bodies in some cases had to return to cases discussed for several years. The Government member of Belgium called for examination of the meaning of persistent cases, the lessons of which should be drawn in legal and practical terms.

46. The Employers' members referred to paragraph 144 of the Committee of Experts' report as regards appropriate sanctions designed to ensure the observance of measures taken to apply Conventions, and thought the possibilities for imposing appropriate sanctions for non-compliance with the obligations resulting from the Conventions were limited, as the ILO could request that a specific sanction be applied only if the Convention in question provided for it. As this occurred only in a few instances, sanctions were usually provided for by national legal systems, and therefore differed accordingly.

Other supervisory procedures

47. The Employers' members referred to the Committee of Experts' statement in its report (paragraph 31), that the procedure laid down in article 19 of the Constitution as to general surveys of instruments chosen by the Governing Body was not strictly a supervisory one, that the importance of general surveys examining the effect given to unratified Conventions and Recommendations had, however, continued to increase, and that they were a point of reference for the whole supervisory system. The Employers' members regarded this as applying very largely to this year's General Survey on Freedom of Association and Collective Bargaining. Yet they considered that such general surveys did not contain binding interpretations of controversial questions.

48. The Employers' members referred to paragraph 33 of the Committee of Experts' report describing the supervisory bodies established for the special complaints procedure relating to freedom of association. They considered the Committee on Freedom of Association to have no wider powers than those of the Fact-Finding and Conciliation Commission, created at the same time but never having really been able to carry out regular functions. The Committee on Freedom of Association was a sort of preliminary investigation for the Governing Body. Its functions had changed since then and it acquired "jurisdiction" and was often considered by some people to be competent to make almost binding interpretations. However, this was not foreseen by the Constitution of the ILO.

49. The Workers' members recalled the crucial role of the Committee on Freedom of Association in defence of basic rights and noted that the number of complaints was rising in recent years despite the process of political democratization, which did not automatically increase respect for social standards.

Although serious violations such as physical interference with trade unionists and denial of the right of organizations to exist were perhaps diminishing, violations of basic rights were at the same time becoming more complex and sophisticated. Several countries were only partially democratized and democratic principles were hard to implement in social and economic life. The Workers' member of Argentina referred to the situation in Latin America, whence came almost half of the cases examined between 1985 and 1994 by the Committee on Freedom of Association.

50. The Employers' members said that the direct contacts procedure mentioned in paragraph 35 of the Committee of Experts' report had often been welcomed by them and deserved their full support in future. It was not strictly a supervisory procedure but allowed the Office to give various services requested of it, and the Employers' members considered it a means of promoting the application of standards which was at least as useful as the traditional supervisory mechanism. The Workers' members noted that all the missions expected had taken place including those resulting from the conclusions of the present Committee in its discussion of individual cases. The success of a direct contacts mission accepted by a government was also a question of respect for dialogue, although the Workers' members warned against using the procedure or more generally technical cooperation merely as a means of delaying or evading discussion at the Conference.

51. The Employers' members raised doubts as to whether access to the supervisory procedures, as mentioned by the Committee of Experts in paragraph 36 of its report, could be opened to individuals. That would require new bodies and new procedures, a matter which merited further examination.

52. The Government member of Nicaragua also doubted whether other voluntary mechanisms, such as a system of mediation and arbitration, should be established on a permanent basis as suggested by the Director-General in his Report, to supplement the present ILO supervisory procedures. First, national authorities should recognize labour disputes, and intervention by an international instance in such cases might turn to interference in internal affairs. Such a mechanism could not replace commissions of inquiry or the Fact-Finding and Conciliation Commission, which had a different purpose, and their voluntary nature would be very relative since, as with direct contacts, refusal to accept them would be interpreted negatively.

Role of employers' and workers' organizations

53. The Employers' and Workers' members and the Government members who spoke on this question (for example, Nicaragua, Portugal) shared the views generally expressed by the Committee of Experts on the participation of such organizations in the supervisory system (paragraphs 46 to 51 of the report) and looked for an increasing role for them as a result of the rearrangement of procedures adopted by the Governing Body.

54. The Employers' members agreed with the opinion in paragraph 50 of the Committee of Experts' report that progress in the organization of consultations could help solve problems in applying standards at the national level and avoid reference to an international body. The Workers' member of Ghana remarked that in developing countries governments were indifferent to the problems of trade unions, who thus had to raise them at the international level.

55. The Workers' members and the Government member of Portugal pointed to the record 251 observations of employers' and workers' organizations referred to by the Committee of Experts, which was explained not only by government failings but also by the increasing number of breaches of standards, including basic rights: such breaches were becoming more sophisticated and complex, as already stated, and the Workers' members considered that the increased number of comments by employers and workers was in part due to their assumption of some governmental responsibility. They hoped the Office would let employers' and workers' organizations have the necessary financial and technical means for discharging their additional tasks and responsibilities. The Workers' member of France also called for further efforts by the Office to provide information on standards and procedures and to promote them and he asked governments to observe the principle of tripartism in delegations going to standards-related meetings. The representative of the Secretary-General, responding to a question concerning the despatch of the report of the Committee of Experts to national employers' and workers' organizations, indicated that unfortunately the Standards Department did not have the resources, as there would be some 800 of them; the competent branches of the Office would, nevertheless, be contacted to see if it was physically possible to satisfy the request of the Workers' member of France.

56. As the Government member of Nicaragua and the Workers' member of Finland observed, Convention No. 144 was a suitable means for involving employers' and workers' organizations more closely in the preparation of reports and the elaboration and application of standards. Of course, the aim of that Convention was to promote procedures in each member State to ensure effective consultations between representatives of governments, employers and workers on questions concerning international labour standards and the fulfilment of related constitutional obligations. The 61 ratifications of the Convention were generally considered insufficient and, in concurrence with the Committee of Experts, urgent appeals were made in the Committee, particularly by the Workers' members and the Government members of Nicaragua and Portugal, for the Convention to be more widely ratified as a matter of urgency. The application of principles was a different matter from ratification and some failures as regards tripartite consultation were pointed out by the Workers' member of Argentina in respect of Latin American countries, including those nine which had ratified Convention No. 144.

Questions concerning the application of certain Conventions

Application of the Forced Labour Convention, 1930 (No. 29)

57. The Employers' members expressed their complete indignation at the problem of exploitation of children, especially through prostitution and pornography and a related kind of tourism, as mentioned in the comments of the Committee of Experts on Convention No. 29. The Workers' members associated themselves with the Employers in this respect.

58. The Workers' members also noted that the experts quite rightly gave special attention to the problem of contemporary slavery, especially of children: child labour in most cases was forced labour and was often a form of economic exploitation which violated fundamental rights of the child and human rights in general as guaranteed in several ILO Conventions and in Conventions adopted in the United Nations. Political will was essential if child labour was to be stopped, and poverty was of course in part responsible, but child labour was most often due to inequitable policy for income distribution and equal opportunities, especially when there was no sound policy in the spheres of budget and education. The Workers' members supported the position of the Committee of Experts placing responsibility on the whole international community when children were subjected to forced labour and especially exploitation through prostitution and pornography, and they too wished to see advertising and promotion of such practices in countries and regions where those tourists come from prohibited. The Workers' members also pointed out that 135 countries had ratified Convention No. 29, and that this demonstrated the dynamic interaction between basic standards and the world social order. They also referred to the ILO's interdepartmental programme for the elimination of child labour, the aim of which was in particular to promote the ratification of Conventions related to child labour and the improvement of their application.

59. In view of the support given to the position of the Committee of Experts on child labour and the application of Convention No. 29, the Workers' members wished all Government members to draw their authorities' attention to the experts' comments. The Government member of Portugal agreed with the Committee of Experts and the appeal to member States to eradicate such practices.

Application of the Employment Policy Convention, 1964 (No. 122)

60. The Workers' members noted that, as usual, the Committee of Experts made general comments on the Application of Convention No. 122. Reports from 47 States and eight non-metropolitan territories examined this year dealt with the same period as last year, i.e. 1990-92. The comments in paragraphs 91 to 94 of the report of the Committee of Experts should be read together with those in paragraphs 52 to 57 of the 1993 report, as mentioned by the Workers' members, who recalled that the Committee of Experts was very concerned with practical commitment to full employment under Convention No. 122 and with social dialogue, confirming these points this year, whilst adding other important observations.

61. The Workers' members referred to the Committee of Experts' comments in paragraph 91 of its report, that the phenomenon of economic growth without improvement in the employment situation as in some countries was a new reason for concern, in so far as it could lead to structural changes which would be unfavourable to employment in the long term. The Workers' members considered that active and coordinated measures did not seem to be being taken to deal with the structural crisis.

62. The Employers' members disagreed with this view and thought there was no proof that the negative effects on employment of productivity increases outweigh the employment creation flowing from increased production. There was no automatic link between economic growth and a relative decline in numbers of jobs, and the factors affecting employment levels in recent years could not be ignored, such as increasing employment in the services sector, slower capital intensification, reduction in average working time, greater use of part-time work and a growing tendency to use other manpower policy measures. Unemployment resulted not only from loss of jobs. The number of workers employed in OECD member States had grown by almost 25 per cent between 1970 and 1992, which meant some 80 million people had found new jobs. However, this impressive growth did not keep pace with the number of jobseekers, so that greater growth and economic activity were necessary. The real problem was not employment reduction but an insufficient level of employment creation.

63. The Workers' member of Pakistan noted that in several developing countries economic growth was accompanied by employment creation which was capital-intensive instead of favouring in the short term labour-intensive methods. The Workers' members in general rejected any misunderstanding which might result from this exchange of views: there was no disagreement with the Employers as to the relationship between growth and employment, since growth was obviously indispensable in solving unemployment problems.

64. The Workers' members agreed with the Committee of Experts in paragraph 92 of its report, that most often macro-economic policy objectives tended to favour overcoming inflation and public finance. They stressed the predominance of monetary policy objectives, which meant that employment was really the only adjustment variable. The Workers' members agreed with the Government member of Belgium in referring to meetings such as the G7 or the Council of Ministers of Finance of the European Union (ECOFIN), which on the basis of economic and monetary criteria adopted recommendations and decisions affecting employment policy without consulting ministries of labour or the social partners. The Workers' members were concerned that the effect on employment of privatization, especially the Workers' members of Ghana and Pakistan, who referred to the social cost of structural adjustment programmes imposed by the International Monetary Fund and the World Bank. The recommendations and conditions put particularly by the IMF, the World Bank and the OECD often or sometimes completely ignore the objectives and the requirements of Convention No. 122.

65. The Employers' members did not share the concerns expressed in paragraph 92 of the Committee of Experts' report, that governments favour growth over employment. To stimulate economic activity in a country it was necessary to have monetary stability, a solid national budget, a responsible political economy, a reasonable and effective system of collective bargaining and labour legislation, and a responsible policy on wages and working time, to encourage private initiative and production. Full employment could not be an absolute objective and could not be realized to the detriment of other aims in the long term.

66. The Workers' members noted that some member States considered that an active labour market policy and flexibilization of its operation were sufficient to pursue the aims of the Convention, whilst the Committee of Experts considered that member States should see to it that the impact of the Convention was not reduced because of labour market policy alone. As for paragraph 93 of the report of Committee of Experts, the Employers' members considered that the tendency to pursue employment and labour market policies in this way should be resisted when it led to the creation of a secondary or unstable labour market. In the long term intervention and subsidization could be no substitute for market economy mechanisms, and a negative effect on the labour market would be inevitable. It was contradictory to demand the end of a centrally planned economy and the lack of liberty it entailed, and at the same time repeatedly call for greater state intervention in the economy and society.

67. The Workers' members refuted the alleged contradiction between employment policy and efficient social protection: employment, workers and conditions of work could not be considered as variables. International standards created a universal framework in which employers' and workers' organizations and governments could organize the labour markets and socio-economic policy to take account of local possibilities, and this was the experts' opinion when they stated that "the goals of raising standards of living and promoting equity of employment policy should not be forgotten when, for example, the reduction of the minimum wage is envisaged to favour greater flexibility in the labour market" (paragraph 92 of the report of the Committee of Experts). The Workers' members recalled the discussion of the 1992 general survey on minimum wage fixing: Convention Nos. 26, 99 and 131 guaranteed minimum wage fixing which was fair for all categories of workers, taking account in particular of inflation and changes in the incomes of other sections of the population. The Workers' member of France strongly supported the experts on this point, since they fully understood that respect for standards was indispensable at a time when ultraliberalism was an excuse to promote maximum flexibility. The market's dynamism must be countered by standards.

68. The Workers' members noted that the Committee of Experts also recalled in several cases the importance of giving effect to Convention No. 122 as regards consultation of employers' and workers' organizations and other sectors of the active population. They referred to the absence of real consultation of the social partners, who were met with a minimalist attitude or even a negative one in respect of social dialogue both in industrialized and in developing countries, and this was in their view a major violation of the Employment Policy Convention.

69. The Workers' members hoped that the comments of the Committee of Experts and the present Committee on the application of Convention No. 122 would be taken into account for the general discussion on employment policies in a world perspective placed on the agenda of the 83rd Session of the Conference in 1996.

Application of standards in particular circumstances: Export enterprises and industrial zones, maritime labour standards

70. The Workers' member of Argentina regretted that the Committee of Experts' report contained no special paragraph on international maritime registers or export processing zones.

71. The representative of the Secretary-General drew the Committee's attention to the Committee of Experts' observations this year under Convention No. 147 on merchant shipping, addressed to several countries where there were "flags of convenience" according to the criteria of the International Transport Workers' Federation. He also confirmed that the Committee of Experts was still following the application of ratified Conventions in export-processing zones and that this year it had again made comments in its general survey and in observations concerning individual countries.

Technical cooperation and standards

72. The Committee noted with interest the information in the Committee of Experts' report on the technical assistance given relating to standards, which in various ways included direct contact missions, visits and missions by technical advisers on standards, regional and subregional seminars, training programmes for officials of national labour administrations, advisory services relating to international labour standards and labour legislation projects.

73. The Employers' and Workers' members noted that employers' and workers' organizations were requesting ever more technical assistance from the Office in order to meet their increased responsibilities, and this showed their appreciation of the interest and value of assistance given. Several Government members (for example, China, Colombia, Egypt, Japan, Morocco) spoke of activities in their countries and supported the various programmes, underlining the positive effects of help given, especially to strengthen the capacity of labour ministries.

74. The Committee joined the Committee of Experts in noting with interest the setting up of multidisciplinary teams in the regions. The Workers' member of Argentina stressed the need for each team to have a standards adviser, and the representative of the Secretary-General described the present situation in the Regions in this respect. Various statements in the Committee showed agreement with the experts that this form of assistance was a new phase in the symbiosis between the ILO's standard-setting and technical cooperation activities, in the context of the implementation of the active partnership policy.

75. The Employer's members found paragraphs 52 and 53 of the Committee of Experts' report too restrictive as to the relation between technical cooperation and standards. The Employers' members considered it was said in those paragraphs that technical cooperation had the main aim of promoting the better application of standards. In their view there should be interplay and synergy between standards and technical cooperation, and this meant that also technical cooperation experience should be taken into account in the elaboration of standards.

76. The representative of the Secretary-General noted the interest shown by governments and employers' and workers' organizations in technical assistance and indicated that demand in this area was much greater than ability to offer. He confirmed that he was continuing to reorganize the Standards Department internally so as to free greater resources for technical assistance, although that must in no way affect the quality of work of the secretariat of the supervisory bodies. Supervision of the application of standards was and would remain the absolute priority of the ILO's Standards Department.

Relations between the ILO and other international organizations

77. The Workers' members considered that cooperation between the ILO and other international organizations should be intensified. As in the case of indigenous and tribal peoples, the cooperation relating for example to child labour, forced labour in the widest sense of the term, migrant workers' rights and the prevention of discrimination should be intensified and made more active. The conclusions of the final declaration of the World Conference on Human Rights (Vienna, 14 to 25 June 1993) should be closely followed as regards social rights.

78. The Workers' members noted that in fields other than human rights, there should also be intensified collaboration between the ILO and international financial, economic and trade organizations such as the IMF, the World Bank and the new World Trade Organization. The ILO should be involved in the programmes, activities, studies and regulations of those organizations, especially as regards social and employment matters. The Workers' members drew governments' attention to the fact that the budget, staff and resources of the World Bank were much greater than those of the ILO, which had to limit itself to zero growth in its budget. Member States must make the necessary means available to the ILO for it to fulfil its mandate.

79. The Workers' members stated that the opinion of the Court of Justice of the European Union delivered on 19 March 1993 should enable clarification of certain questions of competence as between the Union and the ILO. Preparatory work for the Conference relating to standards partly within the competence of the European Union should be improved, and relations between the ILO and the Union should be regulated so that the rate of ratification might improve substantially. Tripartite consultation at the national and European levels should be ensured and the social chapter of the Maastricht Treaty provided for a consultation mechanism. The Workers' members considered that the social standards of the European Union, especially the European Directive on children and young persons, should take account of ILO standards.

80. The Employers' members and the Government member of Germany observed that no final decision on the relative competence of member States and the European Union Commission had yet been taken in relation to matters dealt with by the International Labour Organization. The Government member of Belgium hoped efforts would be made to improve such relations and enable States to fulfil their obligations. The European Union should deal with the problem raised when its own decision making processes prevented States from ratifying and placed them in a delicate position as to discharge of their international commitments. He agreed with the Workers' members that the European Union should not damage national tripartite consultations or try to establish a second code of international labour standards sometimes inferior to existing standards. The ILO should not on the other hand be unduly afraid of the development of regional cooperation, since it could have a favourable economic effect. Social dialogue should be realized at the level of the Union and effective consultations should be provided for at that level in order to improve cooperation.

81. The representative of the Secretary-General replied to various Committee members' questions as to the ratification of Conventions by the European Union and reassured the Committee that there was no conflict between the ILO and the European Commission Secretariat. The Office had always been available to supply information or assistance as required, and the ILO's member States which have ratified Conventions should be informed by the Commission of any implications of a draft directive on the application of ILO Conventions. If the Commission did not do that, the ILO would do so as far as possible by way of information and without any ulterior motive.

C. Reports requested under article 19 of the ILO Constitution

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); the Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

82. The Committee held a fruitful and in-depth discussion on the General Survey of the Committee of Experts which examined the effect given to the Freedom of Association and Protection of the Right to Organize Convention, 1948, (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949, (No. 98). Besides the information provided in the reports communicated under article 19 of the Constitution, the Committee of Experts also examined the information received under article 22 of the Constitution from member States having ratified the Conventions in question. The survey also took due account of the comments received from employers' and workers' organizations to whom government reports had been transmitted by virtue of article 23(2) of the Constitution.

General remarks

83. The Committee members unanimously welcomed the choice of Conventions Nos. 87 and 98 for the 1994 General Survey, particularly given that this year represented a double anniversary of special importance to the ILO. The principles of freedom of association, consecrated in the ILO Constitution and the Declaration of Philadelphia, along with tripartism, were the cornerstones of the ILO's action and its policies. These instruments were among the most ratified and, as further proof of their importance, even member States which had not ratified them could be called to explain before the Committee specially established to this end by the Governing Body of the ILO. For the Workers' members and several Government members (Finland, Germany, Netherlands), the fundamental principles contained in these Conventions were the prerequisites to the establishment of any appropriate machinery for industrial relations. The

Government members of South Africa and of Guinea stated, in particular, that these Conventions constituted the primary source of inspiration in the elaboration of their legislation in this area.

84. The Workers' members and the great majority of the Government members emphasized the independence, objectivity and impartiality demonstrated by the Committee of Experts in the elaboration of this General Survey which extended and, in many ways, completed the previous General Surveys on the subject. They expressed their conviction that, due to its high quality and exhaustive nature, this General Survey would serve as a reference text for several years to come, whether it be to promote the ratification of the Conventions or to improve their application, or even with respect to training activities. The Workers' members noted with satisfaction that, even if the two Committees had different mandates and working methods, the Experts had taken into account the work of this Committee, as they clearly stated that they had endeavoured to respond to certain questions and concerns which it had previously expressed. The Government member of Venezuela associated himself with these remarks.

85. The Employers' members, while subscribing to most of the comments of the Committee of Experts, expressed a certain number of reservations, in particular with respect to the chapter on the right to strike. Without calling into question the General Survey, the Government members of Belarus and of Portugal also expressed several nuances with respect to this question.

86. A wide consensus emerged in the Committee on the need for the universal application of standards on freedom of association, the respect of which could not be subordinated to the achievement of a certain level of development or to a political or economic situation. The Government member of Namibia emphasized in this regard, however, the dilemma faced by countries who had to yield to the requirements of international financial institutions and donor countries, which often were not easily reconcilable, and were even incompatible, with international labour standards; for example, when an economic recovery and structural adjustment plan — and the obtaining of financing — resulted in massive dismissal in the public service and drastic cut-backs in education and health services. In these circumstances, the question of free collective bargaining and the application of standards did not even come into question.

87. The Workers' members and several Government members emphasized that the survey was rightly placed within the context of the recent political and economic changes which had occurred. As regards political upheaval, while it may be true that important progress had been noted in the process of democratization, the Workers' members nevertheless recalled that there were still autocratic regimes in the world in which the only democratic thing was the name; one had to remain vigilant, therefore, because free and democratic workers' and employers' organizations made up an essential component of any true democracy. As concerned the new challenges raised by the globalization of the economy and the intensification of competition, the Workers' members considered that an updating was required by a strengthening of the functioning and the impact of the ILO as well as the fundamental principles being attacked. The survey satisfactorily responded to this need. In the opinion of the Employers' member of the United States, however, some passages of the survey gave the impression that the Committee of Experts considered that Conventions Nos. 87 and 98 would in some way be protected from the upheavals occurring in the world of work, whereas the implementation of ILO standards could not be disassociated from national and global economic realities; just like the employers, the workers had to adapt to the changing conditions. While acquiescing to the need to adapt, the Workers' members could not accept that this would result in a weakening of their organizations and the collective bargaining systems developed over the years.

88. The General Survey noted a significant number of cases of progress achieved in the application of these conventions, which was highlighted by several Government members, as well as the Employers' and Workers' members. The latter recalled, however, that many serious problems of practical application, in fact as in law, existed in several parts of the world, as could be seen by the Reports of the Committee on Freedom of Association. Several Workers' members stressed the particularly serious situation prevailing in Latin America in this regard. The Workers' members of Colombia and of Guatemala recalled that the progress noted at the legislative level was not sufficient if not accompanied by a true political will to translate the spirit of the law into practice. Furthermore, the Workers' members and, in particular, the Workers' member of New Zealand mentioned that the recent adoption of the Contracts of Employment Act gave rise to serious violations of freedom of association and of free collective bargaining.

89. The Employers' members and several speakers from the two other groups recalled that the Committee of Experts' comments on the principles of freedom of association applied both to workers and employers. The latter would, therefore, have hoped that this equality of treatment had been mentioned more systematically in the survey. Furthermore, employers' organizations needed massive assistance with respect to training, particularly in the countries of Central and Eastern Europe where they had not previously been in a position to play their true role. The ILO could make an important contribution in this regard. The Workers' member of France, indicating his agreement on this last point if it was a question of finding interlocutors for trade unions, nevertheless specified that the ILO should never finance activities which would hinder the formation of workers' organizations or lead to their disappearance.

90. The Workers' members expressed great interest in the measures that the new Government of South Africa indicated it would take to follow the recommendations made by the Fact-Finding and Conciliation Commission, particularly with respect to freedom of association. The Government member of South Africa stated that his Government recognized without reservation the jurisdiction of the Fact-Finding and Conciliation Commission and its obligations under international law, and undertook to bring its laws into line with them. The public and agricultural sectors were now covered by labour legislation and a draft Bill concerning the so-called autonomous territories should be adopted shortly: then all of the country would be covered by a single industrial relations scheme. A process of tripartite consultation had begun with respect to the right to strike, an issue which might be resolved between now and next year.

91. The Workers' members expressed their complete agreement with the views of the Committee of Experts on the subject of a *world social platform*. This would be the first step towards the setting up of a truly human work scheme in all nations, an objective mentioned since 1919 in the ILO Constitution. Indicating that his Government did not yet have a definitive position on the advantages of including a social clause in international trade agreements, the Government member of the Netherlands expressed his opinion that the Conventions on freedom of association could play a role in this regard if such clauses were to be included. The Employers' member of the United States on the other hand felt that the extensive interpretation given by the Experts to these Conventions, as illustrated by the right to strike, represented one of the obstacles in their use in a social clause. He considered that the principle of freedom of association should be greatly simplified, perhaps to one sentence, to be implemented in any meaningful way in a trade regime. The Workers' members said that they had some difficulty reconciling this last argument with the fact that the Employers' members had really only criticized the chapter dealing with the right to strike, restricting themselves only to some reservations in respect of specific aspects. In these circumstances, reducing the principles of the Convention to one single sentence in a social clause would be a far too simplistic approach.

92. The Employers' member of the United States, supporting the observations made by the Employers' members, recalled the degree to which it was important that the observations of the Experts on the meaning and scope of Conventions Nos. 87 and 98 were well understood and accepted, precisely because of the central nature of these instruments to the work of this Committee. As everyone knows, this Committee functions for the most part on the basis of consensus. However, this ability is seriously impaired when one or the other group disagrees with the Experts' observations. This is particularly critical with respect to the formulation of conclusions on specific cases and the adoption of special paragraphs. This need for consensus is particularly acute in cases involving freedom of association. For the most part, this has not proven to be a problem except when the issue involves the right to strike.

General introduction of the General Survey

93. The Employers' members recalled the conditions which prevailed at the beginning of the industrial era, when democracy was still in its infancy in a number of countries; various groups had to struggle then to defend workers' and employers' interests. Even if there had been a considerable evolution since then, some forms, even the terminology used, had been conserved. It might therefore be useful to carry out a re-examination of this question. The General Survey set forth the diverse sources of rights which had emerged over the years and the different international instruments which contained various provisions on the question of freedom of association. The existing texts in the area, however, only contained brief principles on the subject. It was therefore not surprising that the introductory chapter of the survey did not really address the content of the standards in question, but rather confined itself to an assessment of how these standards had been interpreted and applied over the years by the different supervisory bodies called to handle them. This sometimes gave the impression that one of these bodies was being called upon to lay down the law. Of course this was not said directly, because none of these bodies had that competence. The survey drew a number of conclusions, not only on a series of fundamental principles, considered by the Committee as a veritable international law of freedom of association, but also on a number of minutely detailed points.

94. The Workers' members emphasized that the General Survey came at a crucial time for social policy in general and for the ILO in particular. Due to the globalization of the economy and the recent political changes, workers' and employers' organizations, as well as the public authorities, were facing new challenges, numerous and important. These diverse factors unified and strengthened each other: primarily, the result was a generalized intensification of competition which should be counterbalanced by international rules. The ILO and its fundamental principles, tripartism, freedom of association and free collective bargaining, had always been considered the cornerstones of a universal social and economic framework. These principles were also the fundamental objectives during the creation of the ILO in 1919 and its strengthening in 1944. The challenges which must now be met required updating in the sense of a strengthening of the functioning and impact of the ILO. The General Survey, which the Committee of Experts had rightly placed in the present context, met expectations and was a very current and usable frame of reference. The survey would have beyond a doubt a profound influence on the future action of all the supervisory bodies. The Workers' members also noted with satisfaction that the Committee of Experts had taken into account the work of the Conference Committee on Standards, as had been announced already in paragraph 3 of the survey, even if these two committees had a different mandate and different working methods. The Committee of Experts had replied unambiguously to the numerous observations based, in particular, on some provisions of the Vienna Convention or on other texts or legal theories.

The relationship between trade union rights and civil and political liberties

95. The Employers' members generally supported the comments of the Committee of Experts on this subject, but with certain nuances. The beginning of this chapter, which in particular made reference to other international texts, lent to the observation that sometimes, in practice, there was some opposition between individual rights and collective rights, whereas that should not normally be the case. The right of every person to establish and join organizations was the very foundation of freedom of association. The comments and recommendations of the Committee of Experts on this subject concerned the fundamental rights and liberties which every citizen should be able to invoke, worker or employer, who wishes to join an organization and participate in its activities. For the Employers' members, respect for these principles was the indispensable prerequisite for the existence of a state of law respectful of democratic rules. For a number of years, this Committee had recalled that the violation of civil liberties had negative repercussions on freedom of association. The Committee had the duty to draw attention to the regrettable situations of this type when they occurred and to request the necessary changes. There were a number of difficulties in this respect and the ILO and the employers should continue to cooperate in order to resolve them. These substantial problems which were raised in the course of this discussion, as a rule lay well outside the subtleties concerning the right to strike, and indeed had nothing to do with it. The real and recognizable difficulties, obstructions and shortcomings concerning freedom of association in its practical application formed an important field of action for the supervisory bodies of the ILO. There was considerable agreement on this subject, constituting a base for effective action in this field and this opportunity should not be lost. The differences of opinion about the limits of strikes should not be allowed to imperil the general measure of agreement. However, controversial matters needed to be discussed at somewhat greater length than questions on which there was agreement.

96. For the Workers' members, collective rights gave rise to harmonious development and the reinforcement of individual rights. There was therefore a veritable complementarity between the two. Furthermore, freedom of association was a principle the consequences of which reached far beyond the framework of labour law in the classic sense of the word. In the absence of a democratic order respecting political rights and freedoms, freedom of association could not fully develop in all its aspects. Convention No. 87 and the constitutional principles of freedom of association, which must be respected by every State whether or not they have ratified the Convention, imposed an obligation of result on the authorities responsible for the police, as well as for the administration of justice and the for the judiciary power. The public authorities must not remain complacent by simply tolerating the existence and the functioning of workers' and employers' organizations; they must create and maintain all the necessary conditions so that these organizations may develop, without interference, within the framework of a true political, social and economic democracy. Each year during the discussion of the individual cases, however, the Committee noted that legitimate trade union activities were considered as criminal offences in some countries and that they were suppressed by the authorities or even by paramilitary groups acting with complete impunity. The Workers' members also stressed that it was particularly important that an independent, easy accessible, judiciary system be established — a subject which it would be desirable to provide for in a specific international instrument — and that the victims of this type of repression could thus obtain compensation for the prejudices caused.

97. The Workers' members also deplored the very serious attacks on freedom of association which were the result of measures taken in certain countries, for example, the internment of trade union activists in "education through labour" camps, who were thus forcibly integrated into a parallel economy which exported products and services around the world. The Workers' members of Colombia and of Guatemala moreover underlined the deplorable situation prevailing in their countries and in several countries in Latin America, as could be seen by the number of cases of violation of fundamental rights brought before the Committee on Freedom of Association. The Workers' member of New Zealand also gave resounding homage to the workers who had been victims of serious violations of fundamental rights simply for having wanted to defend freedom of association, and sometimes losing their life for it. The Workers' member of France stressed the utility and the effectiveness of the ILO supervisory machinery which had, for example, contributed to the setting up of truly free and democratic trade-unionism in Poland.

98. Several Government members (Finland, Portugal, Uganda) endorsed the views expressed by the Committee of Experts on the necessary link between civil and political liberties and trade union rights. The Government member of Germany agreed with the Workers' members that the situations described in this part of the survey were particularly disturbing.

The right of workers and employers to organize

99. The members of the Standards Committee of the Conference stated that they were generally in agreement with the comments of the Committee of Experts on this question. Several reservations were however expressed concerning the issue of trade union security.

100. The Workers' members indicated on a general level that the possibility, in fact as in law, of establishing trade union organizations was an indispensable prerequisite to the proper functioning of freedom of association and free collective bargaining. If the recent process of democratization had given rise to progress on this point as compared with the situation in 1983, there were nevertheless a series of measures and practices in a number of countries which hindered, sometimes openly, the right to organize for workers. The desire to obtain a competitive advantage, to perpetuate a not very democratic control over workers, the explanations based on the so-called obsolete nature of international standards or even the economic and cultural differences, were some of the reasons invoked by different countries and really constituted excuses more than true arguments.

101. The Workers' members subscribed to the position of the Committee of Experts according to which the only exceptions provided for in Convention No. 87 were the armed forces and the police; in case of doubt, workers should be considered as civilians and thus benefit from the protection of this instrument. These principles were also valid for all other workers who, in many countries, were refused trade union rights, for example: public servants, fire-fighters, prison staff, agricultural workers, workers in the informal sector, managerial staff, workers in export processing zones, migrant workers, etc. The Workers' member of Argentina furthermore drew the Committee's attention to the specific difficulties encountered by seafarers because of the greatly increased use of flags of convenience and second registers in such a way as to deprive an important group of workers of any of the protections of international labour conventions, in particular, in the area of freedom of association. This problem should be remedied by the ILO.

102. According to the Workers' members and the Employers' members, the right of workers and employers to establish organizations should not be hindered by unduly complex and long registration procedures which did not offer all the guarantees of necessary objectivity and which, in practice, amounted to a system of previous authorization. The Workers' members indicated that these problems were particularly serious in systems of enterprise trade unions because of the necessity to register each time, as well as in the free export zones, a problem raised many times in the General Survey. Moreover, several free trade unions, established recently or for a certain number of years, were also facing obstacles in countries which applied a system of semi-official trade union monopoly, and even official, in favour of a union close to the political power.

103. As concerned the right of workers and employers to establish organizations of their own choosing, the Workers' members commented on three points. First, in systems of enterprise trade unions, many workers were deprived of the right to organize when legislation imposed an excessive threshold as to the minimum number of members. This situation was worsened by the increasing number of small and medium enterprises and the greater recourse to subcontracting. The second important theme concerned the relationship between, on the one hand, trade union diversity and, on the other, the requirements of effectiveness and feasibility in collective bargaining at all levels. The bilateral and tripartite social dialogue could not be limited only to the enterprise, but should be held at every level and deal with every facet of social and economic policy. An excessive multiplication of workers' and employers' organizations, like a trade union monopoly imposed by law, ran the risk of weakening the quality of the social dialogue and damaging the members' representation. The balance to be found depended to a large extent on the particularities of the labour relations system in each country. The Workers' members also underlined that maintaining this balance, particularly in systems of centralized negotiation, might become difficult when trade unions by category, such as managers, claimed recognition as the most representative trade union at the national and federal level. Thirdly, the survey confirms that the clauses and practice of trade union security were not covered by the Convention. Given that these clauses were often criticized by governments which had adopted an anti-union policy, it was not surprising that the trade unions concerned looked to protect themselves by using clauses of this nature.

104. The Government member of Iceland stated that his country and many other States were concerned about several problems raised with respect to Convention No. 87 such as closed shop systems, trade union security clauses and the notion that it was worth calling up the negative side of freedom of association. Governments were often confronted with a dilemma in this regard: on the one hand, they try to guarantee trade union security by allowing the social partners to negotiate on priority employment clauses, particularly when the employment market is restricted and fragmented as in Iceland; on the other hand, they are expected to neutralize the negative aspects of freedom of association by prohibiting trade union security clauses. This question was equally linked to the search for greater flexibility in the labour market, as well as to the desires to substitute individual labour contracts for collective agreements, a tendency which was reflected in other regional instruments. The Committee of Independent Experts of the European Social Charter had for its part considered that article 5 of the Charter covered both positive and negative freedom of association and that trade union security clauses were in violation of the Charter. The European Court of Human Rights arrived at the same conclusion with respect to article 11 of the European Convention on Human Rights, without determining however if this negative right should benefit from an equivalent protection to that given to the positive right. This gave rise to the thought that the latter, in certain circumstances, might benefit from better guarantees.

105. Supporting the general observations of their group, several Workers' members also remarked on the specific situation in their own countries with respect to the comments of the Committee of Experts on this subject. Thus, the Workers' members of the Czech Republic and of Japan evoked specific problems concerning the right to organize for public servants or certain workers in the public sector, for example fire-fighters or prison staff; the Committee of Experts had now clarified this question. The Workers' member of Senegal stressed that workers, particularly in French-speaking Africa, were often refused functions of responsibility in unions because of distinctions based on nationality even though they enjoyed popular support from their constituents. The unanimous position of the Committee of Experts on trade union monopoly had now been consecrated, as was underscored by the Workers' members of Poland and Spain, the former specifying that Convention No. 87 had undoubtedly furnished powerful arguments for the Solidarity union in its struggle for the recognition of truly independent trade unions. The Workers' member of Norway, speaking on behalf of the Workers' members of Denmark, Finland, Iceland and Sweden, firmly supported the conclusions of the Committee of Experts on the questions of trade union security. They pointed out, however, that a contradictory jurisprudence on this subject might develop between the ILO and the European bodies.

106. The Employers' members remarked that, overall, the Committee of Experts repeated the comments made previously on this subject, for example concerning persons who could not be refused the right to associate because of the occupational category to which they belong, their nationality or their civil status or even the absence of preference for political reasons. The survey did not insist enough, however, on the fact that the guarantees under Article 2 of Convention No. 87 applied with as much force to employers. Other subjects such as the system of previous authorization existing in some countries, the conditions of registration equivalent to previous authorization, as well as the trade union monopoly imposed by legislation, had been discussed at length in previous years; the opinions of the Committee of Experts and this Committee in this regard were sufficiently clear and in agreement that it was not necessary to add to them.

107. The Employers' members nevertheless expressed serious reservations with respect to the differentiation made by the Experts between trade union security clauses freely negotiated and clauses imposed by legislation. This differentiation, which was perhaps no longer a true differentiation, was far too complex. If this reasoning were accepted, pressures through collective bargaining would be acceptable but not by state regulation. Reservations were necessary in this regard because there were countries where collective bargaining produced the same effects as legislation. The Employers' members thus did not see any real difference between the factual pressures and those exercised by legislation: for the individual the result was the same whether the pressure came from workers' organizations, employers' organizations or the State. In the opinion of the Employers' members, there was a logically obvious link between the freedom to join an organization and the freedom not to join. Freedom required the possibility to choose among several options and the freedom not to join was an inalienable part of the guarantee for freedom. The Employers' members considered that on this point, the Committee of Experts did not follow the principle retained in paragraph 55 of the survey wherein it applied the principle that exceptions to a basic rule should be interpreted in a very narrow sense.

108. The Employers' members of Iceland and Romania, supporting the general observations of the Employers' spokesperson on these questions, made additional observations. The Employers' member of Iceland, referring to comments of her Government and the Workers' member of Norway, stated that the questions concerning trade union security clauses and the right not to associate were more complex than the General Survey implied and that further discussion was necessary with respect to paragraph 102. She had difficulty understanding in this context the difference between laws and collective agreements, particularly when the latter were extended to all workers by law and not only to those directly concerned by the agreements. The problem was aggravated in Iceland by the fact that the law required employers to deduct union dues from employees' salaries: it was difficult in these circumstances to speak of voluntary association of workers. To require, either directly or indirectly, people to join a union against their will was not reconcilable with the basic principle of the right to organize, nor with modern notions of personal freedom. In this regard, the Employers' member of Romania was also surprised by the fact that, according to his interpretation, the Committee transformed a right - which must be protected - into an obligation, and this under the guise of trade union security favouring trade union monopoly. According to him, the comments of the Committee concerning the deduction of dues at the source, for unionists as well as non-members, were contrary to Articles 6 and 9 of Convention No. 95 on the protection of wages, and the comments concerning the obligation of non-members to pay equal contributions to union dues in order to benefit from collective agreements were contrary to Paragraph 4 of Recommendation No. 91 on collective agreements.

109. Stating that the considerations made by the Committee of Experts in this chapter seemed relevant, the Government member of Portugal rectified the reference (paragraph 81, note 71) to provisions of Portuguese legislation concerning the minimum membership required for establishing a trade union, since the ratification of Convention No. 87 had brought about the abrogation of all contrary texts. The services responsible for the registration of trade unions no longer applied the Legislative Decree in question.

110. The Government member of Uganda indicated that his Government, with the technical assistance of the ILO, was undertaking a complete reform of all labour laws and that, for the first time, the social partners had been fully associated with this exercise. In particular, the Government enacted the Trade Union Amendment Legislation to extend trade union rights to workers who did not previously benefit from them, for example the civil service, teaching service and those in the Central Bank.

111. The Government member of the Czech Republic specified that the legislation of his country respected the Convention with respect to the rights of public servants; a draft Bill, considered to be in conformity with Convention

No. 87 and with several provisions of Convention No. 151 (not ratified by his country) is to be submitted to Parliament after consultation with the trade unions.

Drawing up of constitutions and rules, elections of representatives, organization of administration and activities

112. The members of the Standards Committee of the Conference were generally in agreement with the comments of the Committee of Experts on this matter.

113. The Workers' members, stressing the primordial importance of the autonomy of organizations, observed that it was remarkable that the countries which had very detailed regulations with respect to the functioning of trade union organizations often paid very little attention to social policy. Noting, as in the survey, that much progress had been made in this area, they encouraged these countries to pursue this policy in order to bring their legislation into total conformity with the principles of freedom of association. Furthermore, the Workers' members stated that they completely shared the firm and explicit position of the Committee, based on the preparatory documents of the Convention and also taking into account the context of globalization, when the Committee confirmed that trade union activities could not be limited to strictly occupational concerns. Workers' organizations should thus be able to voice their opinions on political issues in the broad sense of the term and, in particular, to express their views publicly on a government's economic and social policy.

114. For the Employers' members, the Committee of Experts had overall formulated appropriate observations on the application of these provisions of the Convention, even though they could not subscribe to its position in every detail; most of these observations did not therefore call for specific remarks. They observed, however, that the Committee of Experts had undertaken a delicate subject when commenting upon the question of the political activities of trade unions. The opinion put forth by the Committee in this regard seemed plausible but it was not strictly speaking deduced from the provisions of the Convention. The question of whether, and to what extent, workers' and employers' organizations should have political ties should be treated with a great degree of caution. If, as the Experts seemed to suggest, trade unions could intervene in any debate of this nature, it might become difficult to distinguish them from political parties. This would only result in the other political forces, which were perhaps stronger and more influential, inevitably considering them as competing political parties.

The right to strike

115. On the principle of the right to strike, a broad consensus was expressed in the Standards Committee. The Employers' members nevertheless specified that, according to them, the text of Conventions Nos. 87 and 98 did not include the right to strike and expressed their disagreement with the scope given to this right by the Committee of Experts. Some Government members expressed some reservations with respect to the public service.

116. The Employers' members made detailed comments on this question, clearly stressing on a number of occasions that they did not challenge the principle of the freedom to strike and lock-out, but they absolutely could not accept that the Committee of Experts deduced from the text of the Convention a right so universal, explicit and detailed, as it had done in this part of the survey.

117. Almost all the chapters began with a relevant passage of the Convention. This could not however be the case on this point since strike was not mentioned either in Convention No. 87 or in Convention No. 98. Furthermore, the survey placed a great deal of emphasis this year on the historical aspects of these instruments; this historical method of interpretation however was only of secondary importance since, in the first place, must come the text, the purpose and the meaning of the provisions themselves. There were no concrete provisions and it was not helpful to quote the standards contained in the instruments of other organizations where strikes and collective action were sometimes mentioned in another context and in a very general or only indirect manner.

118. The beginning of the chapter rightly indicated that the right to strike was mentioned during the preparatory work, but adds in paragraph 142 that "... during discussions at the Conference in 1947 and 1948, no amendment expressly establishing or denying the right to strike was adopted or even submitted." The Employers' members however quoted the following passage: "Several Governments, while giving their approval to the formula, have nevertheless emphasized, justifiably it would appear, that the proposed Convention relates only to the freedom of association and not to the right to strike, a question which will be considered in connection with Item VIII (conciliation and arbitration) on the agenda of the Conference. In these circumstances, it has appeared to the Office to be preferable not to include a provision on this point in the proposed Convention concerning freedom of association." (31st Conference, 1948, Report VII, page 87.) A similar conclusion was made in the plenary sitting: "The Chairman stated that the Convention was not intended to be a 'code of regulations' for the right to organize, but rather a concise statement of certain fundamental principles." (31st Conference, 1948, *Record of Proceedings*, Appendix X, page 477.) Later, Recommendation No. 92 on voluntary conciliation and arbitration dealt with this issue in a neutral manner without regulating the contents. During the plenary sitting, the famous Workers' spokesperson, Léon Jouhaux, bitterly complained of the unsatisfactory result of the discussion; he did not explicitly mention the absence of the right to strike, but other delegates did. Moreover, during the adoption of Convention No. 98, two requests presented by Workers' delegates with the aim of including a guarantee of the right to strike were rejected on the basis that it was not covered by the proposed text and that this question should be dealt with at a later stage. (32nd Conference, 1949, Record of Proceedings, Appendix VII, pages 468 and 470; see also ILO, *Industry and Labour*, Vol. II, July-December 1949, pages 147, et suite.) Shortly afterwards, a Government delegate made the same request which the chairman declared unreceivable for the same reasons.

119. Under these circumstances, it was incomprehensible to the Employers that the supervisory bodies could take a stand on the exact scope and content of the right to strike in the absence of explicit and concrete provisions on the subject, and that this absence seemed precisely to be the justification for their position, as is suggested in paragraph 145. The Committee of Experts had put into practice here what was called in mathematics an axiom and in Catholic theology a dogma: that is complete, unconditional acceptance of a certain and exact truth from which everything else was derived.

120. Article 3 of Convention No. 87 which confers to organizations the right "to organize their administration and activities and to formulate their activities" did not mean, according to the Employers' members, the right to intervene in the rights of others. In paragraph 136, the Experts rightly stated that "the exercise of this right inevitably affects third parties who sometimes feel that they are the victims in disputes in which they have no part". This assertion of the Committee's had been increasingly confirmed with respect to all labour disputes. In any event, strikes were clearly not an internal and autonomous matter of a trade union; they were above all directed against employers and, in today's world with its division of labour, the effects of a strike which were regularly and deliberately calculated increasingly touched third parties and the general public who had nothing to with this conflict. Sympathy strikes, by their very nature, were aimed at people who were not directly involved in the conflict. The interpretation of the Committee, which was creating and developing law, did not allow for the conclusion that the right to strike was an intrinsic corollary of the right to organize, as asserted in paragraph 151 of the survey.

121. The Employers' members also felt it important to note that they were not so much criticizing the fact that the Committee of Experts wanted to recognize the right to strike in principle, but rather that it took as a point of departure a comprehensive and unlimited right to strike. The views of the Committee of Experts on the various forms of strike and their scope were obviously based on erroneous premises. The Committee did not generally examine whether strikes were permissible, nor the question of how far a strike can go. Beginning with the erroneous premise of an unlimited right to strike, the Committee considered rather whether limitations on the right to strike were permissible. According to the Committee, any limitation on the right to strike required a specific justification, which could be seen in the treatment of all the important cases. Two examples could be given in this respect: the public service and political strikes.

122. According to the Employers' members, the Committee of Experts considered that restrictions on strikes in the public service were only allowable if the strike affected the essential services, an expression which the Experts later defined in the strict sense of the term. Consequently, the Committee came to accept restrictions on the right to strike only in cases where the strike might endanger the life, personal safety or health of whole or part of the population. The Employers' members had already responded in this respect that a State could not accept that its duty to protect the welfare of its citizens be restricted to the values of life and health. It can be seen that, in paragraphs 158 and 159, the Committee of Experts had applied a different approach by adopting a very cautious formula. The Committee considered that some restrictions on the right to strike might be permissible under certain circumstances, while leaving the question open. One might discern the sign of a new approach but, looking at the specific application of this approach to concrete examples concerning some countries, one quickly realized that the Committee had fallen back on its old formula, hurrying to forget its weak attempt at revision.

123. Still according to the Employers' members, the position of the Committee of Experts with respect to political strikes had also been influenced by the above-mentioned principle of unlimited strike. For a long time, the Committee only admitted the possibility of limitations for "purely" political strikes. However, the number of cases where the Committee applied this approach demonstrated that purely political strikes virtually did not exist since it had often assimilated political strikes to a protest against government policy, a form of strike which it had always considered acceptable. The Employers' members expressed their concern for the fact that, from this point of view, consideration was never given to the fact of a democratically elected parliament and yet, the social partners were not above the law. Regrettably, the Committee of Experts often considered that some strikes were a protest against the government, while in reality, these strikes were against decisions of a freely elected parliament. In these circumstances, it would seem more reasonable and in greater conformity with democratic rules to submit the question of strike and lock-out to the legislator of the ILO, i.e. the International Labour Conference, where, after sufficient preparation and an open debate, this area, which was still open, could be made the subject of a specific regulation.

124. In their final remarks on the right to strike, the Employers' members, in response to some comments from the Workers' members, recalled that they were not simply set on denying the right to strike, but had, to the contrary, put forward numerous and well-founded arguments for their position. First, the Employers' members had made recourse to historic arguments, the basis of which was disputed by some workers, precisely because the survey itself placed a great deal of emphasis on this. Basing themselves on these texts, the Employers could thus demonstrate that the right to strike had not been provided for in Conventions Nos. 87 and 98. This argument was all the more convincing by the fact that the right to strike had not been forgotten during the elaboration of these instruments: attempts had been made to incorporate this right into the Conventions but had been rejected in the absence of a majority in favour. Secondly, several speakers simply asserted that there was a comprehensive right to strike because there had to be, as without the right to strike, there could be no freedom of association. It was impossible to seriously argue against this type of preemptory statement which likened the right to strike to a sacred workers' right. Thirdly, numerous speakers cited other regional or international instruments dealing with the right to strike, lock-out, etc., but these were not relevant to the interpretation of ILO instruments. An extensive right to strike did indeed exist in some countries, but elsewhere the situation was entirely different. This was a matter for national law, but in no way was it a right established by ILO instruments or derived from them.

125. As regards the statement of the Workers' member of Poland that Conventions should be interpreted in a dynamic and functional manner, the Employers' members saw in this an admission that there was no legal basis for the right to strike in ILO instruments. There were rules of interpretation in international law provided for by Articles 31 and 32 of the Vienna Convention on the Law of Treaties which the Experts themselves used in their interpretations. Two objections were raised in this regard. First, the Vienna Convention dated back to 1969 and banned retroactivity. In Article 4 of this Convention, however, it is said that this ban on retroactivity did not apply to general rules of international law, and the rules of interpretation in Articles 31 and 32 of the Convention were such rules. Secondly, Article 5 of the Vienna Convention provided that it "applies to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization, without prejudice to any relevant rules of the organization." There were no rules of interpretation in the constituent instrument of the ILO and article 37 of the Constitution only indicated the competent body without establishing authentic rules of interpretation.

126. Finally, with respect to the statement made by the Workers' member of the United Kingdom according to whom even if the standards did not contain detailed provisions on the right to strike, this right was generally and implicitly recognized, the Employers' members stated that this argument was not enough as no rule of international law could be derived from it upon which the situation in every member State could be examined and, if necessary, criticized. There must be more precise provisions in order to conclude the existence of a right. Nevertheless, the Experts have gradually and systematically elaborated not a general principle on the right to strike — as they should have done — but rather an almost unlimited right to strike, accepting less and less any restrictions on this right. If the views of the Committee of Experts were generally accepted, then workers should no longer have any objection to placing this mater on the agenda of the Conference, thus clarifying the question. The Employers' members, however, were quite certain that the final result would not be the type of right to strike elaborated by the Committee of Experts.

127. Supporting the comments of the Employers' spokesperson, the Employers' member of the United States observed that, considering the legislative history of these Conventions and the observations of the Experts in the 1950s, no one could have anticipated the extremely explicit and detailed interpretation now made by the Committee of Experts. The speaker recalled that, in the 1953 survey on Convention No. 87, the Committee stated that: "The object of this Convention is to define as concisely as possible the principles governing freedom of association, whilst refraining from prescribing any code or model regulations." (ILC, 36th Session, 1953, Report III, Part IV of the Committee of Experts on the Application of Conventions and Recommendations (articles 19 and 22 of the Constitution), page 57.) The Committee asserted however in paragraph 13 of the 1994 survey that all of the principles which it applies constitute "a veritable international law of freedom of association". This flew in the face not only of the 1953 statement but also of what it rightly stated in paragraph 20 of the 1994 General Report: " ... ILO instruments, whether new or revised, set minimum standards (article 19, paragraph 8, of the Constitution). As a matter of principle, Conventions should set a general framework."

128. The speaker recalled that, in making observations regarding the application of ratified Conventions, the Committee of Experts normally based itself on the text of the convention and its legislative history. With respect to

Conventions Nos. 87 and 98, however, the Committee had moved away from this practice and also applied the principles of the Committee on Freedom of Association. By endorsing the conclusions of the Committee on the meaning of these Conventions, the Committee of Experts has subverted the supervisory machinery. No less an authority than Mr. Nicolas Valticos had pointed out that the conclusions of the Committee on Freedom of Association were not limited to determining the meaning of the freedom of association Conventions and that, not being bound by the terms of these Conventions but more generally inspired by the principles of freedom of association, the Committee was led to formulate the principles which on various points extended the express provisions of the Convention. This reliance on decisions of the Committee on Freedom of Association, decisions which went beyond anything contemplated by the provisions and legislative history of these Conventions, undercut the credibility of the Committee of Experts, a credibility which remained vital to the effectiveness of the Conference Committee on the Application of Standards.

129. The speaker noted that, when the right to strike was discussed in the Standards Committee of the Conference, a confusion arose between two distinct questions which it was worth distinguishing. The first is whether trade unions have the right to strike; on this point, there is a general unanimity, although the right to strike was not without limits. The second question, more relevant to this Committee, is the following: do Conventions Nos. 87 and 98 include the right to strike and, if so, to what extent? Everyone would agree that the right to strike was not explicitly provided for in these instruments. The Committee of Experts indicated in paragraph 142 of the survey that the right to strike "... seemed to have been taken for granted in the report prepared for the first discussion of Convention No. 87 ..." and that "during discussions at the Conference in 1947 and 1948, no amendment expressly *establishing* or *denying* the right to strike was adopted or even submitted." Even if correct, these were quite slim reeds for the Experts to rely on as a basis for its extensive regulation of the ability of governments to place limits on the right to strike given the fundamental nature of such a right. Besides the fact that this document was prepared by the Office, the legislative history of Convention No. 87 was unequivocally clear that "the proposed Convention relates only to freedom of association and not to the right to strike". Furthermore, as was emphasized by the Employers' spokesperson, during the final discussions of Convention No. 98 in 1949, the Conference Chairman declared unreceivable the two amendments aimed at incorporating a guarantee for the right to strike as they were not within the scope of the Convention. The speaker thus expressed the opinion that the passage in question constituted a factual error with respect to the historical basis of the right to strike being fundamentally inherent to these Conventions.

130. The speaker recalled that the Committee of Experts mentioned the right to strike for the first time in its third General Survey on the subject in 1959, in only one paragraph and only with respect to the public service. In the following surveys, the Committee gradually expanded its views on the matter to seven paragraphs in 1973, then 25 in 1983 and finally arriving in 1994 with a separate chapter of no less than 44 paragraphs, including a number of new subjects.

131. Underlining that the Experts stated in paragraph 145 that: "In the absence of an express provision on the right to strike in the basic text, the ILO supervisory bodies have had to determine the exact scope and meaning of the Conventions on this subject", the speaker stated that the Committee of Experts' function was to interpret existing provisions and not to substitute for legislators; it is not up to the Experts to create requirements with respect to questions upon which the technical committee could not agree. To base oneself on the part of Article 3 which states "Workers' and Employers' organizations shall have the right ... to organize their ... activities and to formulate their programmes" is a very indirect and subjective method for concluding the existence of the right to strike in Convention No. 87. It was also a surprising method, as it concerned a right as fundamental as the right to strike which one would have expected to find as an express provision in the text of the Convention itself.

132. The speaker stated that, given the silence of the two Conventions on the right to strike, it would be better to substitute a more pragmatic approach for the optimal approach taken by the Experts whereby the Conventions would only be concerned with general prohibitions to the right to strike rather than the finer details of whether the strike involved essential or non-essential services or whether public servants exercised authority in the name of the State. Noting that the Experts seemed to have chosen a more pragmatic approach in paragraph 160 on the question of strikes in essential services, in response to the wishes expressed for several years by the Employers' members, they considered that this determination was made on a case-by-case basis and not according to the almost uniform approach mentioned in the 1983 survey (paragraph 214, footnote 3) frequently used in the past.

133. Moreover, the speaker remarked that this year, for the first time, the Committee of Experts has addressed the issue of replacing strikers. The speaker indicated his concern that the Committee make such an observation in the abstract, particularly when it was based on two decisions of the Committee on Freedom of Association, the conclusions and recommendations of which were less strict than the observation of the Experts in paragraph 175 since the former only found that there was risk of a derogation of the right to strike. This observation of the Committee of Experts, which might be raised within the framework of the controversial, political debate taking place in the United States, was not appropriate, especially if one considered that it involved only a small aspect of a balanced and complex system of industrial relations.

134. In reply to criticisms of the attitude attributed to the Employers' members concerning the ILO, standards and the support given to the supervisory bodies, an attitude which had allegedly radically changed according to some Workers' members, the speaker, supporting the general comments made by the Employers in this regard, recalled that it was not the Employers who had tried to destroy the ILO system but rather some countries. The Employers, to the contrary, had always supported the system and muted their concerns in the general interest.

135. The Employers' member of Nicaragua added that the right to strike should only be exercised after all other recourse foreseen for resolving conflicts had been exhausted. According to the Employers' member of Romania, the Committee of Experts sometimes made interpretations which contradicted provisions of other standards adopted by the ILO and the exercise of the right to strike could interfere with other rights just as fundamental.

136. The Workers' members stated that the right to strike was an indispensable corollary of the right to organize protected by Convention No. 87 and by the principles enunciated in the ILO Constitution. Without the right to strike, freedom of association would be deprived of its substance. It was enough to go through the preparatory works of Convention No. 87, the multiple conclusions and recommendations of the Committee on Freedom of Association and the successive general surveys elaborated by the Committee of Experts on this subject to be convinced of this. In its 1994 survey, the Committee of Experts formally and unambiguously confirmed this relationship by dedicating a separate chapter to the principles and modalities of the right to strike which it placed in the current context: growing interdependence, globalization of the economy, fragmentation of enterprises and the obsession of competitiveness. The Experts also established current and operational orientations, not only for this Committee, but also for all governments and all workers' and employers' organizations.

137. The Workers' members pointed out that, as indicated in paragraph 165 of the survey, strike objectives could not be limited only to the conflict linked to the workplace or the enterprise, particularly given the phenomena of enterprise fragmentation and internationalization. This was the logical consequence of the fact that trade union activities should not be limited to strictly occupational questions. Moreover, this enterprise fragmentation was partly due to the social policy of many governments to provide various advantages to small and medium enterprises; there was a danger in this weakening of collective rights if certain precautions were not taken, as mentioned in paragraph 335. This was the reason why sympathy strikes should be possible, as well as strikes at the sectoral level, the national and the international level.

138. The Workers' members also stressed that account had to be taken of all of this context when considering the question of modalities for carrying out strikes, such as picketing or occupation of the workplace. Often called upon to make this judgement, the judiciary power had a tendency to suppress these forms of strike, whereas it should do everything possible, if the judicial system in the country permitted, to ensure respect for international obligations and the ILO Constitution. The Workers' members also invited the Governments to verify whether the legislation, practice and jurisprudence of their countries were in conformity with the principles enunciated in paragraph 174 and, if not, to take the necessary corrective measures. As indicated in paragraph 137, detailed and restrictive legislation would not stop wildcat strikes and unorganized actions. By considerably limiting the scope of action of trade unions by legal or administrative restrictions, governments and employers might find themselves increasingly faced with spontaneous actions.

139. According to the Workers' members, possible restrictions on the right to strike in essential services and for certain categories of public servants should be restrictively defined given that they are exceptions to a general rule concerning a fundamental right. The Workers' members strongly hoped that the nuanced position thus expressed by the Experts would put an end to the controversy which sometimes hindered the work of this Committee. In paragraphs 161 and 254, et suite, the Experts rightly emphasized the need to give full priority to negotiated solutions.

140. In their final observations concerning the right to strike, the Workers' members reiterated their general agreement with respect to the approach adopted by the Committee of Experts and commented upon the observations made by some speakers. First of all, they noted that the Government and the Employers' members accepted the principle of the right to strike. The reservations expressed concerned not the right to strike but rather the modalities and the extent to which national conditions should be taken into account. Secondly, most of the reservations expressed by the governments only concerned the right to strike in the public service, considered to be a restrictive interpretation. Thirdly, expressing their surprise at the fact that the Employers' members relied on a declaration of a Workers' delegate to the 1949 Conference, the Workers' members expressed their preference for the method used in the General Survey and the examination, in particular, of legislation and practice in order to evaluate the real situation in the field. Fourthly, they stated that a new discussion at the Conference, as suggested by the Employers, of an essential aspect of a fundamental Convention dealing with human rights as Convention No. 87 did, was not a good idea. Such a discussion might paralyse tripartism and the ILO just at the time when the ILO should be developing dynamic action. As concerned the suggestion of the Employers' members to entrust to the legislators of the ILO, i.e. the Conference, the care to set the modalities of the right to strike, the Workers' members recalled that a draft resolution on this point had been introduced at an earlier session of the Conference by the Government of Colombia, a country which was experiencing very serious problems with respect to the application of Conventions Nos. 87 and 98, including before this Committee. On the other hand, the Committee of Experts unanimously, all the Workers' members and a large majority of the Government members were of the opinion that effective protection of freedom of association necessarily implied operational rules and principles concerning the modalities of the right to strike.

141. The Workers' members also rejected the position of the Employers' member of the United States according to whom the inclusion of Convention No. 87 as such in a social clause would not be opportune. They emphasized that the Employers' members really only criticized the substance of one of the ten chapters, expressing only some reservations on certain aspects of the rest of the survey. The simplifying of the freedom of association Convention into one single sentence in a social clause would not, therefore, make much sense.

142. As concerned the observations of the Employers' members and, in particular those of the Employers' member of the United States, on the changes occurring in the world and the need to adapt to them, the Workers' members were fully aware of this but they could not accept that these changes would weaken workers' organizations and the collective bargaining systems put into place over the years. On a related point on the discussion concerning the relationship between individual rights and collective rights, the Workers' members indicated that they did not dispute the practical importance of individual rights for workers, but nevertheless stressed that collective bargaining and collective rights in general were a very important source of rights for the promotion of the development of individual rights. If on the one hand they were in favour of a strengthening of certain individual rights, for example equality of opportunity, occupational training, family leave, etc., they were opposed, on the other to an individual approach which would tend to weaken collective bargaining.

143. Numerous Workers' members spoke to support the general observations, to emphasize specific aspects of this part of the General Survey or to draw the Committee's attention to the situation prevailing in some countries. All endorsed without reservation the approach adopted by the Experts concerning the interpretation of Article 3 on the right to strike. Thus, the Workers' member of Poland underlined that the Committee had only applied well-established principles, Convention No. 87 calling for a dynamic and functional interpretation. According to the Workers' member of Germany, if the Employers recognized the principle of the right to strike, it was not logical that they contest the means used by the Committee to interpret this principle. The Workers' members of the Netherlands and the United Kingdom stated that the Experts had developed their views on this question in a very cautious, gradual and balanced manner, with the support of a majority of the Conference Committee; it was preferable that the general consensus established in this regard not be shaken up. Recalling that strikes were an essential means of defending the economic, social and occupational interests of workers, the Workers' member of France particularly called into question the position of the Employers on sympathy strikes, emphasizing that there were problems of solidarity generally and that trade union structure was often interoccupational. Furthermore, he criticized the use made by the Employers of the declarations on strikes made by a Workers' member in 1948 and the exaggerated dramatization of the consequences of strikes. The real solution was not to give any reason for going on strike. Several other Workers' members also pointed out various forms of attack on the right to strike, for example: provisions making strikes a criminal offence, frequent limitations imposed on public servants, abuses with respect to the determination of minimum services.

144. Several Government members, including Finland, Germany and Venezuela, expressed general agreement with the Committee of Experts' position on strikes as an indispensable corollary of freedom of association and emphasized moreover that the Committee had explained that this was not an absolute right. According to the Government member of Venezuela, the Committee of Experts had only adopted the modern rules of interpretation of general legal standards by preferring a more flexible and dynamic interpretation to a literal and dogmatic one, taking into account not only the text, but also its precedents, in the context of its adoption and the changes which had occurred. It would have been surprising if a right so broadly accepted had been rejected by the ILO for a restrictive interpretation. For the Government member of Germany, if the authors of the Convention had not considered that the right to strike was a part of freedom of association, why would they have considered it necessary to specify that the recognition of trade union rights for public agents did not prejudge the question of their right to strike? (See 30th International Labour Conference, 1947, Report VII, page 109.)

145. Several Government members, in particular the Government member of Germany, stressed that the problems in this respect often related to the public service, since in that case the employer was the government.

146. The Government member of Belarus, recalling that Conventions Nos. 87 and 98 did not expressly cover the right to strike, stated that this right was always exercised even if it did not appear in national legislation. The legitimacy of this right had to be appraised with respect to the consequences that its exercise might have for society, limiting these consequences as much as possible. A legal framework had to exist therefore, strike being only one of the means for resolving conflicts, and its exercise should be limited to such circumstances. In cases where the consequences of strikes had effects beyond the enterprise, the government might have to take measures and prohibition of the strike in such cases was conceivable.

147. Agreeing that the right to strike was truly an essential corollary to the right to organize, the Government member of Portugal expressed, however, some doubts about certain developments in the survey concerning for example: the exercise of the right to strike in the public service, the maintenance of employment relations, sympathy strikes or strikes protesting against social and economic policy, procedures for strikes, lawful forms of strike action, sanctions in the case of illegal strikes and minimum services. In order to consider the principles put forward by the Committee of Experts as rules of international law, the Conference would have to adopt them according to the principle of tripartism. If a Convention were to be adopted, would all the rules elaborated by the Committee have to be included? Would States which had ratified Convention No. 87 adhere to the new standard?

148. The Government member of the United States indicated that the President of her country had stated that he would sign a law prohibiting the replacement of striking workers. The legislative amendments had been adopted by the House of Representatives and were presently under consideration by the Senate.

Dissolution and suspension of organizations federations and confederations

149. The Workers' members stated that the measures for dissolution and suspension of organizations examined by the Committee in Chapter IV of the survey were extreme forms of interference which should be condemned because the authorities could use them at any time in order to paralyse the trade union movement. The simple fact of their existence had the same effect as the sword of Damocles wavering above the organizations. Judicial recourse, when it existed, was often ineffective due to its sometimes slow and complicated nature and did not always offer guarantees of the necessary independence and objectivity. Other problems had recently arisen with respect to the division of the property of trade unions closely linked to the political system in place within the framework of an institutional trade union monopoly with the aim of equitably redistributing its supporters among the free and democratic trade unions. This redistribution should be organized as soon as possible and on an equitable basis. The Workers' member of Poland endorsed the position of the Committee of Experts on this point, stating however that it might have extended its scope — which essentially aimed at Central and Eastern Europe — to all the countries in Africa, Asia and America which have moved from a single party system to a pluralist democracy. He was of the opinion that the Committee could have emphasized more firmly and explicitly that the Convention placed an obligation on States to take such measures, after necessary consultation, as had been recalled by the Commission of Inquiry established to consider the complaint concerning the application by Romania of Convention No. 111 on discrimination (employment and occupation). He underlined that the absence of appropriate measures in this regard in numerous countries on the road to democratic reform represented one of the worst threats to the existence and functioning of independent trade unions.

150. As regards the restrictions placed on the right of organizations to join federations and confederations and to affiliate at the international level, the Workers' members stated that measures of this type were clearly designed to weaken the impact of the trade union movement and to undermine worker solidarity. Trade union organizations were thus trapped within a framework imposed by the authorities. Among the possible multiple consequences of this, they mentioned: the danger that trade union activities be restricted to strictly occupational matters concerning the workplace; the limitation of the scope of application of collective agreements and of social policy; the exclusion of certain categories of the population; the immobility and ignorance of workers faced with the increasing internationalization of the world; the danger of political control over the trade union movement; and finally, the weakening of tripartism at the national, regional and international level.

151. The Employers' members expressed their general agreement with the comments made by the Committee of Experts in these two chapters.

Right to Organize and Collective Bargaining
Acts of discrimination and interference

152. A fairly broad consensus developed in the Standards Committee of the Conference concerning the comments made by the Committee of Experts on Convention No. 98. The Employers' members and some Government members expressed, however, some reservations or nuances.

153. The Employers' members stated that the principle of protection against anti-union discrimination was clearly indicated in Article 1, paragraph 1, of Convention No. 98. Article 1, paragraph 2, illustrated this principle with examples; there was no doubt in this regard. On the other hand, the manner in which this protection had to be ensured was not so explicitly defined (which was not mentioned by the Experts) since the Convention limited itself to indicating that it must be "adequate". Several of the Experts' reflections on this point were understandable, but they were not directly derived from the Convention. The States therefore had a great deal of discretion in this regard. An excess of detail concerning protective measures could give the impression that it was an exhaustive list; measures not included might not then be taken into account. The term "adequate" was thus preferred in the Convention because of its flexibility. In this way, it could be interpreted and applied differently with respect to different legal systems.

154. As regards protection against acts of interference, the Employers' members emphasized that the Committee of Experts did not have any objection to the principle that employers may contribute to the financing of trade unions (paragraph 229) but did call into question the independence of *solidarist associations*. According to the Employers' members it was sometimes difficult to distinguish between the two. Mutual trust between the employers' and workers' organizations was a sign of a solid social partnership but, unfortunately, the relationships between organizations were often described as a long line of relentless conflicts, using the language of the class struggle, whereas this was an image of the past in several places in the world.

155. The Workers' members stressed that the exclusion of public servants in Convention No. 98 had to be restrictively interpreted. The number of individual cases in which the Standards Committee of the Conference discussed this question demonstrated the importance of the problem which was also raised within the context of privatization.

156. As concerned acts of anti-union discrimination, they recalled that effective protection during the period of employment, including termination of the employment relationship, was an essential aspect of the right to organize. Convention No. 135 completed these provisions with respect to workers' representatives. The Workers' members insisted that it was not enough for governments to tolerate unionism at the national or international level, but rather workers' organizations should have available to them all necessary means for the development of trade union action and dialogue through the intermediary of their activists and of their members. Regrettably, numerous governments and employers had the tendency to consider the presence of unions in the enterprise as a plague, whereas they should be accepted as true partners because of their ability to structure, coordinate and mobilize which were important qualities in the development of a good human resource policy and the creation of a climate of trust. The practice and the examples given in the survey demonstrated that protection against anti-union discrimination left much to be desired in many countries which could usefully be inspired by the constructive recommendations of the Committee of Experts.

157. As concerned protection against acts of interference, the Workers' members stated that it was illusory to hope for a free and autonomous functioning of trade union and employers' organizations if there was interference between them. The numerous complaints concerning employer interference in trade union affairs in several countries illustrated the scope of the problem. In some countries, this interference was even preached as official policy. It was encouraging to note that some progress had been made in one country with respect to solidarist associations, but the problem still existed in other places. Several Workers' members, in particular those of the Czech Republic, Guatemala, the Netherlands and Senegal, evoked the problems, sometimes extremely serious, which arose in this regard in their own countries or those of other member States. This was particularly the case when armed forces and police intervened, sometimes openly and with the endorsement of the authorities, in labour disputes and in workers' affairs generally. This situation could not be tolerated, even if this type of intervention was not specifically prohibited by the Convention.

Promotion of collective bargaining

158. The Workers' members insisted on the fact, that under the terms of Convention No. 98, it was not enough to tolerate collective bargaining; its promotion implied a positive attitude, no matter what system was in force. The Committee of Experts made an interesting suggestion with the system of framework agreements which would enable the strong points of several systems to be taken advantage of at the enterprise and sectoral level as well as even the national and supranational level. This system allowed for reconciliation, on the one hand, of common orientations in negotiations, the protection of workers in unorganized enterprises and sectors, such as service sectors or part-time workers or those who have limited contracts, and decentralized bargaining on the other.

159. According to the Workers' members, the direct or indirect interference by the public authorities in collective bargaining in order to maintain competitive positions had become a major problem. Measures of this type taken at the national, international or even supranational level, such as the Council of Ministers of Finance of the European Union (ECOFIN) went against the principles of free collective bargaining. The reminder of the Committee of Experts on this point was extremely important. While supporting these general observations, several Workers' members described the numerous and serious problems with respect to collective bargaining in their own countries or in other member States. In this respect, the Workers' member of Argentina recalled the annulment of collective agreements by decree, and the Workers' member of Senegal pointed out the specific problems arising from the devaluation of the CFA franc.

160. The question of the tendency towards individualization of labour relations to the detriment of the structures and machinery for collective bargaining was also raised by several Workers' members, in particular those from New Zealand, Spain and the United Kingdom. The latter indicated that, if trade unions were prepared to adapt to any change resulting, in particular, from globalization, workers were not on the other hand ready to accept changes which aimed specifically at altering the bargaining power of unions. Perhaps it should be asked whether the so-called need for flexibility was actually a natural competitive force or rather a device to reduce the bargaining power of unions. To the extent to which the provisions of the Conventions aimed at balancing the positions of the parties, they should be respected. True economic prosperity could only last if everyone who contributed to it could share in it equally. The Workers' member of New Zealand pointed out that the Government and the employers had put into place an industrial relations scheme aimed at destroying trade unions in the large sectors of the labour market, particularly those in which the working conditions were the worst. Turning to paragraphs 297 to 318 of the survey, she indicated that the recent Employment Contracts Act, which seriously increased the inequality between the power of employers and of employees, had begun to seriously erode collective bargaining.

161. The Employers' members, emphasizing that governments had a wide scope of appropriate promotional measures to choose from, stated that they did not share the concern of the Committee of Experts with respect to the tendency to reinforce individual rights over collective rights and the privatization of public enterprises. In industrialized countries, the only ones affected by this tendency, the age of collective thinking and regulation seemed to have come to an end. It was not a question of measures handed down from above, but rather a movement accompanying the evolution of contemporary tendencies which favoured increased autonomy and individualism. This did not mean that there would no longer be any collective bargaining or collective agreements, but their content would certainly change. ILO standards would have to adapt to the new situation by becoming more flexible in order to allow for greater differentiations depending on certain economic criteria. Supporting these observations, the Employers' member of the United States added that he had great difficulty understanding the Experts' comments on the dangers to collective rights because of measures, legislative or otherwise, favouring individual rights. Unions and other citizen groups in his country supported measures of this type.

162. The Employers' members supported without reservation most of the other observations made by the Experts in this chapter which showed that it was difficult to adopt a balanced position between the constraints arising from free negotiations on the one hand and the account given to national and global interests on the other. It was clear that, in the view of the Experts, freedom to bargain collectively was not unlimited as they recommended that the authorities try to convince the parties to take into account the interests of society and of the State. This should logically mean that, if the parties did not follow this advice, the Convention would permit certain restrictions on collective bargaining.

163. The Government member of Iceland, noting the complaint against his country submitted to the Committee on Freedom of Association, stated that a correct application of these instruments, particularly Convention No. 98 often created problems for governments. Governments had special responsibility for economic development which lead them sometimes to have to react quickly to prevent an economic crisis and massive unemployment, particularly when the economy depended upon one single activity, as in Iceland. The policy of his Government was nevertheless one of respect for its obligations under Convention No. 98 and of letting the social partners negotiate wages and other conditions of employment.

164. The Government member of the Czech Republic also pointed out the difficulties faced by governments which were sometimes called to intervene in the process of collective bargaining in order to maintain the stability of the macroeconomic environment and to keep inflation at a reasonable level. His Government recently had to decide to take such exceptional measures for the limited duration of the privatization process, in order to preserve the national economic interest.

165. The Government member of the United States pointed out that her Government had established three independent tripartite groups with the responsibility of reviewing the complex structure of labour management relations and to make recommendations for changes to the legislation and practice to facilitate the process of organizing and of collective bargaining in both the public and private sector. Administrative changes to the National Labor Relations Board (NLRB) were also being considered to ensure fair rules with respect to labour management disputes.

Highlights. Ratification of Conventions.

166. Most of the members of the Committee noted the increase in ratifications of Conventions Nos. 87 and 98 but pointed out that there was still progress to be made in this area given the fact that these were the most fundamental instruments of the ILO. They made an appeal in this regard, inviting the countries experiencing difficulties to request ILO technical assistance and emphasizing that the General Survey would, without a doubt, be a useful instrument to this end. Several of the members recalled that ratification without any true intention to apply the Convention did not correspond to the spirit of international labour standards.

167. The Workers' members expressed their surprise at the reasons given by some governments to justify or explain the non-ratification and noted that these were not well-founded reasons, but rather were pretexts. The principles of freedom of association and collective bargaining were constitutional principles universally applicable; the only difference concerned the supervisory procedures, in particular with respect to the competence of the Committee of Experts and this Committee.

168. The Employers' members remarked that the chapter concerning highlights of the last decade was helpful in giving a picture of the global situation and the problems encountered. They took note of the information given on ratifications and expressed their conviction that prospects in this area would be much better if the Committee of Experts had not made such a broad interpretation of these Conventions, particularly with respect to the right to strike. If these interpretations did not have a mandatory effect, they nevertheless were very dissuasive psychologically.

169. Recalling that his country had recently ratified Convention No. 98, the Government member of the Netherlands noted that some countries which had mentioned the social clause had not ratified Conventions Nos. 87 and 98. This was not a good example for developing countries and even for other countries which had not yet ratified the Conventions.

170. Several Government members, in particular those from Namibia and the United States, stressed that the application of standards was more important than their ratification. The Government member of the United States added that the legislation and practice in her country was largely in conformity with the ILO principles of freedom of association and that the ratification and implementation of Conventions was of increasing importance. The ratification by the United States of Conventions Nos. 144 and 105 was made possible by the tripartite machinery established for assuring that legislation and practice were in conformity with ILO Conventions. Her Government would commit itself to this tripartite process to ensure that the legislation was in line with the obligations of the Convention and would make any necessary changes before ratification. If ratification of Convention No. 87 were envisaged, ILO technical assistance would be requested. The General Survey would also be very helpful in this process.

171. The Government member of the Czech Republic informed the Committee that a similar tripartite process had begun and was a body responsible for, among other things, examining the possibility of ratifying new Conventions. The Government member of Uganda also recalled the very recent ratification by his country of Convention No. 144 which moved in the direction of greater consultation with the social partners.

Final remarks on the survey

172. The Employers' members remarked that, in this brief recapitulation of their principal observations, the Experts seemed to desire a return to traditional values. As regards the concern of the Experts with respect to the phenomena of privatization and to some recent tendencies in the market economy, the Employers' members expressed their belief that workers would certainly find advantages therein and that these measures were indispensable to the survival of many enterprises. Among these measures were, first, the strengthening of competitiveness by the creation of smaller units of production which could more easily and more rapidly adapt. The Employers' members supported this type of positive and necessary evolution. They indicated their belief that the values and fundamental objectives of Conventions Nos. 87 and 98 would still play a role, even in a changing world. One could not, on the one hand, watch the rapidly changing world and believe that the ILO would not be affected: it had to be possible, as was rightly said by the Director-General in his Report, to defend values and promote change. The great principles and laws took their force from laying out essential values and leaving the details aside. From this distance, one could affirm that the ILO, in the years 1948-49, had wisely decided to limit itself to setting forth fundamental principles of freedom of association and collective bargaining in Conventions Nos. 87 and 98. The details added by the Committee of Experts should be gradually withdrawn.

173. The Workers' members stated that the Experts had very rightly placed their final considerations within the context of the extensive structural changes at the socio-economic level and in society in general. Even if the impact of this evolution varied greatly from one country to another, it was remarkable that similar problems were resolved in a radically different manner when the financial constraints were the same and that ILO standards and objectives were respected in some countries and not in others, or only partially. This gap was largely due to the priorities and differing political choices.

174. The Workers' members recalled that respect for the principles of freedom of association and free collective bargaining should not be subordinated to the political and economic situation or to the level of development. Standards did not imply direct labour costs but offered governments, workers and employers and their respective organizations, the possibility of progressively developing their system while taking into account the social and economic context. It was from this perspective that one should look at the call by the Experts for a *world social platform* of which freedom of association and free collective bargaining were an essential component (paragraph 330). These standards set forth the essential rules for the functioning and development of the actors in the employment market and for a continual development of social and economic policy. This was why the constitutional principles of freedom of association and free collective bargaining were considered as fundamental labour standards. This classification was approved by the Governing Body in 1987. Conventions Nos. 87 and 98 were classified by the Governing Body in 1993 among the ten priority Conventions for which reports were due every two years.

175. The Workers' members recalled that since 1951, the ILO has established a specific tripartite committee, the Committee on Freedom of Association, which examines in a flexible manner complaints concerning the violation of the constitutional principles of freedom of association and free collective bargaining. It was important to recall that this Committee submitted its unanimous conclusions to the Governing Body. That was proof in itself that tripartism played an effective role in the search for solutions and the resolution of disputes.

176. The Workers' members pointed out that true tripartism, which presumes a total respect for freedom of association and free collective bargaining, was undergoing heavy attack in a number of countries because of structural problems, cyclical problems, or both. Some even attribute high unemployment to social dialogue. Tripartism and free collective bargaining however were in the long run an economically efficient method. Dialogue between the workers' and employers' organizations on the one hand and with the public authorities in a tripartite fashion on the other, guaranteed the democratic nature of society as well as the necessary social infrastructure to carry out a viable social and economic policy. This was also the position of the Experts, particularly in paragraphs 334 and 336.

177. The Workers' members stressed that the Experts had also drawn attention to the very real danger of the weakening, desired or not, of freedom of association and free collective bargaining (paragraphs 335-337) account being given to the intensification of competition and the diverse measures taken by enterprises, countries and regions in order to strengthen their position in the global economy, . This danger can only be avoided if specific measures are taken to preserve fundamental rights. The Workers' members made a few suggestions in this regard, such as: (i) when enterprises are split or fragmented, the existing individual and collective rights, such as the action of trade union representation and the validity of collective agreements must be maintained (the ILO does not yet have a specific instrument in this regard); (ii) in order to safeguard collective rights in small and medium enterprises, a system of collective bargaining could be set up beyond the framework of the enterprise to the level of joint sectoral negotiation committees. Recognition of trade unions could also be based on systems surpassing the framework of the enterprise by the recognition of federations and confederations by sector. Within the system of recognition of trade unions by enterprise, the public authorities should use all means to encourage the employers, including the small and medium enterprises, to recognize trade unions and to negotiate effectively. In paragraph 257, the Experts rightly emphasized the crucial importance of the conclusion of a *first* collective agreement; (iii) subcontracting networks should respect fundamental labour standards by the insertion of specific clauses in trade agreements and through collaboration; (iv) in the case of employment through temporary work agencies or private employment services, a theme being discussed this year in a tripartite Conference committee, the use of temporary workers to replace striking workers must be explicitly prohibited (see also paragraph 175 of the survey). Furthermore, the trade union rights of temporary workers must also be safeguarded.

178. The Workers' members also called upon governments and employers to respect or ensure respect for the principles of freedom of association and free collective bargaining and associated themselves with the Experts' call in favour of the ratification of Conventions Nos. 87 and 98, a demonstration of support for the principles embodied in the Constitution. This call was important in the light of the 75th anniversary of the ILO, the Copenhagen Social Summit in 1995 and increasing globalization.

* * *

179. In the final part of their intervention, the Employers' members remarked that during the time of East-West conflict, two members of the Committee of Experts systematically expressed their dissension on certain points, in particular those linked to the freedom of association Conventions, while the majority of the Committee contradicted this view and emphasized their unanimity on all points. Fortunately, these times were now gone by and there was no longer a situation which might be described as an emergency situation, making it necessary to demonstrate unity where there really were differences on the substance. Everybody would fully understand that this situation affected all members of the Committee in equal measure. It was a question of survival for this Organization and particularly of the supervisory system, that everybody should stand shoulder to shoulder on these fundamental questions. Anyone who failed to take account of that fact was either enviably young or had a very short memory, and anybody who wanted to exploit this fact to demonstrate that there had been a change of opinion on the Employers' side, would have to justify this before the court of his own conscience. The Employers' members' opinion had certainly not changed since the last General Survey on the subject was published in 1983. Furthermore, the problems discussed in those days touched upon substantial questions such as forced labour, trade union monopoly, dependancy of trade unions from the Communist Party and had nothing to do with the somewhat artificial questions of the limits of the right to strike. Could one really expect that the situation of the 20 Experts in the Committee of Experts would be any different from other legal bodies like the supreme courts of States, where it was normal to have legal dissenting votes, which were normally published? There were many differing opinions on the right to strike. Could one really expect the 20 Experts to be totally of one mind on every detail? While the official rules of the Committee left room for dissenting opinion by members, which may be published at their request, the Employers' members would like to know what was the real general opinion in the Committee of Experts. As the next General Survey on freedom of association was still some time ahead, the Employers would welcome if in the meantime the Committee's reports in coming years would reflect new considerations on the number of controversial areas which might be taken up in somewhat different terms. They believed that this approach would do much to enhance the credibility and the effectiveness of the supervisory system.

Conclusions

180. The Committee concluded its work on the General Survey by noting that the debate, particularly rich and fruitful, gave everyone the possibility to express themselves on complex problems of freedom of association and collective bargaining, taking into account the global context. A wide consensus arose from the discussions on the General Survey. The Employers' members nevertheless expressed their disagreement on the question of whether the freedom of association Conventions included extensive and detailed regulation of the ability of governments to limit the right to strike. The Committee expressed the hope that the Committee of Experts' General Survey and the discussion in the Conference Committee would contribute to the recognition and promotion of the principles of freedom of association embodied in the ILO Constitution. It made a solemn call for the ratification of fundamental Conventions, the principles of which were at the core of the ILO mandate, and the respect of which was an indispensable prerequisite for the defence of workers' and employers' interests throughout the word, particularly in an international context characterized by very rapid changes and accelerated globalization of the economy.

D. The future of the ILO's standard setting

181. As stated above, the Committee decided to devote a special day during its general discussion to a debate on the theme of the future of ILO standards. The Committee of Experts in particular contributed its thoughts, and the Director-General of the ILO examined prospects for the Organization's standard-setting activities in a chapter of his Report to the Conference, while there were several statements in the Conference Plenary and the Resolutions Committee on the subject. The Conference's Committee on the Application of Standards is nevertheless specially well equipped to conduct a structured dialogue on the future of standard setting, since it is by its nature and activities more closely familiar with the potential and the limits of the standard-setting and supervisory system, as the Workers' members noted.

182. This was confirmed by the number of speakers (almost 50) from the three groups in the Committee, the scope and richness of the discussions, and the interesting technical or more fundamental proposals or suggestions made.

183. Following the discussion, the Committee expressed the hope that all views voiced in the general discussion, and in particular the special sitting on the future of standards, would be documented for the Governing Body and its Committee on Legal Issues and International Labour Standards for future reference. It requested the Director-General to do everything necessary to ensure this.

Statement of the Workers' members

184. The Workers' members already dealt directly or indirectly with certain aspects of the future of standards and their supervision during the general discussion on the report of the Committee of Experts and the General Survey (section B, above). They now developed more substantially two themes: the elaboration of standards and supervision of their application.

Elaboration and contents of standards

185. The Workers' members pointed to the international context of structural changes on the socio-economic plane and in society as a whole, the imperative of competitivity, and increasing globalization of the economy. The ILO and its basic principles were increasingly required to play the role of a lifeline in the face of unbridled competition, social exclusion and poverty. This involved not only a moral and legal obligation but also an economic necessity. The fall of the Berlin Wall which took place in 1989 clearly had significant consequences for the democratization process in many countries. But it was not sufficient to instal a formal policy of democracy: this new trend should also translate to the level of the organization of economic and social life.

186. The Workers' members were entirely in agreement with the position of the Committee of Experts, that standards on fundamental human rights must be observed regardless of economic circumstances or fluctuations. They noted with satisfaction that the Director-General shared this point of view in his Report to the Conference.

187. Fundamental standards offer countries, workers and employers and their respective organizations the possibility of progressively developing their social system while taking into account the economic context. All countries, independently of their social or economic situation or their political system, should respect the Conventions and the principles concerning freedom of association, free collective bargaining and the prohibition of forced labour, child labour and discrimination in employment within the broad and contemporary accepted meaning of the term.

188. It was in this sense and from this perspective that the call of the experts in their General Survey for a world social platform and the proposal of the International Confederation of Free Trade Unions (ICFTU), the World Confederation of Labour (WCL) and the European Trade Union Confederation (ECTU) for a social clause must be viewed. Respect for this world social platform and the social clause would permit a better distribution, within and among countries, of the fruits of economic development and growth. They would in the end stimulate international trade so that distribution of purchasing power among the population would be guaranteed. The social clause advocated by the Workers' members had nothing to do with protectionism. The logic of such a clause is contained in the Preamble to the ILO Constitution: "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries".

189. The Workers' members hoped that the ILO would very actively pursue discussion on the social clause. In doing so, the ILO would favour the adoption of provisions discouraging unfair labour practices and would also open the way for a reduction of protectionist pressures. To appease fears of disguised protectionism, the Workers' members wanted the ILO to give priority in its contacts with the World Trade Organization (WTO) and other organizations to the implementation of a mechanism which would accentuate the need to look for solutions to disputes by mutual agreement. There could be no recourse to trade sanctions except in cases where an agreement or another positive solution was not possible.

190. The Workers' members were of the view that national and multinational enterprises and networks of enterprises must be made responsible. Often enterprises hid behind governments to justify the violation of international standards. The Report of the Director-General contained interesting suggestions in this regard and the Committee of Experts also referred in its General Survey (paragraph 60) to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy with respect to free trade zones.

191. The position of the Workers' members could be summarized as follows:

(i) All countries should ratify as a priority the ten Conventions that the Governing Body in November 1993 retained for the sending of reports every two years: Conventions concerning human rights (Nos. 29, 87, 98, 100, 105, 111) and others equally considered priority Conventions No. 122 on employment policy, Nos. 81 and 129 on labour inspection and No. 144 on tripartite consultation. Pending ratification, countries concerned, enterprises (national or multinational), and employers' and workers' organizations should already apply the principles contained in those instruments. Moreover, tripartism, freedom of association and free collective bargaining are constitutional principles which apply to all member States. In the event of technical or administrative difficulties, technical assistance and multidisciplinary teams are available to assist and cooperate with governments as well as with employers' and workers' organizations:

(ii) Ratifications and respect for the principles contained in Conventions and Recommendations may not be limited to the ten Conventions set out above. Others such as those on occupational safety and health, the fixing of minimum wages, minimum age, seafarers, indigenous peoples and tribes and social security establish important social policy principles while leaving a margin for manoeuvre in translating them at the national level. As stated by the Committee of Experts in paragraph 20 of their report, a large number of flexibility clauses are included in existing Conventions. And yet, some such Conventions, like Convention No. 102 concerning minimal social security standards, are not ratified by many member States. The Workers' members are not opposed to the revision of standards in cases where it can be clearly proved that they are not adapted to present circumstances, or where there is a consensus that a specific point causes serious problems of ratification for a large number of countries. Revision activities and updated standards could in particular be based on general surveys. This year's discussion of the General Survey on Freedom of Association and Collective Bargaining confirmed the contemporary values of the principles of Conventions Nos. 87 and 98. The Workers and the vast majority of the Committee also supported the position of the Committee of Experts with regard to the right to strike and agree that revision or supplementary standards are not desirable.

(iii) Revision should not be used to weaken or eliminate protection of workers. In order to commence a revision of a Convention or part of a Convention, there must be an atmosphere of confidence among the groups. Undiscriminating calls for revision are mostly based on a pure and simple rejection of standards as such rather than detailed analysis.

(iv) The Workers' members emphasized categorically that the ILO must continue to elaborate standards. The Committee of Experts was also of opinion in paragraph 18 of its report that the ILO has not exhausted its function of adopting standards. Social and economic developments were dynamic in the globalization of the economy, the fragmentation of enterprises, rapid expansion of commercial and non-commercial services, new technologies, etc. Labour standards must follow these developments. For example, during the discussion of the General Survey, the Workers' members mentioned that the ILO does not yet have a Convention on labour tribunals and the maintenance of individual and collective bargaining rights in the event of the transfer of an enterprise, although these were two important aspects of social legislation in many member States.

Supervision of the application of standards

192. With regard to supervision of the application of standards, the present system was able to provide tangible results, despite the absence of compelling sanctions. This success was in particular due to the fundamental characteristics of the ILO, that is to say the contribution of employers' and workers' organizations, dialogue and persuasion. The strong points of the system must not be abandoned. Improvements should have as a major objective the reinforcement of dialogue and effective cooperation with the supervisory bodies. There had been radical changes in the international context and it was important that the ILO intervene rapidly, effectively and with authority in order to assert international standards and principles. The Workers' members are of the view that, given these developments, the supervisory procedures should be reinforced.

193. The Workers' members made six specific proposals:

(i) there should be an efficient and dynamic mechanism, similar to the Committee on Freedom of Association, to facilitate better application of principles concerning forced labour and child labour and deal with cases of discrimination. It was essential that workers' organizations be able to introduce complaints without the consent of their governments, and that the mechanism be available even if the country concerned has not ratified the relevant Convention;

(ii) the introduction of rapid mechanisms such as voluntary mediation and arbitration. Direct contacts missions already exist and are often suggested by the Conference Committee and the Committee of Experts to remedy problems regarding the failure to apply standards. Those procedures should not be used to escape supervisory bodies such as the Conference Committee. The coherence and integrity of the supervisory system should be guaranteed;

(iii) taking account in the application of the social clause of non-fulfilment of obligations to respond to supervisory bodies, lack of respect for conclusions of the Conference Committee on Standards, and failure to cooperate in anything to do with the application of the ILO's fundamental Conventions and principles. The social clause should not be an alternative to dialogue and persuasion but it should serve to strengthen them;

(iv) compensation and measures to rectify damage incurred by workers and their organizations through failure to apply Conventions or constitutional principles. They also referred to their position during the discussion of the General Survey. They asked the governments and the Employers to consider this proposal seriously;

(v) strengthening employers' and workers' organizations, the basis of the effectiveness of the supervisory procedures. The Office and the member States should actively assist them. Strong and efficient social partners are also essential for the success of the active partnership policy advocated in the report of the Director-General. Workers' organizations are essential for the defence and the development of individual rights in a coherent framework;

(vi) the Workers' members referred to the points of view that they expressed in the first part of the general discussion concerning the relationship between the Conference Committee on Standards and the Committee of Experts, the new system for sending reports and the absolute necessity that there be sufficient financial means for the ILO to fulfil its mandate.

194. In conclusion, the Workers' members asked for a campaign for a World Charter or world social platform which would have until the year 2000 as its primary objective the universal ratification of fundamental Conventions by all member States. This campaign should also strengthen tripartism at all levels, in order to create a true partnership.

Statement of the Employers' members

195. The Employers' members noted that the Committee of Experts and the Conference Committee were both well placed to identify problems of standard setting and implementation. Problems of discrepancies between standards and national provisions and practice arose when the ILO's standards did not take enough account of national situations, and Conference technical committees should be given the necessary feedback in this respect. What was needed was an evaluation of effects and legal consequences, a kind of technological impact study so that before any standard was adopted the right conclusions could be drawn. The ILO's objectives remained as clear as ever, but the means for their attainment were in urgent need of review. In their view for some time there had been clear signals within the ILO that the framework for standards was no longer in good condition, and that there must be some in-depth thinking about what to do in the future, as was clearly reflected in paragraphs 10-23 of the report of the Committee of Experts and in Chapter 3 of the Report of the Director-General.

196. In their statement, the Employers' members considered the role of standards as one of the ILO's means of action, and made various proposals to improve the procedures for elaborating and following up standards and supervising their application.

A. Standards as a means of ILO action

197. The Employer's members recognize the importance of the ILO's standard-setting activity — that of the adoption of Conventions and Recommendations by the International Labour Conference. The procedures for drawing up these standards — which enable all member States to participate on a tripartite basis and on an equal footing — as well as the impartiality of the supervisory mechanisms give this activity its special value. It remains one of the means of promoting, at the world level, fair social progress based on consensus between the social forces and the free commitment of States at all levels of development. Stressing the fact that it is not necessarily the best means by which to achieve the Organization's objectives does not mean putting the validity of this activity to question. Fortunately, the ILO possesses other means of action. All standards contained in Conventions do not have the same value; they are often old and obsolete and must be constantly updated to take into account changes in the world and difficulties encountered. The ILO's system of standard setting is in fact coming up against increasing criticism, and this not only from the employer benches. Standards are registering fewer and fewer ratifications, and their credibility is losing ground. In order to maintain what is most fundamental, a thorough reform should be envisaged so that ILO standards regain their importance.

198. It is true that the authors of the ILO Constitution referred, in 1919, almost solely to standards — in the form of Conventions and Recommendations — as the means available to the Organization to achieve the objectives set out in its Preamble. Some reference, however, is made in the Constitution to assistance to governments in the framing of laws and regulations and in the improvement of administrative practices (article 10.2). Standards have traditionally been considered as the "heart", or the core of the ILO's activities. Does this privileged role still correspond to the objectives fixed by the ILO today?

199. One of the most eminent ILO officials in the standards field, Nicolas Valticos, wrote that standards and technical cooperation are means which are "aimed to guide and to stimulate governmental action". In the same volume, he considers cooperation as "a means of helping governments reach the level of standards laid down in international labour Conventions". He also mentions standards as serving as a guide to technical cooperation experts.

200. While this notion recognizes that technical cooperation has a significant place, the role accorded to it is only secondary — that of a means of promoting standards. Generally speaking, isn't this approach too authoritative, too paternalist? Doesn't it boil down to telling States what they should be doing; rather than helping them achieve the social goals they have fixed for themselves?

201. This being so, is there not a place, in most fields of ILO activity, for a separate technical cooperation function or other non-standard-setting activities? For example, the promotion of productive employment calls for support in training and in the creation of enterprises — themes which are not really suitable for coverage by binding universal standards. The same goes for human resources management. Both these areas of ILO activity concur with a very considerable demand on the part of constituents and contribute immensely to the possibilities for social progress.

202. The fact that the fundamental human rights instruments — such as those on freedom of association or forced labour, which have received a large number of ratifications — are upheld as sacred texts can well be understood. But should other Conventions which have received only a few ratifications, or which were adopted under conditions where no consensus whatsoever prevailed, be put into the same basket? The fact that member States have a constitutional right to choose not to ratify a Convention should also be recognized. This right is one of the essential features of the terms set out by the ILO Constitution, and must be borne in mind in any initiative aimed at improving the world's social condition, since its effectiveness ultimately depends on the positive attitude of member States. In this connection, providing technical cooperation cannot be used as a means of putting pressure on a government to ratify or implement a standard which, in the country in question, is considered unfitting.

203. Standards are an important means, but only one means among others of achieving the ILO's objectives. Their right role should therefore be examined.

204. In most countries, the trend is towards less regulation in order to leave more room for individual initiative and for negotiation. It is increasingly acknowledged that national standards must concentrate on what is essential and not get bogged down in unnecessary detail. This is just as true for international regulations. The more the latter try to cover everything in minute detail, the less applicable and credible they become. Refocusing international standards on the fundamental points is therefore the best way of strengthening their effectiveness.

205. What fields are, or still could be, covered by ILO standards?

206. Items recently proposed to the Governing Body lead one to think that the reservoir of questions of universal interest is running dry. This is particularly the case for the principal texts on human rights, the essential aspects of labour law, safety and health, and social security. What remains are subjects of a more technical nature, for which the cumbersome Conference procedure would seem out of all proportion. One sometimes gets the impression that it is not a question of deciding which items are appropriate topics for an instrument, but of how to find subjects in order to make up an agenda which must contain a predetermined number of standard-setting items.

207. In certain areas, it is impossible to impose precise obligations on States; all that can be done is give guidance — for example, as regards employment or training. These are then referred to as "promotional" Conventions. This formula, which makes for greater flexibility, is clearly useful; but are they really Conventions, especially when it comes to supervising their application? Should there not be provision for more suitable procedures?

208. Do all subjects lend themselves to the elaboration of Conventions? A universal standard is only conceivable if there is a minimum of uniformity in member States. There has never been thought, for example, of establishing a minimum international wage, except for maritime transport (and, even then, its significance may be questioned). The same would no doubt be true for the duration of working time; attempts in this direction have not been at all convincing.

209. ILO Conventions are only binding if ratified — which means that States are only bound by their contents if they accept, in total liberty, the legal obligations they contain. It is sometimes claimed that a ratified Convention has a certain value, as a goal to be reached — a sort of "target". It is dangerous to believe this, since it would be diminishing the importance and credibility of ILO instruments. However, to be ratified, a Convention must be ratifiable — that is, drafted in such a way that it can be implemented in countries differing not only in their degree of development but also in their legal concepts and their cultures.

210. Apart from a few fundamental instruments, ILO Conventions on the whole receive little ratification. This is not a new problem, but the situation is increasingly deteriorating. While this is partly explained by the complications arising from the European unification, it is mainly due to the inapplicability of texts adopted. The reason may be the lack of countries' development, but also the exaggeratedly complex and detailed nature of their provisions, which makes ratification difficult, even for the so-called "advanced" nations. These difficulties should be taken into consideration both when items are being chosen and defined, and during their discussion at the Conference. It is striking that, among the less-ratified Conventions are those concerning occupational safety and health — an area which all agree is the ILO's responsibility and in which instruments are generally adopted by a very large majority.

211. For Conventions already adopted, the only solution is revision in the fight of difficulties actually encountered, which would lead to greater flexibility (and not the contrary). The Governing Body should set up a coherent plan for the revision of instruments which have received little ratification.

212. As regards the future, the Governing Body and the ILO's general management should examine all means of action available in order to ensure that the objectives set by the Organization are carried out, even if they are not part of its traditional array of activities. The General Conference may have a certain effect on public opinion. Other avenues than constitutional instruments (which are too rigid) or general discussions (which receive little attention) could be pursued.

In certain circumstances more discrete means such as personal contacts and talks — may be more appropriate.

213. Finally, those with responsibility in the ILO — delegates and officials — must not lose sight of the fact that, today, regulation is no longer the sacrosanct way of ensuring social protection. Excessive regulation is increasingly seen as being a brake on economic development and, as a consequence, on social progress. It would be better to ensure that those concerned have maximum room for initiative and responsibility. Regulation, therefore, is only justified when it is essential. This also goes for international regulation.

214. With this in mind, a certain number of objective and recognized criteria must be defined to guide the Governing Body in its choice. The main questions to be asked would be:

- Is drawing up a new standard essential in order to achieve a recognized ILO objective — such as the struggle to create productive employment, the strengthening of the parties to tripartism, the reduction of major industrial hazards?
- Does the topic in question affect a large number of workers in most parts of the world?
- Is there sufficient consensus among the parties concerned to achieve significant results?

215. The "Ventejol" working parties that were set up by the Governing Body in 1979 and 1987 were unable to reach a consensus on the criteria to govern the standards policy no doubt because the basic problem of the relevancy of standards was not clearly put.

216. When the ILO was founded, certain protagonists saw its role not as that of simply progressively harmonizing social protection, but as a means of getting rid of the existence of inferior working conditions, as being legitimately instrumental to the competitivity between enterprises and between nations. This objective was not maintained, since the Conventions adopted by the Conference have no immediate compelling effect, they are only legally binding for those States which have ratified them. This is an important ILO constitutional principle which it would be practically impossible to change, and which prevents the ILO from being party, for example, to the inclusion of a "social clause" in trade agreements.

217. In conclusion:

- standards are a means of achieving the ILO's objectives;
- since the standards procedure is burdensome, and in view of the difficulties encountered with ratification and application, the ILO should only embark upon the elaboration of new standards when absolutely necessary, and this in accordance with criteria which correspond to the objectives of the Organization;
- the present rhythm of adopting new standards should be slowed down, and greater priority given to the systematic revision of texts already adopted, in order to facilitate their wider ratification and application by most member States;

— new standards should be drafted in such a way that they can be ratified and applied by all member States;

— member States should not be subject to obligations or sanctions which go beyond the Constitution and those instruments they have freely ratified.

B. Improving the standards-related procedures

218. The problems associated with standard setting are such that a global approach is calledfor along the lines described above. However, it is also just as necessary to review the procedures governing their elaboration and follow-up. Some of them date back to the first years of the Organization, when there were few member States and they were all similar. Rather than take a fragmented look at the problem, a comprehensive study should be carried out, allowing for a global reform. It is in this spirit that the employers put forward the following proposals; eight proposals for improving the standards procedure:

(1) Improving the procedure for fixing the Conference agenda: at present, the Governing Body makes its choice on the basis of a very limited "menu". Possibilities for expanding this choice are limited, and the Governing Body proceeds more by elimination. The Governing Body is not able to have a long-term view, which is essential if a true standards policy is to be adopted. For this, it is proposed to broaden the possibilities of choice in order to have a discussion on the general orientation of the standards policy, the criteria to be followed, a systematic plan for updating old instruments, possible new subjects for which standards would be necessary, and items for general discussion. The Governing Body's first discussion on the Conference agenda could be used for this purpose.

(2) Improving the preparation of questionnaires: since government officials like to answer "yes" to the questions asked, the way these are drafted strongly influences the final text. The need for instruments drawn up to be limited to the essential and to include sufficient flexibility clauses must be taken into consideration. For this, the authors should carry out unofficial consultations in order to identify where views diverge. Items to be included in the questionnaire could also be debated in the Governing Body. Governments should also indicate, in their replies, how they intend implementing the proposals they approve.

(3) Seeking consensus within the Committees: the Chairmen and the secretariats of Committees should seek to solve the major difficulties by consensus rather then resorting to voting, the results of which are often fortuitous. This would go a long way to avoiding difficulties in ratification.

(4) Increasing the importance of Recommendations as separate instruments: Conventions and Recommendations do not necessarily have to go together to have any value: each of these instruments has its own merits, and their application, either jointly or separately, must be evaluated in each case.

(5) Controlling the role of regional groups: the influence of groups of integrating States is negative when they try to impose the contents of their own instruments on ILO Conventions and Recommendations. This is

particularly a problem today with regard to the European Union, but may concern other regions in the future. It may put the universality of ILO standards at danger, since texts over which a certain region of the world have had too great an influence risk being inapplicable in other regions and, as a consequence, not ratifiable.

(6) Toughening the conditions governing the coming into force of Conventions: under present practice, a Convention comes into force when it has received two ratifications. As a consequence, certain Conventions are in force but have been ratified by only a very few member States and this creates an unnecessary burden for the supervisory mechanism. The number should be increased — a modification which would not require any amendment of the Constitution or Standing Orders as regards future Conventions, since the number is fixed in the final clauses of each instrument. The problem of Conventions which have already been adopted is more difficult to solve, but these difficulties are not impossible to overcome.

(7) Adopting a coherent plan for the revision of standards: the replies which, under article 19 of the Constitution, governments submit to questionnaires on non-ratified Conventions, together with the Experts' report thereupon, should be systematically used in preparing a plan for the revision of standards, which should take difficulties encountered, as well as the ILO's objectives, into consideration.

(8) Revising the denunciation periods: denunciation of a Convention is a difficult process, since it is only possible during a very limited period of time and at intervals which are too widely spaced. This discourages ratification by making Conventions almost irreversible. A reform should first of all be applied to new Conventions, as the legal problems involved would be less complex. Periods for denunciation could be fixed according to the importance of Conventions and their character.

C. Strengthening the supervisory procedures

219. A strict control over the application of standards should be maintained, since it guarantees their credibility and assures a responsible attitude on the part of authorities which adopt or ratify ILO instruments. Certain improvements should nevertheless be studied in order to strengthen the efficiency of supervisory procedures on ILO member States.

220. A first path to be followed in such reform is to improve the working methods of the supervisory bodies so that they are more selective and more effective. While the reforms proposed to the Governing Body follow this line (calendar, intervals of examination) and should be supported, other possibilities for reform still exist.

221. Secondly, the supervisory procedure should be better integrated into the ILO's long-term planning. While its prime aim is to ensure that member States respect their obligations, other means should be sought, without prejudice to the former: contributing to the implementation of the Organization's objectives. For example, as regards the combat against child labour, a critical examination of the relative instruments is necessary to determine the best means of action: a new instrument, revision, technical cooperation, meetings.

222. Finally, the mandate of the various organs which play a role in the procedure should be clarified. The problem lies mainly with the interpretation of texts. Recourse to the International Court of Justice — the only measure provided for by the Constitution — is, in practice, out of the question. The Committee of Experts, whatever its prestige, is not a jurisdictional body. The setting up of a special tribunal, mentioned as a possibility in the Constitution, is one of the paths that should be explored since its very existence would make the Experts' functions much clearer. The existence of a "jurisprudence" (the word is certainly not correct) which sometimes broadens the obvious meaning of texts, adds useless detail or introduces differentiations which unnecessarily complicate their firm application, adds nothing to the credibility of the procedure and slows down ratification. In any case, member States wishing to ratify should be informed of the "interpretation" given to texts by the supervisory bodies.

223. The role of the Committee on Freedom of Association — which is not a supervisory body in the strict sense of the term — as well as of its decisions, must be clarified in this connection, notably in relation to that of the Committee of Experts.

224. There is no question of weakening the supervisory mechanisms, or of jeopardizing their independence, but of strengthening them so that greater use may be made of them to achieve the objectives of the Organization.

Other statements in the discussion

225. After the opening statements by the speakers for the two groups, supported and supplemented by several other members of the groups, especially the Workers, some 20 Government members also spoke during the special day. All these statements are included in the formal minutes of that sitting, which thus form a record. The present report is as complete as possible but aims to avoid repeating the ideas expressed and the suggestions made by the speakers for the two groups during the general discussion (see section B, above).

226. Once again, the discussions showed the devotion to the principle of universality of standards and the necessary flexibility which goes with it when they are elaborated. The Government member of France recalled that ILO membership had grown from 42 at its creation to 171 today, which made it essential to consider the meaning of universality of standards. Should standards be demanding and precise in order to be a sort of ideal reference or should they remain general in order to be ratified by a greater number? Of course, both approaches were needed, and flexibility clauses in Conventions themselves should not be too necessary. In November 1989, the Governing Body adopted a document on this subject which had been unjustly neglected, although it could help to increase numbers of ratifications. Other Government members, for example, India, United Kingdom and United States also favoured flexibility and terms which enable it, even if as the Government member of Germany observed, the notion of flexibility should not be held out as an answer to all problems.

227. Flexibility of standards should, in the view of the Government member of Saudi Arabia, enable them to be adapted to conditions in various countries and their variable ability to comply with standards, although that did not mean less attachment to the principle of universality and indivisibility of standards. ILO standards place numerous obligations on member States, most of which are developing countries and have difficulty in meeting requirements designed to address the needs of developed and industrialized countries. Many Conventions should be re-examined and revised and other standards adopted, and the need to revise standards should be taken into account in the elaboration and adoption procedure in the ILO, adapting them to developments in the world and realistic possibilities for countries through preliminary tripartite discussions in order to make standards practicable. Flexibility resulting from a ratification procedure which is either partial or complete would enable countries whose legislation is not at first fully compatible with the Convention to ratify it and apply it progressively.

228. The Workers' member of Poland noted that article 19, paragraph 3, of the Constitution, envisages taking account of the level of industrial development of countries and other particular circumstances, although flexibility should not be allowed as regards standards on basic human rights. The Committee of Experts had quite rightly said that human rights must be observed whatever the level of economic development. The ILO had at its disposal various flexibility devices which could be combined in a Convention such as the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which contains both promotional and prescriptive provisions.

229. The principle of universality implies also effective participation by a greater number in the process of elaboration of standards in order to reach as wide a consensus as possible, as the Government members of Cuba and Japan particularly stressed.

230. In its report, the Committee of Experts examined the question whether the ILO has exhausted its legislative function and should suspend it or even abandon it (paragraph 18 of the report). The Government member of France and most Government members took a midway position on the question of the rate of adoption of standards, in order to avoid being either too precipitate or to bring standard setting to a halt. The Government member of United Kingdom thought the rate should be slowed down; the Government member of Belgium thought that in the long term it would be destabilizing to consider a pause in this procedure necessary and it would perhaps be better to ensure that subjects proposed for standards are more widely supported by each of the groups and each region of the world, following early consultations, regional conferences, and conclusions of international symposiums, and by close analysis of overlapping and grey areas in the protection of workers' basic rights. The fundamental importance of the choice of subjects for the Conference agenda was also raised by several other Government members, such as those of Australia, France, Germany, India and Mexico.

231. The Workers' member of the Netherlands was concerned by the attitude of Employers' and Government members who maintain that there are enough standards and that in the context of economic globalization no new standards were necessary. The representative of the World Federation of Trade Unions (WFTU) considered the worsening of economic and social inequality evidenced by the report of the Committee of Experts shows precisely that standard setting activity should not be suspended, in order not to deprive the ILO of one of the most effective means of maintaining momentum for progress and social dialogue, and the fact that no instrument had been included on the agenda of the Conference for 1996 could be a dangerous precedent.

232. Most Government members who spoke on the subject agreed on the need to give priority to the revision of Conventions which have not been widely ratified or are old-fashioned or outmoded, especially those of France, Japan, Mexico, Norway (speaking on behalf of the Nordic countries) and United Kingdom. They suggested ways of doing this: for example, the Government member of France thought it could be useful to update the work of the Governing body working party known as the "Ventejol report". The Government member of Cuba also wished to see such work renewed, while others such as the Government member of United Kingdom wished for better use to be made of the Committee of Experts' General Surveys under article 19 of the Constitution.

233. The representative of the World Federation of Trade Unions (WFTU) could not understand why standards which are relevant and newly adopted should be revised on the ground that they have not yet been sufficiently been ratified, since even an unratified Convention was of value, if relevant, as a source of inspiration or guidance for the future of countries. In his view the aim of the ILO should still be the positive development of national legislation, and international labour standards are generally flexible or correspond to absolute minima if what was intended was really to promote social justice and basic human rights.

234. In paragraph 22 of its report, the Committee of Experts considered the criticisms from some quarters alleging lack of clarity and consistency in the provisions of some Conventions adopted recently, and suggested that members of technical standard committees of the Conference should see that drafts finally approved were as coherent and lucid as possible. Several Government members (France, Morocco, Norway (speaking for the Nordic countries), United Kingdom and United States) agreed with the Committee of Experts in this respect. The Government member of Germany viewed the increasingly complex and detailed nature of Conventions as raising obstacles to ratification. The Government member of France wondered whether the secretariat were perhaps too ambitious in making proposals, whilst such perfectionism is not acceptable to many Governments as well as by agreements between Employers' and Workers' groups. Systematically placing an official of the Standards Department in the secretariat of the technical committees should enable delegates to be reminded of the need for legal clarity and draw their attention to the possibility of using flexibility clauses. The Workers' member of Japan noted the growing tendency for technical committees of the Conference in recent years to use the formula "appropriate to national conditions" to modify almost all provisions of an instrument for discussion, whereas such provisions weaken or nullify principles adopted in operative clauses and in most cases are a disguised form of opposition to the draft instrument in whole or in part; they make interpretation and application of Conventions difficult.

235. Several members spoke of the economic impact of standards raised by the Committee of Experts in paragraph 21 of its report, and the Government member of Portugal thought it important to take account of such impact when standards are adopted. The Government member of Cuba disagreed as regards Conventions on social security and saw a contradiction between the restatement of social objectives by the ILO and an apparent tendency to belittle the importance of those Conventions, which should be given high priority in the ILO's activities. The Government member of Belgium found the employment situation in many countries at the root of much of the criticism concerning the development of standards, although it was an insufficient cause for doubting and questioning standards and their fundamental role in favour of social justice. For the Government member of India, future ILO standards must balance labour protection and workers' rights against the need to promote full, productive employment and be dynamic and designed to address the real needs of the constituents in the constantly changing world of labour. Similarly, the Employers' member of the United States described the changes in the economic "rules of the game" that differ substantially from when most ILO standards were adopted. Change was constant and faster than ever, because of scientific and technical progress. Economic nationalities are increasingly blurred, differences of roles and functions in the labour market diminish, employment security cannot in his view be guaranteed by international labour standards but depends on continuing training throughout working life. These were the economic realities which for employers determined their approach to the elaboration and rationalization of standards and supervisory procedures. One of the main challenges for the ILO was to ensure a national and international environment in which employment policy balances the need for flexibility needed in the global economy against social guarantees for the acquisition of vocational training and qualifications, including technical cooperation by the ILO, which are essential for employment growth and productivity. The relevance and importance of international labour standards should be redefined in the framework of these economic realities.

236. The Workers' member of Poland warned against the temptation to give in to false arguments as to the economic impact of standards and recalled that in the 1936 Conference, when a draft Convention on annual paid holidays of six days per year was being discussed, the Employers' member of the United Kingdom claimed that such an undertaking by his country would mean committing industrial suicide; however, the economy of that country had very well accommodated legislation on paid holidays, despite not having ratified the Convention.

237. Several members of the Committee referred to the comments of the Committee of Experts and the Director-General on the length of the period of gestation of the formal standard setting process and suggestions as to greater flexibility — a sort of "soft law", to use the Director-General's term. This approach was welcomed by, for example, the Government members of Australia, France, Mexico and Nigeria. The Government member of France wished the standard-setting system to be supplemented by instruments which would more rapidly meet current requirements, and it should be possible to conceive of guidance or declarations resulting from tripartite discussion by the Conference or the Governing Body. Of course, such supplementary action enabling the Organization to speak quickly on new issues could not replace standard-setting activity. Similarly the Government member of Mexico warned against confusion between legal instruments creating obligations and others such as codes of practice.

238. The system for supervising standards, their procedures and their role and prospects were all discussed.

239. The Workers' member of the United States made his statement on the subject of the supervision of the application of standards and how it might be improved, which is undoubtedly an important question for the standard-setting activity of the ILO. He first stressed the need and the importance of greater participation in the preparation of reports, a crucial element in supervision and in more intense cooperation with all the social partners. The Committee of Experts insisted on the need for the Office to offer more assistance to workers' and employers' organizations to enable them to understand the implications of standards, particularly as regards legislation and practice at the national level, and this was all the more significant given the changes made by the Governing Body in the procedures for sending reports. Direct contacts was a very useful and advantageous procedure for improving observance of standards, including by developing countries, and its modest cost recommended it compared with other procedures. Direct contacts could be especially useful in helping developing countries improve observance of Conventions. Moreover, special paragraphs in the report might, as the Workers' group considered, be more widely used than in recent years, when they had been progressively eroded: special paragraphs should not be confined to significant and flagrant problems or to violations of human rights, but should bring out other cases of incompatibility and omissions as regards the requirements of Conventions. The most serious cases should be highlighted by a special paragraph in order to promote the application and observance of standards, and on this there was no difference between employers and workers.

240. Many Government members supported the system and agreed with the Committee of Experts that it is a model and point of reference at the international level. The Government member of Mexico particularly stressed that it would be dangerous to question the validity and the role of the supervisory bodies. The Government member of France noted that the functioning of the system had improved since each body understood better the nature and limits of its role. The Government member of Spain did not disagree with the links between the supervisory bodies, as underlined by the Government member of Mexico in particular, but thought that the procedures making up the supervisory machinery as a whole should remain independent from each other, and handling of one subject by different procedures at different times should be avoided.

241. The Government member of Saudi Arabia spoke in favour of more equitable geographical distribution of the membership of supervisory bodies: the Committee of Experts' members should have special competence for economic and social questions; the present Committee's work was dominated by the concerns of developed countries, but most countries called to explain themselves were developing ones. The Government member of Norway observed that the work of the present Committee had gradually lost its purpose: the aim should not only be to establish whether the legislation of a member State is or is not in conformity with a Convention, but rather to engage in discussion of the principles of serious global problems, and this could be a source of inspiration for revision or better interpretation of Conventions, as well as for legal and political measures.

242. Several Government members, such as those of Australia, Belgium, Cuba and Mexico, considered that the new procedures for requesting reports decided on by the Governing Body in November 1993 should be favourably received, as they would lighten the task of national administrations. The Government member of Spain nevertheless had doubts on this, since in practice the periodicity of requests for reports was not respected, and for this reason he was against provisions enabling the Committee of Experts to request supplementary detailed reports. The Government member of Germany agreed, since the experts could request partial reports on questions of concern rather than a complete report every year or two.

243. Reducing the frequency of article 22 and article 35 reports under the Constitution could in the view of the Government members of the Nordic countries enable the Committee of Experts to devote greater resources to preparing general surveys on unratified Conventions and Recommendations. Several other Government members (for example, Australia, Belgium, Germany and Japan) stressed the usefulness of thematic surveys of this kind, which were a real work of reference. The Government member of Germany invited governments to give greater attention to sending reports under article 19 of the Constitution, and the Government member of Belgium asked the Committee to examine means of mobilizing international public opinion as regards its work.

244. Several Government members referred to the suggestions in paragraph 41 of the report of the Committee of Experts as to a procedure similar to that of the Committee on Freedom of Association in order to deal with problems of discrimination, forced labour and child labour. The Government member of Australia favoured strengthening the protection of workers' rights in these areas, and the Government members of Austria and Belgium were prepared to examine how to institute such procedures. The Government member of India thought this required serious study, as it would be costly and he was not certain whether such procedures could deal with such problems, which are often linked to poverty more than legislation. The Government members of Germany and the United Kingdom thought it would be irresponsible to create procedures on the basis of that for freedom of association in order to apply other rights. Referring to paragraph 34 of the Committee of Experts' report, indicating that the special procedure for equality of treatment instituted in 1973 had never been used, the Government member of the United Kingdom thought the reasons should be studied. The Workers' member of Japan considered it a potentially very important procedure, given the delicacy of these questions both in the ILO and in the United Nations, and proposed that measures should be taken. The Employers' member of Turkey thought there should be a special discrimination procedure, including in respect of migrant workers, similar to that for freedom of association.

245. The Workers' members of Italy and Poland and the representative of the World Federation of Trade Unions (WFTU) supported the proposals for new procedures to deal with cases of discrimination, forced labour and child labour. As the Workers' member of Poland had said, these procedures should be available against any State whether or not it had ratified a given Convention, since these were matters of fundamental human rights, and the supervisory bodies were bound to derive their legal authority from the ILO Constitution.

246. The Government member of India could not contemplate the ideas discussed as to making access to the supervisory bodies available to individuals, since the credibility of the supervisory system depended on its tripartite nature. The Government member of the United Kingdom considered that such a system would destroy established procedures and be unfortunate at a time when efforts were being made to reduce the workload of the Office. The Workers' members of Japan and Norway also did not favour opening supervisory procedures to individuals, which would damage the basic principle of tripartism and the role of unions in the operation of the system.

247. The Government member of the United Kingdom regarded the idea of voluntary mediation and arbitration mechanisms as attractive and worth examining further since, as the Director-General had indicated, it could be operated at low cost while relieving the rest of the supervisory system and reducing the numbers of complaints, commissions of inquiry and direct contacts missions. Other Government members (Austria, Belgium, Norway) also supported this idea and were prepared to study it.

248. As regards the suggestion by the Committee of Experts as to compensation to be paid to persons harmed by non-application of a Convention, the Government member of the United Kingdom considered economic and political sanctions would not only be inapplicable but would be even counter-productive by discouraging further ratifications and leading member States to question their membership of the Organization: his Government was convinced that a voluntarist approach to ratification like that prevailing in the ILO was the best way to promote standards. The Government member of India was also for reasons of principle opposed to any notion of sanctions or forcing. The Workers' member of Norway stated that such a matter should only be raised at the international level after the exhaustion of national procedures and in his view the question should be examined in the next report of the Committee of Experts.

249. The Government member of Portugal supported the suggestions of the Committee of Experts as to more active participation of national administrations and employers' and workers' organizations in the supervisory system, as did the Workers' members of Poland and Sweden, the latter of which drew special attention to the crucial role of Convention No. 144 and its ratification: recognizing the usefulness of the procedure under article 19 of the Constitution, he stressed the need for employers' and workers' organizations to take part in a regular examination of unratified Conventions at the national level, and this was required in the consultations laid down in Convention No. 144.

250. The Government members of Australia, Guinea, India and Portugal agreed with the Committee of Experts as to the promotion of standards and technical cooperation. The Government member of Guinea thought such methodology could contribute to better preparation for inevitable changes in the present environment, both in respect of attitudes and structures and especially in the area of standards relating to basic human rights. The Government member of India saw the active partnership as a new chance for technical cooperation and strengthening its synergy with standards, and this should be fully exploited. The Workers' members of Italy and Pakistan wondered specifically whether technical cooperation could be more widely used to encourage ratification of Conventions.

251. Several members of the Committee (the Government members of Guinea and India, the Workers' member of the Netherlands and the Employers' member of South Africa, who also stressed the importance of standards in the promotion of social equity in achieving balanced economic growth) called for closer collaboration between the ILO and other international organizations. Thus the Government member of India specially mention the Bretton Woods Institutions and thought the ILO should use all its authority to give due attention to the social dimension of structural economic reform: whilst labour market flexibility might be necessary for industrial modernization and restructuring, in a context of increasing economic globalization, it was also important to ensure social protection for vulnerable sections of workers against the adverse consequences of restructuring. It was thus important for the ILO to have closer relations with the International Monetary Fund and the World Bank in order to promote social justice and full employment.

252. The Government member of Belgium felt that the question of the social clause should be raised at this stage of the Conference, although it was isolated from earlier discussions. This was a controversial but a pressing matter for several reasons: synergy between international labour standards and the development of international trade, between the social and the economic, was becoming more accepted, and many people saw in it a means of improving the application of the ILO's most important Conventions, which were widely recognized as a permanent social heritage. The opportunities for cooperation presented by the World Trade Organization should be taken, since a multilateral approach to this question would ensure objectivity and the involvement of the ILO. How the social clause would be implemented remained to be seen, but in any event the prospects were exciting, as any trade agreement between partners at any level has social consequences for the parties. Such agreements should include clauses for mutual assistance and cooperation.

253. The Government members of Australia and Germany, the Workers' members of Egypt and France and the representatives of the World Federation of Trade Unions (WFTU) and the World Confederation of Labour (WCL) agreed with the Government member of Belgium: the ILO was competent to intervene and be an active partner in the debate. The Government member of Cuba was more cautious: before making a decision, the extent and detail of the proposals of the Director-General should be clarified and any new form of protectionism or trade discrimination against the weaker countries should be avoided.

254. The Workers' member of Egypt feared that making a link between international trade and standards with sanctions for countries not observing standards would not immediately affect the working class which the social clause was intended to protect. The Government member of India stated too that any interference in freedom of trade through protectionist measures on the pretext of a social clause would reduce employment opportunities and perpetuate poverty. He firmly opposed attempts to link certain labour standards to international trade and trade could not and should not be decisive on all social subjects; nor should international labour standards be applied by means of trade sanctions. The Government member of the United Kingdom also opposed any proposal as to social regulation which would make links with international commerce.

255. At the conclusion of the special day's discussion on the future of standards, the Employers' members did not wish to repeat earlier points made, given the intensity and the diversity of opinions, but referred to their opening statement which explained their position in detail. One theme which they had not taken up at all was that of the social clause, although this was particularly important in the discussion, as various statements showed. The social clause was a very old subject as the Preamble to the ILO's Constitution shows, and the ILO itself was already a sort of social clause, as this was its task originally. The new element in the present debate was the attempt to create a direct link between these objectives and the regulation of world trade. The remarks in the Director-General's Report regarding the social clause raised questions which were unanswered, especially the solution proposed at the end of the chapter, and ultimately it would be necessary to know the cost-benefit ratio. The main problem was to identify standards on which a social clause could be based, and in the present Committee the tendency had been to think only of Conventions on basic human rights. However, although such Conventions contain some basic provisions, not all their contents were fundamental and the question was thus what would be indispensable in practice, what could be accepted and how far. They wondered whether the founding principle of the ILO, namely the voluntary nature of engagements undertaken, could be maintained or should be overridden or in fact was already overridden. If there were to be practical consequences of the application of social clauses, various procedural questions would arise as to the authorities for taking decisions or imposing sanctions or, conversely, making recommendations, and a sort of judicial supervision would be necessary. If sanctions were taken, their nature and the basis for them could not be determined, so that in the Employers' view there was no reason justifying procedures for the introduction into world trade of general social clauses. Whilst trade liberalization could be limited conceivably to make it more straightforward, there was a danger that all these measures would lead to new forms of protectionism, and any protectionism would in the end damage all economic actors. The Employers' members agreed with the Director-General of the GATT, that if poverty were the cause of a higher level of social protection it would be investment and not sanctions which would present a remedy.

256. The Employers' and Workers' members welcomed the special discussion in which the three groups had made both technical and more fundamental suggestions and remarks concerning standard-setting activity and the supervisory system.

257. The Workers' members noted that the vast majority of Governments and Employers' members recognized and stressed the importance of standards as part of the ILO's mandate, and the universality of standards had been demonstrated many times during the discussion. However, it remained difficult to understand some statements or suggestions which had been made. For example, the discussions, and especially the Employers' members' statement, showed that the role of standards seemed to be doubted. Some speakers seemed to question the place of standards as "an important means but one among others", and to wonder whether the ILO should guard against regulation in present times as a means of ensuring social protection. Regulation was justified only where indispensable, as was the case at the international and the national levels, but standards must remain the heart and backbone of the ILO. The Workers' members feared that the ILO's mandate would no longer be respected if standards did not form one of its main activities, and several speakers demonstrated the crucial importance of social dialogue and tripartite participation. The difference between fundamental and priority standards and other standards was often stressed in the present Committee, while the idea of a social clause in trade and cooperation agreements had caused Employers to raise questions. It was important to note that these questions are essentially ones of form rather than substance. Attention should be drawn to constitutional principles relating to freedom of association and the right to organize applying to all member States, and the vast majority of member States have ratified Conventions Nos. 29 and 111. Further, the Employers' members, the Workers' members and several Government members had stressed the importance of the link between international labour standards and technical cooperation and assistance. The problem of ratification should not be exaggerated since the ratifications of basic Conventions such as Conventions Nos. 29, 100, 105, 111 and the priority Conventions like Nos. 81, 122, 129 and 144 were quite high. A diminishing average number of ratifications was not fatal, as in the general discussion it had been noted that 192 ratifications had been registered in the past year and the present year without taking account of ratifications by new member States. There were various suggestions and considerations as to the elaboration and the content of standards, flexibility clauses and progressivity in implementation, strengthening the supervisory system and the working methods of the present Committee, the participation of employers' and workers' organizations, the promotion of standards and technical cooperation, which confirmed this view. Nevertheless, differences of opinion continued especially as regards the respective roles of the Committee of Experts and the present Committee, and the revision of standards. As these subjects have not been exhausted, the minutes of this sitting and the part of the report of the Committee of Experts under reference should be incorporated in the Governing Body documents when standard-setting activities and the supervisory system were discussed.

E. Compliance with specific obligations

258. The Committee decided that, in examining individual cases relating to compliance by States with their obligations under or relating to international labour standards, it would apply the same working methods and criteria as last year, as amended or clarified in 1980 and 1987.

259. In applying those methods, the Committee decided, on the proposal of the Workers' members supported by the Employers' members, to invite all governments concerned by the comments in paragraphs 120 (compliance with reporting obligations), 125 (supply of first reports), 129 (lack of reply to comments of the supervisory bodies), 154 (special problems relating to submission) and 158 (lack of reports on unratified Conventions and on Recommendations) of the Committee of Experts' report to supply information to the Committee in one half-day sitting to be devoted to those cases.

260. The Committee noted that this new approach had been introduced last year on a trial basis and had produced interesting results. Nevertheless, it should in no sense be understood by governments as dispensing them from the need to take part in the Committee's discussions. The Committee noted that this year, especially due to the improvements in the procedures, the new approach could be considered successful, as it had been possible to hear most Government delegates concerned.

Submission of Conventions and Recommendations to the competent authorities

261. In accordance with its terms of reference, the Committee considered the manner in which effect is given to article 19, paragraphs 5 to 7, of the ILO Constitution. These provisions require member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the Conventions and Recommendations adopted at that session to "the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action", and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.

262. The Committee noted from the report of the Committee of Experts (paragraph 147) that considerable efforts to fulfil the submission obligation had been made in certain States, namely: Botswana, Greece, Grenada, India, Mauritius, Niger, Syrian Arab Republic, Uruguay.

263. The Committee was informed by various other States of measures taken to bring Conventions and Recommendations before the competent national authorities. It welcomed the progress achieved and expressed the hope that there would be further improvements in States that still experience difficulties in complying with their obligations.

Failure to submit

264. The Committee noted with regret from paragraph 154 of the Committee of Experts' report that no indication was available that steps had been taken in accordance with article 19 of the Constitution to submit the Conventions and Recommendations adopted between 1985 and 1991 by the 71st to 78th Sessions of the Conference[1] to the competent authorities, in the cases of Antigua and Barbuda, Cambodia, Central African Republic, Costa Rica, Djibouti, El Salvador, Jamaica, Kenya, Madagascar, Papua New Guinea, Paraguay, Saint Lucia, Seychelles, Sierra Leone, Solomon Islands, Trinidad and Tobago, United Republic of Tanzania, Zaire.

Supply of reports on ratified Conventions

265. In Part B of this report (General questions relating to international labour standards) the Committee has considered amongst other things the fulfilment by States of their obligation to report on the application of ratified Conventions. By the date of the meeting of the Committee of Experts, the percentage of reports received was 64.6, which is the lowest recorded since 1946. Since then, further reports have been received, bringing the figure to 77.2 per cent (as compared with 75.8 per cent in June 1993, 76.8 per cent in June 1992 and 83.7 per cent in June 1991). This year, the Committee of Experts noted that almost 67 per cent of the reports on Conventions for which information on practical application was requested contained such information, substantially higher than in 1991 and 1992 (50 per cent) or 1993 (56 per cent). The Committee emphasizes the importance of sending practical information, without which it is impossible to know if a Convention is actually being applied. The Committee joins the Committee of Experts in appealing to governments to make every effort to include the necessary information in future reports.

Failure to supply reports and information on the application of ratified Conventions

266. The Committee noted with regret that no reports on ratified Conventions had been supplied for two years or more by the following States: Albania, Dominica, Guinea-Bissau, Nepal, Saint Lucia, Sao Tome and Principe, Solomon Islands, Somalia.

267. The Committee also noted with regret that no first reports due since 1992 on the following ratified Conventions had been supplied by France (French Southern and Antarctic Territories) (Conventions Nos. 53, 69, 74, 92, 133 and 134), Liberia (Convention No. 133) and Nigeria (Convention No. 133). It stressed the special importance of first reports, on which the Committee of Experts bases its first evaluation of compliance with ratified Conventions.

268. In this year's report, the Committee of Experts noted that 47 governments had not communicated replies to most or any of the observations and direct requests relating to Conventions on which reports were due for examination this year, involving a total of 354 cases (compared with 318 cases last year and 330 two years ago). The Committee was informed that, since the meeting of the Committee of Experts, 25 of the governments concerned had sent replies, which would be examined by the Committee of Experts next year.

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[1] The Conference did not adopt any Recommendations or Conventions at its 73rd Session (June 1987).

269. The Committee noted with regret that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 30 June 1993 from the following countries: Barbados, Burkina Faso, Burundi, Central African Republic, Chad, Equatorial Guinea, Gabon, Ghana, Guinea-Bissau, Haiti, Honduras, Jamaica, Libyan Arab Jamahiriya, Madagascar, Mozambique, Nepal, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Solomon Islands, Somalia, Zaire.

270. The Committee noted the explanations provided by the Governments of the following countries concerning difficulties encountered in discharging their obligations: Barbados, Burundi, Cambodia, Central African Republic, Gabon, Ghana, Haiti, Honduras, Jamaica, Kenya, Libyan Arab Jamahiriya, Madagascar, Mozambique, Namibia, Nigeria, Papua New Guinea, Paraguay, Seychelles, Sierra Leone.

271. The Committee expressed extreme concern at the gravity of the situation. Without real progress, the whole supervisory mechanism risks paralysis. The obligation to transmit reports is the basis of the supervisory system. The Committee requests the Director-General to adopt all possible measures to improve the situation and solve the problems referred to above as quickly as possible. It expressed the hope in particular that the multidisciplinary teams would give top priority in their work in the field to the fulfilment of standards-related obligations.

Application of ratified Conventions

272. The Committee noted with particular interest the steps taken by a number of governments to ensure compliance with ratified Conventions. The Committee of Experts listed in paragraph 135 of its report new cases in which governments had made changes to their law and practice following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. There were 42 such cases, relating to 30 States and one non-metropolitan territory in all regions of the world. Over 2,000 cases of progress have been recorded since the Committee of Experts began listing them in 1964. These results are tangible proof of the effectiveness of the supervisory system.

273. At its present session, the Committee was informed of other instances in which measures had recently been or were about to be taken by governments with a view to ensuring the implementation of ratified Conventions. While it is for the Committee of Experts to examine these measures, the present Committee welcomes them as fresh evidence of the efforts made by governments to comply with their international obligations and to act upon the comments of the supervisory bodies.

274. The Committee thought it appropriate to draw the attention of the Conference to various important cases which it had to consider.

Cases of progress

275. The Committee noted with satisfaction that in a number of cases — including many involving basic human rights — governments have introduced changes in their law and practice in order to eliminate divergencies previously discussed by the Committee. It considers highlighting these cases a positive approach towards influencing governments to respond to comments of the supervisory bodies. In this respect, it refers to the report of the Committee of Experts and the discussion of individual cases which appears in Part Two of this report.

Special cases

276. The Committee considered it appropriate to draw the attention of the Conference to its discussion of the case mentioned in the following paragraph, a full record of which appears in Part Two of this report.

277. As regards the application by India of Convention No. 29, the Committee took note of the oral information furnished by the Government representative and of the developments that have taken place. It regretted that no report was furnished in time by the Government but noted that the report as well as the replies to the comments of the Committee of Experts were received in the International Labour Office on 2 June 1994. It regretted that this late despatch made it impossible for the Committee of Experts, and consequently for the Conference Committee, to consider more recent information supplied by the Government. In any event, the Committee noted that, notwithstanding the efforts made, much remained to be done to overcome the problems already discussed in the course of many earlier sessions and highlighted by the Committee of Experts concerning notably the identification, liberation and rehabilitation of persons in bonded labour, including children, as well as, in particular, the introduction of an efficient enforcement system. In this regard the Committee remained very deeply concerned by the situation. The Committee urged the Government to send its next report in time so that the Committee of Experts, as well as the Conference Committee itself, could duly examine it. Considering the conclusions it adopted last year and bearing in mind the gravity of the questions under discussion for several years now without any progress being recorded, the Committee reiterated its very deep concern. It urged the Government to spare no effort to institute the urgent and necessary measures for the elimination of debt bondage and to furnish without delay and without fail all the detailed information required by the Committee of Experts.

278. The Committee trusts that the Government concerned will take all measures necessary to correct the deficiencies noted and invites it to consider appropriate forms of ILO assistance, including direct contacts, to ensure that real progress is achieved by next year in the observance of its obligations under the ILO Constitution and the Convention in question.

Continued failure to implement

279. The Committee recalls that its working methods provide for the listing of cases of continued failure over several years to eliminate serious deficiencies, previously discussed, in the application of ratified Conventions. This year the Committee made no mention in this respect.

280. The Government of the country to which reference is made in paragraph 277 is invited to supply the relevant report and information to enable the Committee to follow up the above-mentioned matter at the next session of the Conference.

Supply of reports on unratified Conventions and on Recommendations

281. The Committee notes that 54 of the 106 article 19 reports requested on Conventions Nos. 87 and 98 were received at the time of the Committee of Experts' meeting, and a further two since, making 52.8 per cent in all.

282. The Committee noted with regret that over the past five years none of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution had been supplied by the following: Libyan Arab Jamahiriya, Namibia, Papua New Guinea, Paraguay, Saint Lucia, Seychelles, Sierra Leone, Solomon Islands, Somalia, Zaire.

Communication of copies of reports to workers' and employers' organizations

283. Once again this year, the Committee did not have to apply the criterion "The government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated".

Participation in the work of the Committee

284. The Committee wishes to express its gratitude to the 50 governments which collaborated by providing information on the situation in their countries and participating in the discussions of their individual cases.

285. The Committee regrets that, despite repeated invitations, the Governments of the following States failed to take part in the discussions concerning their countries: Albania, Antigua and Barbuda, Burkina Faso, Djibouti, Liberia, Nepal, Sao Tome and Principe, Seychelles, Sierra Leone, Zaire. It decided to mention the cases of these States in the appropriate paragraphs of its report and to inform them in accordance with the usual practice.

286. The Committee notes with regret that the Governments of the States which were not represented at the Conference, namely Chad, Dominica, Equatorial Guinea, Guinea-Bissau, Saint Lucia, Solomon Islands, Somalia, were unable to participate in the Committee's examination of the cases relating to them. It decided to mention these countries in the appropriate paragraphs of this report and to inform the governments, in accordance with the usual practice.

* * *

287. The report of this year's Committee on the Application of Standards is unusually long, but this is neither accidental nor purposeless. There are two noble and just reasons: the celebration of the 75th anniversary of the ILO, and the detailed examination of the very basic question of the state of freedom of association in the world. The very wide interest in the role and future of standards in general and especially the most basic standards has provoked a lively but thoughtful discussion which the Committee hopes will usefully contribute to the fertile discussions to which this year's celebration has given rise.

288. The 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia are particularly important, given their timing. Change in the world is commonplace and changes are of course accelerating and becoming more difficult to control and organize on the basis of universally accepted aims and values. The last ten years have seen the generalization of the market economy, liberalization of trade and globalization of the economy — all of this with considerable and recognized success and efficiency on the level of the economy. But there has also been a dramatic increase in unemployment which has become more structural, including in industrialized countries, and inequalities have increased with the spreading of poverty and new forms of poverty and the resurgence of ethnic and nationalistic conflict.

289. Commemoration is the occasion for the return to historic bases and values which have to be defended, whilst avoiding the temptation to rewrite history. At the same time, it is the occasion for reflection on the future and changes which should be made in the standard-setting sphere. This too is what the Committee has tried to do, especially on the basis of the report of the Committee of Experts.

290. Discussions in the Committee make it clear that one of the fundamental questions for several years has been the relevance of ILO standards and the constant adaption of standard-setting to the increased pace of the world economy. Criticisms based on economic arguments (labour costs, rigidities and obstacles to employment and structural adjustment) have not destroyed the consensus on this point. Workers' protection is the main purpose of international labour law. The importance of standard-setting activity in promoting development balanced in justice and freedom and inspiring social policies is still recognized, even if the need for realism and effectiveness is stressed.

291. Paradoxically, one of the features of globalization is that it does not exclude contradictory trends. The Workers' members of the Committee called on the ILO to launch a campaign for a World Charter or social platform with the aim of ratification of the ILO's fundamental Conventions by the year 2000.

292. That the social should overcome the economic was the wish expressed by Albert Thomas on the tenth anniversary of the ILO. This does not deny the inevitable dialectic between social and economic but states the humanist vocation of the ILO. Social justice is the raison-d'être of the ILO and should be its guiding light at the dawn of the third millennium.

* * *

293. After concluding its work, the Committee held a special sitting in honour of Mr. Edward J. Hickey, Workers' representative of the United States of America in the Conference Committee on the Application of Standards, who had decided to take the opportunity presented by the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia to end his long and eminent career in the Committee. In this special sitting, many speakers expressed their admiration of Mr. Hickey's tireless and passionate devotion over 30 years' service in the Committee to the cause of international labour standards, his exceptional professional and human qualities, and the contribution he has thus made to the defence and promotion of human freedom and dignity. The Committee unanimously decided to record its deep gratitude to him.

Geneva, 21 June 1994

(Signed) J.-J. ELMIGER
Chairman

Khabo J. DLAMINI
Reporter

PART TWO

OBSERVATIONS AND INFORMATION CONCERNING PARTICULAR COUNTRIES

I. OBSERVATIONS AND INFORMATION CONCERNING REPORTS ON RATIFIED CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION)

A. General Observations and Information concerning Certain Countries

(a) Failure to supply reports on the application of ratified Conventions

The Employers' members noted that the supply of routine reports at regular intervals constituted an obligation without which no supervision could be effected. They remarked that the list of the countries had become shorter since the session of the Committee of Experts. Nevertheless, they stressed the importance of the obligation to send reports in good time because otherwise they could not be examined by the Committee of Experts. They expressed great concern over the fact that the 50 governments that had not complied with this obligation amounted to almost one-third of the total number of member States.

The Workers' members subscribed to the remarks made by the Employers' members and stressed that regular reporting was the foundation of the supervisory system. They also noted that two countries, namely Albania and Somalia were also mentioned in the same paragraph of the Committee of Experts' report last year.

The Workers' member of the United States noted the fact that none of the Governments mentioned had been present to provide information on the matter and expressed his entire agreement with the observations made by Workers' and Employers' members. He considered that the importance of the reporting obligation, which could not be over-emphasized, was not appreciated sufficiently by the Governments and, if it was not improved, the entire system could collapse.

A Government representative of Saudi Arabia considered that distinction should be made between the governments that were represented at the Conference but were not present at the Committee and those which were not represented at the Conference at all.

The Committee recalled the fundamental importance of supplying reports on the application of ratified Conventions, and of doing so within the stipulated time-limit. This obligation constituted the basis of the supervisory system, and the Committee expressed its firm hope that the Governments of Albania, Dominica, Guinea-Bissau, Nepal, St. Lucia, Sao Tome and Principe, Solomon Islands and Somalia, which have not to date submitted reports on the application of ratified Conventions, would do so as soon as possible and decided to mention these cases in the appropriate section of its General Report.

(b) Failure to supply first reports on the application of ratified Conventions

The Workers' members stressed the importance of the first reports as a basis of analysis by the Committee of Experts. They also emphasized that reports should be supplied in good time.

The Employers' members also highlighted the crucial importance of the first report and stated that the supply of a first report was not the end of an obligation but the beginning of regular reporting which was the core of the supervisory system.

A Government representative of Nigeria regretted the fact that the first report had not been sent because of technical difficulties. She assured the Committee that all efforts were being made to send the report before the next session of the Committee of Experts.

The Committee noted the information supplied and explanations given by the Government representative of Nigeria. It reiterated the crucial importance of submitting first reports on the application of ratified Conventions.

The Committee decided to mention two cases: namely Liberia and Nigeria, Convention No. 133, in the appropriate section of its General Report.

(c) Failure to supply information in reply to comments made by the Committee of Experts

The Workers' members underscored the importance of replying to comments made by the Committee of Experts as a key element in the dialogue between the Government and the supervisory bodies, without which neither the Committee of Experts nor the Conference Committee would be able to work. If a lengthy reply was supplied to the Conference Committee, it would need to be referred to the Committee of Experts and would thus interrupt the dialogue. They emphasized that such a failure would slow down the process of supervision but would not let the Government escape from supervision. They criticized strongly the supply of incomplete and unclear reports.

The Employers' members considered such a failure was a subcategory of those relating to the normal obligation to report and stated that reports with unclear or incomplete points were almost equal to no report. The figure of 353 such cases noted in paragraph 129 of the General Report was a cause for concern and, without some progress, the whole supervisory system would be put into question. This was unfair to those governments that supplied proper reports.

A Government representative of Barbados expressed his Government's regret that it was unable to supply the information due to a number of factors: the prime ones being institutional difficulties arising from structural changes in the Ministry of Labour over the last year or so. He referred to a contact that his Government had made with the ILO Office in the Caribbean for assistance so as to strengthen its capacity to respond more effectively to the requests. He assured the Committee that the available information would be submitted to the Office on his return to the country.

A Government representative of Burundi stated that, as soon as they had received the Report of the Committee of Experts, they had prepared a report and sent it to the ILO in May. He pointed out that the direct request concerning Convention No. 81 had not been received with the Report of the Committee of Experts. After referring to the efforts to repeal certain legal texts which were in contradiction with Convention No. 29, he referred to the political situation in his country since last year: the democratic elections, the assassination of the new President, and the plane accident that befell his successor. He requested the understanding of the Committee of Experts in view of these circumstances and expressed his commitment to respond to the direct request on Convention No. 81, a copy of which he had just received.

A Government representative of the Central African Republic informed the Committee that his delegation had provided to the ILO at the beginning of the Conference ten reports, namely on Conventions Nos. 17, 18, 26, 29, 41, 88, 95, 98, 105 and 118, containing information on comments of the Committee of Experts. Replies had also been sent by post on Conventions Nos. 13, 81, 100, 111, 117 and 119, which had apparently not been received by the ILO. He emphasized his Government's willingness to respect its constitutional obligations by putting in order the services responsible for the relevant questions, in the general framework of technical cooperation of the ILO.

A Government representative of Gabon stressed that the failure was not due to bad faith or to an attempt to hide anything. The period when the report forms and the Committee of Experts' comments were received coincided with the period of presidential elections, which brought to a standstill the functioning of the entire administration in his country. He assured the Committee that the reports due would be sent in good time for supervision, barring unforeseen circumstances.

A Government representative of Ghana regretted that the failure was partly due to the channel through which the information had to pass before reaching the ILO, and stated that action had been taken to correct this lapse so as to supply any information directly to the Office with copies to the Ministry responsible for labour matters. He noted that information on six out of 11 Conventions concerned had been supplied, and that efforts were being made to supply information on the remaining five Conventions as soon as possible and, in any case, before the end of the year. Ghana benefited from training programmes organized by the ILO, which would no doubt enhance their knowledge regarding the preparation, supply and submission of reports in accordance with articles 19, 22 and 35 of the Constitution.

A Government representative of Haiti stressed that he represented the legitimate Government of the country, which, however, did not exercise any real power in the country since the *coup d'état* of September 1991. His Government was not able to fulfil its obligations because the institutions such as the Ministries of Justice and of Social Affairs and Parliament did not function. He assured the Committee that, as soon as a legitimate constitutional order was established, all efforts would be made to comply with these obligations. He also expressed his wish that the Committee of Experts would draw particular attention to the case of Haiti by mentioning it in the appropriate part of its report.

A Government representative of Honduras stated that the Permanent Mission in Geneva had requested the Ministry of Labour to supply information to respond to the comments made by the Committee of Experts and that this information had unfortunately not yet been received. She stressed her Government's firm willingness to discharge its obligations vis-à-vis the ILO and to send reports on time. In addition, she referred to the modernization of labour legislation under way, for which the assistance of the ILO was requested.

A Government representative of Jamaica apologized for the absence of some of the reports, due to certain administrative difficulties. Referring to the assistance obtained from the ILO Office in the Caribbean, he assured the Committee that reports would in future be submitted on time.

A Government representative of Lebanon noted that her Government had submitted during 1993 the reports on 23 ratified Conventions, 20 of which had apparently been commended by the Committee of Experts for their comprehensive details. She stated that information on Conventions Nos. 81 and 98 was also supplied to the ILO in the aforementioned reports. No replies to the comments on the other Conventions could be sent because the Government had not received the related documents, such as in the case of Convention No. 90. She also considered that some cases of brief or incomplete answers to the questions raised by the Committee of Experts could be due to the fact that no major amendments had been introduced to the Labour Code of 1946. The speaker further referred to the current revision and updating of the Labour Code, to the measures taken by the Ministry of Labour to give effect to some of the provisions of the ratified Conventions by means of administrative decisions, and to the submission of 38 Conventions to the competent authorities.

A Government representative of Libyan Arab Jamahiriya noted that a reply to the observations concerning Convention No. 29 had been made by the report of the national committee that was specially established to respond to comments of the Committee of Experts and that this had been sent on 29 May 1992. The same report also responded to observations concerning labour inspection and Convention No. 88 and also concerning freedom of association and collective bargaining. As to the social security Conventions, the relevant observations had recently been submitted to the competent authority so that a reply could be prepared. The speaker pointed out that the observations were received in April 1994 and referred to delays in postal delivery caused by the air embargo. He expressed the hope that the comments of the Committee of Experts could be provided in Arabic.

The representative of the Secretary-General reminded the Committee that comments in the Arabic language had been sent systematically since 1988.

A Government representative of Madagascar stated that since 1992 his Government had made particular efforts to make up for the delay of the supply of reports and that the reports on 20 out of 25 Conventions concerned had already been sent to the ILO. After supplying information on the application of certain Conventions, he added that his Government would continue the efforts in line with the comments made by the Committee and that the other reports requested would be submitted to the ILO in the near future.

A Government representative of Mozambique stated that the delay in sending reports was due to the fact that the two officials in charge of their preparation had left the Ministry of Labour and that another official had to be trained to deal with the activities concerning standards and obligations with regard to the ILO. As regards Convention No. 81, the delegation to this Conference had submitted the report to the ILO. As to Conventions Nos. 18, 88 and 100, the reports would be supplied to the ILO as soon as the delegation returned to the country. She concluded by recalling the technical assistance that her country had received from the ILO.

A Government representative of Papua New Guinea highlighted the technical and administrative difficulties which his Government had faced in recent years and stated that they had requested the technical assistance of the ILO through the multidisciplinary team based in Manila.

The Committee took due note of the information and explanations provided by Government representatives. It stressed the great importance of communicating clear and complete information in response to comments made by the Committee of Experts. It reiterated that this was an aspect of the constitutional obligation to report. In this connection it expressed its profound concern at the extremely high number of cases of failure to supply information in reply to comments made by the Committee of Experts. It reiterated the fact that assistance from the ILO could be requested by Governments in order to overcome any difficulties they might be facing. The Committee urged the Governments concerned, namely Barbados, Burkina Faso, Burundi, the Central African Republic, Chad, Equatorial Guinea, Gabon, Ghana, Guinea-Bissau, Haiti, Honduras, Jamaica, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mozambique, Nepal, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Solomon Islands, Somalia and Zaire to spare no effort to provide the information requested as soon as possible. The Committee decided to mention all these cases in the appropriate section of its General Report.

(d) Failure to supply reports on unratified Conventions and on Recommendations

The Employers' members recalled the nature of the obligation to supply reports on unratified Conventions and on Recommendations and drew attention to paragraph 157 of the General Report of the Committee of Experts, according to which only 50 per cent of the reports requested of States that had not ratified the Conventions concerned had been received, a situation considered extremely regrettable. They urged member States to discharge their obligations in this respect, because the General Survey would otherwise have only a partial value.

The Workers' members subscribed to the comments of the Employers' members and recalled that, during the general discussion on the future of standards, the importance of General Surveys was emphasized not only as a means to obtain a clear image of the situation in different countries of the world, but also to appreciate and prepare what measures should be taken in future regarding, for instance, the possible revision of the instruments concerned. In addition, such surveys were important to dissipate miscomprehensions that hindered or slowed down the ratification of Conventions by certain countries.

A Government representative of Libyan Arab Jamahiriya stated that the necessary measures had been taken to draw the attention of the competent authorities to unratified Conventions and Recommendations.

A Government representative of Namibia stated that his country, being a young nation, was faced with numerous problems and that for the last four years his Government had tried to reinforce the institutional capacity of his country and, in particular, that of the Ministry of Labour, which now included a department that dealt directly with questions relating to the application of standards and to the ILO. He added that the fact that the employers' and workers' organizations were new, and still growing, was an additional cause of difficulty in supplying detailed reports, but that his Government hoped that it would be able to discharge its obligations towards the Committee of Experts with the above-mentioned measures.

The Employers' member of Namibia stated that the Namibian Employers' Federation and its constituent employer associations were actively involved in the development of a tripartite system, based on the notion of participatory democracy, freedom of association and collective bargaining. The Labour Act of 1992 had established a framework for, and encouraged a pluralist system of, industrial relations, putting into effect the principles contained in the nation's Constitution. Although Namibia had not formally ratified Conventions Nos. 87 and 98, he reassured the Committee that in spirit these Conventions were being honoured and applied in his country.

A Government representative of Papua New Guinea stated that his Government was faced with administrative difficulties. He took note of the comments by the Committee of Experts and hoped to comply with ILO obligations in the future.

The Employers' members stated that the Committee should make clear the significance attached to the formal reporting obligations because if this was not done the supervisory machinery would be unable to function. Under the new simplified reporting system, they hoped that governments would fulfil these obligations and that there would be fewer cases of unfulfilled obligations. They noted a certain improvement in relation to last year in the number of governments appearing before the Committee, but the situation was still worrisome. The accumulation of all of these cases in one single session should not serve as an excuse for governments not to appear before the Committee. They asked

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that those governments that had not appeared be referred to in an appropriate section of the report of the Committee.

The Workers' members endorsed the Employers' members statement in its entirety.

The Committee noted the information and explanations supplied by Government representatives and other speakers. The Committee emphasized the importance it attached to the constitutional obligation to send reports on unratified Conventions and Recommendations. In fact, these reports made possible a better evaluation of the situation within the context of the general surveys of the Committee of Experts. The Committee insisted that all member States should fulfil their obligations in this respect and expressed the firm hope that the Governments of the following States: Solomon Islands, Libyan Arab Jamahiriya, Namibia, Papua New Guinea, Paraguay, St. Lucia, Seychelles, Sierra Leone, Somalia and Zaire, would fulfil their obligations under article 19 of the Constitution in the future. The Committee decided to mention these cases in the appropriate section of its General Report.

(e) Written information received up to the end of the meeting of the Committee on the Application of Standards[1]

Algeria. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Belize. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Burundi. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Cameroon. Since the meeting of the Committee of Experts, the Government has sent the first report due on Convention No. 106 and the replies to most of the Committee's comments.

Comoros. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Congo. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Côte d'Ivoire. Since the meeting of the Committee of Experts, the Government has sent the first report due on Convention No. 133.

France. Since the meeting of the Committee of Experts, the Government has sent the first report due on Convention No. 133.

Grenada. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Guatemala. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Guinea. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Guyana. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Honduras. The Government regrets to inform the Committee that this year it has not sent its delegation to the International Labour Conference because of very strict measures of economic austerity and that only two officials of the Permanent Mission are covering the Conference. For this reason it is not possible to present the requested comments. However, the request has been sent to the Ministry of Labour of Honduras and as soon as an answer is available the delegation will comply with the request.

India. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Israel. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Liberia. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Malawi. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Mongolia. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Panama. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Sao Tome and Principe. The Government communicated the following information:

In 1991, Sao Tome and Principe has witnessed moments of great socio-economic changes that have culminated with the accomplishment of free and just legislative and presidential elections. These changes have resulted in structural modifications, e.g. the personnel of the Ministry of Labour that attended to sending the reports and answers to the direct requests and observations in the reports of the ILO's Committee of Experts has decided to work permanently in the trade union organizations, which leaves the Ministry without competent personnel to carry out these duties. It therefore has become necessary to train new officials in this field. This year, with the support of the ILO, officials of the present Ministries of Justice, of Labour and Public Administration had participated in a training course on international labour standards in the Turin Centre. During this seminar an examination of the situation of Sao Tome and Principe has been undertaken together with the various ILO trainers, with respect to its obligations towards the ILO; all the necessary forms to enable Sao Tome and Principe to honour its obligations as an ILO member State have been furnished. The Government is convinced that from now on it will be in a position to follow all ILO activities and to honour the corresponding obligations.

The Government considers that in July it will be possible to ensure that the ILO receives the outstanding reports. Concerning practical application of Act No. 1/90 respecting social security and of Act No. 6/92 respecting individual labour conditions, as far as the list of occupational diseases is concerned, the Government will take the necessary measures to request technical assistance from the ILO, to put the provisions of the above legal texts into conformity with Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925.

Singapore. Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

Syrian Arab Republic. Since the meeting of the Committee of Experts, the Government has sent the replies to certain of the Committee's comments.

Thailand. Since the meeting of the Committee of Experts, the Government has sent the replies to certain of the Committee's comments.

Yemen. Since the meeting of the Committee of Experts, the Government has sent the first reports due on Conventions Nos. 122, 156 and 158.

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[1] The list of reports received can be found in Part IC of the Report.

Convention No. 5: Minimum Age (Industry), 1919

Lesotho (ratification: 1966). A Government representative said that the use in the Government's report of the word "reluctant" with regard to the implementation of legislation to apply the Convention was not intended to suggest that the Inspectorate Division did not desire to implement existing provisions of the law relating to minimum age, but instead was intended to convey the difficulties encountered by the Inspectorate in establishing whether young persons were employed in industrial and commercial undertakings. Possible reasons for this difficulty included the interest of parents that children who had left school be employed in the absence of alternative education, the desire of employers to avoid restrictions connected with the employment of young persons, and economic considerations in a situation of high unemployment. He insisted that legislation in his country was in conformity with the Convention. For reasons similar to those referred to above, very few registers were kept by employers of all persons under the age of 16 years employed by them, and he was unaware of the existence of any employment of persons under the minimum age.

The Employers' members said that there were three problems: the requirements of the Convention in minimum age matters and its compliance through legislation in Lesotho; the application in practice of these requirements; and the keeping of a register of employment of youths under 16 years of age. The Government representative now tried to correct what the Government had previously stated in its report. The most important matter was the application of the Convention in practice. They understood the difficulties experienced by countries where there was poverty in applying a Convention requiring a minimum age for employment, because if youths and children were not given an opportunity to work this might endanger the livelihood of their families. However, while taking these difficulties into account, they nevertheless asked that legislation and practice be brought into conformity with the Convention.

The Workers' members regretted that there had not been any follow-up to the detailed report for the period 30 June 1994. They indicated that the Convention was very important because under Article 2, employment of children under 14 years of age was prohibited in the industrial sector. According to the report of the Committee of Experts, this Convention seemed to be respected in law and the observations of the experts related only to the practice in Lesotho. In this regard, the Government itself had pointed out that the Labour Inspectorate was reluctant to apply Section 2 because to do so might deprive the families of youths of their livelihood. Problems connected with minimum wage necessitated the application of other measures. In this sense, the Workers' members referred to the necessity for an education policy, a family policy, the fight against poverty, and the setting of minimum wages. Therefore a coherent policy was necessary to prevent child labour in practice, as well as a political will to wage a fight against poverty. They specified that the Convention prohibited child labour in industry, and not in other sectors. With regard to the register for youths of less than 16 years of age in employment, some matters had been neglected and, given the importance of the subject, it was necessary to avoid such neglect. In this respect, they requested the Government to respond to the request of the Committee of Experts by providing information on measures that were contemplated or taken. They also asked for details regarding the number of children affected by the application of the Convention. Finally, given the importance of the Convention, they insisted on the necessity that it be respected.

The Workers' member of Lesotho expressed the hope that the newly elected Government would bring legislation and practice into conformity with the Convention. He suggested that the high taxes applied to poor workers be reduced so that they would be able to take care of their families. In this way, children under the minimum age in such families would not need to work. He also noted that most workers under the minimum age were female, and when required to work at night, they were exposed to the risks of attacks or rape upon leaving work to return home.

The Workers' member of Ghana noted that the Labour Code, which obliged an employer to keep a register of all persons under the age of 16 years employed by him, did not prevent the employment of persons below the minimum age. He expressed strong concern about the employment of children and supported the universal application of ILO standards in this matter. In his view, the problem of unemployment should not be resolved at the expense of these standards. He concluded by asking that the Government take measures to bring its legislation and national practice into conformity with the Convention.

The Workers' member of Zimbabwe stated that workers were asking that a social clause be included in international trade agreements because of such problems as the employment of child labour, which was particularly inappropriate in view of the high unemployment rate in Africa. He asked that the Government take measures to bring legislation and practice into conformity with the Convention, which would then allow for the elimination of child labour.

The Government representative reiterated that there was no conflict between the legislation of his country and the Convention, and that he was unaware that any children under the minimum age provided for by the Convention were employed in commercial and industrial establishments.

In light of all the statements that had been made, the Committee noted the information provided by the Government representative and the discussion that ensued. The Committee took note that the discrepancies continued to exist, in particular between practice and certain provisions of the Convention. Noting that the Government confirmed its commitment to remedy the situation, the Committee expressed the firm hope that the Government would quickly take all necessary measures to ensure full compliance with the Convention, above all in practice. The Committee hoped to be able to note decisive progress in the very near future, in particular on the basis of the detailed report that the Government was requested to submit this year.

Convention No. 17: Workmen's Compensation (Accidents), 1925

Kenya (ratification: 1964). A Government representative indicated that the present Workmen's Compensation Act, Chapter 236, Laws of Kenya, was first enacted in 1949, and has since been amended several times, the latest amendment having been made in 1987 aiming at providing more benefits to workers in view of the present-day high rate of inflation and the rise in the cost of living. In 1990, following the detailed discussion by the Tripartite Labour Advisory Board, the Government had decided to replace the above Act with the proposed Work Injury Benefits (Insurance) Scheme. The main aims of the proposed changes were: (i) to ensure that all workers were insured against employment accidents; (ii) to convert the present lump-sum payment into periodical payments, in conformity with the requirements of Article 5 of the Convention, as pointed out by the Committee of Experts; (iii) to improve on the present scale of medical aid and supply and repair of surgical appliances; and (iv) to increase the level of benefits in keeping with the rising cost of living generally. The Government representative recalled that the original text of the proposed legislation was sent to the ILO for detailed study and advice in order to make sure that the final text to be submitted to Parliament was in full conformity with the relevant provisions of the Convention. As a result of the comments made by the Committee of Experts and by the Office, the Government found it necessary to revise the original text of the proposed Work Injury Benefits (Insurance) Scheme in order to ensure full harmony between this legislation and Convention No. 17. In particular, the latest comments of the Committee of Experts concerned the following areas, all of which have been sufficiently covered in the new draft Bill: (i) Article 2 of the Convention which covers compensation of industrial accidents for workers ordinarily employed outside but temporarily employed in Kenya by an employer who carries on business chiefly outside Kenya; (ii) Article 5 of the Convention concerning the payment of lump-sum compensation only when the degree of incapacity does not exceed 20 per cent recommended by the Committee of Experts; (iii) Article 7 where the incapacity required a payment for the services of a constant helper; (iv) Articles 9 and 10 concerning compensation for expenses for medical, surgical, pharmaceutical and hospital treatment, and the supply and replacement of artificial limbs and surgical appliances. The views expressed by the Committee of Experts in its 1994 report would be carefully considered before the final Bill was passed into law, and his Government would undertake to ensure that the necessary amendments were effected in the proposed Work Injury Benefit (Insurance) Scheme in order to give better compliance to Articles 2, 5, 7, 9 and 10 of the Convention.

The Workers' members stated that while this case had not been previously discussed in this Committee, there had been observations and direct requests made by the Committee of Experts for many years since 1967. For many years the Government had recognized that national legislation was not in conformity with various provisions of the Convention and already in 1991 it had expressed the intention to immediately bring its legislation up to date in accordance with the requirements of Articles 5, 9 and 10 of the Convention. In its report of 1994, the Government stated that it was necessary to once again submit the draft legislation to the Tripartite Labour Advisory Board and confirmed its will to put the legislation into full conformity with the Convention. Acknowledging these facts, the Workers' members pointed out that various aspects of the draft legislation still gave rise to important problems in relation to the Convention: section 22 of the draft Bill concerning the exclusion of workers temporarily employed in Kenya, with respect to Article 2 of the Convention; section 48 concerning the payment of compensation in the form of a lump sum in place of periodical payments, with respect to Article 5 of the Convention; sections 4 and 50 which did not explicitly take into account the situation in which the death of a victim of an industrial accident occurred after the accident, with respect to Article 5 of the Convention; section 57 setting time-limits for the payment of additional compensation in cases where help of another person was required, with respect to Article 7 of the Convention; section 69 which fixed the maximum amounts for the reimbursement of medical, hospital and other expenses, with respect to Articles 9 and 10 of the Convention prohibiting such limits; section 36 laying down a three-day waiting period, with respect to Article 9 of the Convention. It was evident and it was recognized by the Government itself that the eventual approval by the authorities of the present draft legislation would only bring about a very partial solution to the problems of non-application of the Convention. In conclusion, the Workers' members insisted that the Government should comply with the observations of the Committee of Experts and that it should provide precise information. They also supported the suggestion made by the experts concerning the possibility of using the technical assistance of the Office.

The Employers' members recalled that, since 1981, there had been observations made by the Committee of Experts on this subject, and that in 1991 the Government had provided written statements to this Committee which, however, had not been discussed at the time. Referring to the detailed indications given by the Workers' members concerning discrepancies between the domestic legislation in Kenya and the requirements of the Convention, the Employers' members stressed that apart from the minor amendments which were required, there was a need for some significant modification of the legislation. Already in 1991, the Government indicated that it was prepared to meet all the requirements of the Committee of Experts in order to fully implement the Convention, and now the point had been reached where these promises needed to be fulfilled. The Employers' members associated themselves with the comments made by the Workers' members and by the Committee of Experts and emphasized that, if necessary, the assistance of the Office should be requested in order to ensure an expeditious and comprehensive solution of the existing problems.

The Government representative assured the Committee that he had taken very careful note of all the views and points raised during the discussion which would be conveyed to his Government for careful study and further necessary remedial action and, if need be, for further technical assistance in finalizing the matter.

The Committee took note of the information provided by the Government representative as well as of the discussion which took place. The Committee noted that certain measures were envisaged but stressed that specific action had yet to be undertaken in such a way as to eliminate all discrepancies noted by the Committee of Experts, thus giving full effect, in law and in practice, to the relevant provisions of the Convention. In this respect the Committee also took note of the willingness of the Government to remedy the situation. The Committee reminded the Government that it would be useful to avail itself of the technical assistance which could be provided by the Office. The Committee hoped that it would be able to note substantial progress in the very near future.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

China (ratification: 1930). The Government supplied the following information:

The Ministry of Labour of the People's Republic of China issued the Provisions on Minimum Wages in Enterprises on 24 November 1993. The Provisions apply in enterprises of all categories, including state-owned, foreign invested and private enterprises, as well as to wage-earners employed in these enterprises (Article 2). According to the Provisions, the governments at provincial levels shall, under the guidance of the national competent authority, fix unified minimum wage rates or, where necessary, different minimum wage rates for different areas or industries, which are applicable to their provinces respectively (Articles 6, 9). The Provisions provide that the governments shall consult with employers' and workers' organizations concerned in fixing minimum wages (Article 6).

With regard to the implementation of minimum wage rates, the Provisions request that enterprises should notify their employees about the applicable rates fixed by the governments as well as about all matters concerned (Article 18); wages paid by enterprises to workers should not be less than those prescribed by the minimum wage rates applicable to the enterprises (Article 19); the labour administration of governments at all levels shall be responsible for the inspection of the application of minimum wage rates (Article 22); and trade unions at various levels shall have the right to supervise the implementation of minimum wage rates and ask competent authorities to solve the problems concerned (Article 22).

In regard to sanctions for the failure to comply with minimum wage rates, the Provisions provide for economic penalties to enterprises and employers and for the payment of compensation to workers by different ratios (Articles 26, 27).

Measures are being taken to prepare the implementation of the Provisions at present. The competent labour authorities at provincial levels are fixing their own minimum wage rates and are preparing methods of implementation according to the Provisions. Some provinces and cities including Shanghai, Guangdong (Guangzhou, Shenzhen and Zhuhai), Sichuan (Deyang) had issued their minimum wage rates and put them into force by the end of 1993. The work is accelerating in other provinces and cities as well.

In addition, a Government representative stated that the Government had made a serious study of the comments of the Committee of Experts. She emphasized their positive attitude of cooperation which was shown in the written reply to the ILO, for which the opinions of China's employers' and workers' organizations had been solicited. She recalled that during the time of the planned economy, reasonable minimum wages had been guaranteed administratively by the Government, based on unified regulations, which established a wage-fixing system by grade, according to circumstances. She noted that such a system was no longer used because of the transition to a market economy. The Government representative emphasized that, with the growth of China's economy and the progress of reform, the country was placing more emphasis on the role of labour legislation in protecting the basic rights of the workers. She mentioned the regulations concerning the fixing of minimum wages in enterprises of 24 November 1993, formulated after extensive consultations with the workers' and employers' organizations, which had entered into force upon the date of issue and which were applicable nationwide. The purpose of these provisions was to meet the demand of the growing socialist market economy, to ensure that workers and their families enjoyed basic living conditions, and to promote equality between workers and fair competition among enterprises. The Government had already submitted the text of these provisions to the Committee of Experts. In addition to the provisions concerning the fixing of minimum wage rates, and inspection and economic penalties for non-payment of the minimum wage, she stated that the regulations required the minimum wage rate to correspond to between 40 to 60 per cent of the average rate of wages in the region concerned. She added that, in the case of non-compliance, the regulations empowered the labour authorities to order the unpaid wage to be made up and to impose on employers and responsible persons the obligation to pay compensation to the workers, which ranged from 20 to 100 per cent of their wages depending on the period of non-payment. The Government representative stressed that provincial governments were formulating their own minimum wage rates, and that some of them had already issued and implemented those rates before the end of 1993: these provinces and cities included Guangdong (including the cities of Shenzhen, Zhuhai and Guang Zhou), Sichuan, Shanxi, Fujian, Gansu and Shanghai; other provinces and cities were engaged in the same process. The Government was confident that, with the strengthening and improving of China's labour laws, the rights of Chinese workers to minimum wages would be better protected.

The Employers' members pointed out that this was the first time ever that a case concerning China had been discussed in the Committee and thanked the Government representative for the detailed information. They expressed interest in receiving more information, in the form of a written report, about the principles of a minimum wage, the mechanism for its implementation in practice, and as to how the minimum wage fixing mechanism works in practice. They wondered whether the provisions had already entered into force, or whether they were only being implemented by stages. In the latter case, it was important to know when the regulations would come into force fully. It was hoped that the Government would submit a more detailed report for examination by the Committee of Experts so that the Conference Committee might, if appropriate, take up this matter again in the future.

The Workers' members drew the Committee's attention to the fact that this Convention had been ratified by China already in 1930 but the first provisions concerning minimum wages in enterprises had been adopted only on 24 November 1993. However, it was at least possible to see a change in the attitude of the Government to the extent that a report had been supplied for examination by the Committee of Experts and information had been made available concerning the application of the Convention. In addition, they noted that the Government had undertaken the commitment, during the general discussion, to attach more importance to international labour standards. The Workers' members also noted the information concerning the economic reforms taking place and observed that the legislative framework, at least in the field of labour, had not been adapted to the challenges of a market economy and several questions remained. The Government should consult the 1992 General Survey on minimum wages with a view to better applying the Convention. The five principal points they raised were: (1) the period of time needed for the execution of the measures provided for in the regulations of 24 November 1993 and the possibility for the workers to invoke those provisions; (2) their practical application in small– and medium-sized enterprises, in the export processing zones and to young workers and women; (3) the existence of a supplementary system where provinces did not fix minimum wages; (4) the intervention of inspectors in workplaces in export processing zones and in rural villages; and (5) the effective consultation with organizations truly representative of workers and employers, as well as the possibility for them to negotiate minimum wages at the enterprise level. Finally, they referred to Case No. 1652 examined by the Committee on Freedom of Association and requested the Government to furnish detailed information on all these outstanding points.

The Workers' member of the United States stressed that the Committee should not be satisfied with simple indications by the Government of the manner in which it intended to apply the Convention. In addition, he referred to the state of minimum wages in China, where, for instance in the export processing zones, excessively low rates of the minimum wage in various cities, and the non-payment of even such minimum wages have been observed. He underlined the importance of real effective trade unions to the application of this Convention. He stated that consideration of this issue must take place against the backdrop of what he considered to be repression by the Chinese Government of free trade unions, suppression of collective bargaining and the use of prison and forced labour. He reiterated that it was not sufficient for the Government to make new laws and proposals and urged the Government to take measures to ensure effective enforcement of the new provisions and to change the general practice in the field of minimum wages.

The Workers' member of China stated that the Chinese trade unions were pleased with the examination by the Committee of the application of this Convention in China. He also pointed out that his organization had made studies on minimum wages in China and their results had been published in the union press. In addition, he referred to the new regulations on minimum wages, and emphasized particular aspects such as those concerning consultation with the employers' and workers' organizations; the role that such organizations could play as regards the supervision of minimum wage rates; and the role of the competent authorities in applying sanctions for the non-observance of such rates, and in resolving conflicts on the subject. He stated that the Chinese trade unions were satisfied with the provisions of the regulation. As to the better application of the Convention, the unions had urged the authorities, and especially the provincial governments, to work out minimum wage rates according to their situations in their own localities. He was pleased to confirm that the Chinese trade unions had always participated actively in the promotion and formulation of the new regulation.

The Government representative wished to make it clear that the provisions in question were too recent to accumulate supplementary data on the subject, but that her Government would later provide all the requested information to the Committee of Experts in writing. She stated that her Government would continue to take the necessary measures to ensure equality for workers and the basic improvement of their conditions of life, to assist enterprises to improve their management methods and so ensure their financial well-being, and to ensure the payment of wages from a special fund created for this purpose. She referred to the legislation concerning enterprises in financial debit, which provided for unemployment benefits to be paid to the workers of those companies. New labour legislation had been submitted to the National People's Assembly for discussion and the Government hoped to promulgate the legislation this year. She emphasized the importance attached by her country to the application of ILO standards and stated that the texts of international labour Conventions had been translated into Chinese, which should contribute to their better application.

The Committee noted the written information and the oral explanations provided by the Government representative and the discussion which took place in the Committee. It also noted that provisions had recently been promulgated by the Government to ensure the legislative conformity with the requirements of the Convention. The Committee hoped that the rapid implementation of these provisions would ensure conformity with the Convention in practice in as short a time as possible. The Committee requested the Government to supply the Committee of Experts with complete and detailed written information on all the questions raised by the ILO's supervisory bodies. The Committee hoped to be able in the near future to note tangible progress in law and in practice, with respect to the application of the Convention.

Convention No. 29: Forced Labour, 1930

India (ratification: 1954). A Government representative stated that his Government had just completed and sent the report requested for the period ending 30 June 1993. He indicated the difficulties that his country faced because of the time required for assembling the information requested by the Committee of Experts. This explained the delay in sending the report. The speaker, referring to the conclusions of the Group of Experts of the Planning Commission, indicated that there had been an appreciable reduction of the number of persons in extreme poverty, notably in the rural areas. In view of the fact that bonded labour resulted from feudal agrarian relations, this should have a direct effect on reducing the incidence of bonded labour. He also pointed out that the National Sample Survey Organization (NSSO) had accepted the proposition of the Ministry of Labour to gather information on bonded labour in work to be undertaken in 1998-99. The Ministry of Labour has continued to request States to combat bonded labour in all sectors including mining, brick-making, and sectors highlighted by the National Commission of Rural Labour. A committee made up of Secretaries of Labour of five states had submitted a proposal in the form of a report defining bonded labour and ways of measuring it. As to the Vigilance Committees, the speaker cited the number of these organs created at the district and subdivision levels: 50 and 110 in Bihar; 45 and 209 in Madhya Pradesh; 30 and 92 in Rajasthan; 13 and 58 in Orrissa. He also pointed out that in the State of Maharashtra, the Government considered that voluntary organizations tended to exaggerate the situation and that in this State 1,300 of 1,380 bonded labourers had already been rehabilitated. In Tamil Nadu, the Vigilance Committees were being reconstituted and information on the situation in Andhra Pradesh was being collected. His Government had always taken the opinions expressed by the Conference Committee and the Committee of Experts very seriously. The Central Government was at present reviewing the matter with state governments and they were formulating suggestions for improving the situation and for accelerating the rehabilitation of bonded labourers. The question of creating a National Commission on Bonded Labour was being examined by a Committee of State Ministers of Labour headed by the Minister of Labour of Maharashtra. His Government maintained, however, that better application of the existing legislation would suffice to eliminate this practice. As concerned the cases launched, and the convictions and measures taken against those found guilty of holding bonded labourers, his Government was concerned that punitive action in this domain could be counter-productive. Such action might dissuade guilty parties from collaborating with the Government in identifying the existing number of people in bondage. In addition, considering that judicial powers were independent, administrative authorities could not prescribe a time limit for the conclusion of legal procedures. Out of the total of 2,305 cases, 1,031 were acquitted, 1,190 were found guilty and 84 cases were pending. These numbers demonstrated the seriousness with which the Government was attacking the problem. Because of the complexity of the issues involved, the situation could not be resolved only through legal means. The Government was also trying to progressively do away with child labour, and a legal proposal had been elaborated to abolish differential minimum wages for children, adolescents and adults. This move was aimed at dissuading employers from employing children. He also cited figures illustrating the increase, in the course of the last two years, of the number of inspections, and of the prosecutions and convictions which have resulted from the application of the Child Labour Prohibition and Regulation Act. Central Government had requested the states to accord particular importance to the rehabilitation of bonded child labourers and, if and when they were found, to take into consideration information circulated in the press and complaints presented by voluntary organizations and other groups with a view to prompt follow-up action.

The Employers' members noted the number of times this case had been taken up during the last ten years. They regretted that the report of the Government had arrived too late to be examined by the Committee of Experts and thus there was no basis to examine the case concretely in the Conference Committee. The Employers' members did not underestimate the problems of ridding the country of bonded labour and bonded child labour. Nonetheless, for the past ten years they had consistently heard that: (1) there were problems of identification and defining bonded labour; (2) vigilance committees essentially did not exist or were inoperative or were ineffective; (3) there was a whole series of problems associated with the rehabilitation of forced labour; and (4) there was a low number of prosecutions. They deplored the fact that, in spite of all the declarations of good intentions, the situation was not improving. Fifteen requests for information had been made by the Committee of Experts to the Government. This seemed to indicate that the Government regarded the obligation as a purely bureaucratic and routine exercise. The Employers' members stated that bonded labour remained a significant fact of life in India. The problem was serious since it touched between a quarter of a million and 5 million persons in a country which had ratified the Convention 40 years ago. The actions being undertaken were not very effective. There was, first, a clearly fundamental problem of an ongoing, credible public awareness programme; and second, it was evident, given the dimensions of the problem, that there was not really an effective prosecution and enforcement of laws prohibiting bondage. The Employers' members stated that it was critical that India focus intensely on this problem and, as an urgent matter, do something concrete to end bonded labour and bonded child labour.

The Workers' members agreed with the statement of the Employers that this was an old problem. It was difficult to grasp the problem, because the report requested had not been communicated for examination by the Committee of Experts. Even though a report had now been received, the lateness of its receipt meant it was unavailable as the basis for a discussion by the Conference Committee. They observed that the problem here concerned more than that of child labour. It was every possible type and category of bonded child labour. Virtually every economic sector in India was involved, and all types of abuse of children were practised. The Committee of Experts pointed out that the children were exploited because they were young and defenceless. They have been deprived of a normal childhood, education, a future and perhaps their own lives in certain cases. The Committee of Experts' report noted that the Asian Regional Seminar on Children and Bondage in 1992 concluded that the struggle against child bondage required firm political commitments, a clear and unambiguous statement against bondage, comprehensive national policy, a programme of action covering legislative reforms, effective enforcement and a system of compulsory and free education sustained by community mobilization and information campaigns. In 1993, the Conference Committee was told that the National Child Labour Advisory Committee had begun two national projects for the complete elimination of child labour. The Conference Committee had now been told that there was a bill for an amendment to abolish differential minimum wages legislation for children, adolescents and adults. The Conference Committee had been given no sense that anything was going on. The Committee of Experts was entitled to request information on the implementation of the two national projects. According to the Workers, the Government had pointed out that there was an experiment on economic reform under way which had reduced rural poverty which, in turn, would reduce bonded and child labour. But if the total elimination of poverty in India was required before child labour could be abolished, then child labour would never disappear in India. The Conference Committee was told in June 1993 that there would be statistics on the numbers of bonded and child labour by September 1993. Now the Workers observed that the national sample survey would not treat the subject before 1998. The National Commission on Rural Labour had recommended that there should be a National Commission on Bonded Labour. But the National Human Rights Commission, established in October 1993, was to deal with the issues involved. However, the scope of activity of this Commission was limited to violations of human rights committed by agents of the State. It did not deal with private individuals or companies. The Conference Committee had now been told that the issue was being reconsidered. The Workers' members pointed out that, unless something was done about child labour quickly in India, there may well be an international boycott of Indian goods. They pointed out that in 1993, the Conference Committee urged the Government to provide a detailed report with all necessary information to the Committee of Experts. It was hoped that the question could be taken up again and a report of substantial progress would be made. Earlier discussions referred to the use of the special paragraph, not only for very serious cases but also for continued failure to observe a Convention or where a Government repeatedly ignored the requests made by the Conference Committee. In the present case, it was not only terribly serious, but no progress had occurred and the Government had not submitted the requested information. The Workers requested the Employers to seriously consider joining them in asking that the case be cited in a special paragraph of the Committee's General Report.

The Workers' member from Norway, speaking in the name of workers from Denmark, Finland and Sweden, deplored the attitude of the Government concerning the provision of information requested by the Committee of Experts. He considered that the citation of this case in a special paragraph would be justified for several reasons. In 1992 the Government communicated certain information orally to the Conference Committee. This did not permit the Conference Committee to examine in detail the grave situation of bonded and forced labour, including that of children. This was due to the fact that the information was not communicated in a written form to the Committee of Experts. The Conference Committee requested the Government to send the information required. In 1993, the Conference Committee took note in its conclusions of the fact that the Government had again ignored this request. The situation was repeated again this year, 16 years after the adoption of the law on the abolition of bonded labour. The Committee of Experts had not received the information requested. Such actions justify the citation of this case in a special paragraph.

The Workers' member of Greece stated that a recent report of the International Confederation of Free Trade Unions estimated that between 100 and 200 million child labourers were working in the world. This attested to the negligence of governments concerning this problem. Without totally negating the sincerity of the Government in attacking the problem, the speaker criticized it for consistently not submitting a report, or for submitting it too late for consideration by the Conference Committee. He recalled that according to statistics assembled by two Indian trade unions, several million children between the ages of 3 and 14 were exploited in India. The number of unemployed persons in the country was roughly equivalent to this figure. The speaker noted the possibility, as a concrete measure, to begin a campaign of information to consumers calling for a boycott of products from countries which tolerated these inadmissible practices. Referring to the absence of a response on the part of the Government to questions posed by the Committee of Experts concerning penalties to those responsible for the exploitation of children, notably concerning the ridiculously low level of fines foreseen, the speaker was ready to listen to all explanations the Government might wish to offer on how to remedy this situation. He gave his full support to the proposal of his group to cite the case in a special paragraph.

The Government member of Germany deplored the fact that the report had arrived so late. He conceded nevertheless that a report had in fact been presented and that the Committee of Experts could examine it next year. He pointed out that the Committee of Experts had taken note of the report on the commencement of the International Programme for the Elimination of Child Labour (IPEC) which pointed out that there had been a change of conscience in central government, state governments and in diverse sectors of society on questions related to child labour. Concerning the proposal to cite the case in a special paragraph, he proposed that, in view of the fact that a report had indeed been sent, this paragraph should deal with India's neglect to send the report requested in a timely manner.

The Workers' member of the United States appreciated the comments of the Government member of Germany, but wished to point out that the problem was more than one of the existence of a report or of timely reporting. There had been a lack of progress on this issue since 1984. The Conference Committee discussed this case in 1986, 1989, 1991, 1992 and 1993. Despite the continuous lack of progress, the case had never been cited in a special paragraph. This was the first time a special paragraph had been proposed.

The Workers' member of Japan pointed out that he was not an expert on bonded labour in India, and he had relied on the report of the Committee of Experts. While he found this case similar to that of Thailand, it was much more serious. The picture painted by the Government member did not respond to reality. The Government had mentioned acts and legislation which were supposed to prohibit bonded labour, but according to the Committee of Experts they were useless or ineffective. There had been little if any progress, and the Vigilance Committees being established at the district and sub-division levels in India were either not constituted or powerless. Punishments had been applied to very few people, and they were meaninglessly small. The Government refused the involvement of trade unions in seeking a solution. The speaker fully supported citing the case in a special paragraph.

The Government representative, in responding to the various interventions, first dealt with the question of child labour, a phenomenon which, in his opinion, did not exist only in developing countries. He cited several examples from developed as well as developing countries from an ILO publication entitled the *World Labour Report*, published in 1992. While he considered that child labour should be eliminated, this problem had its origins in different economic factors such as the feudal agrarian system, poverty, the deficiencies of the educational system and training. It was a multidimensional problem which necessitated a multidimensional solution. With respect to the considerations expressed by the Employers' members as to the progress made and their worry that the actions taken were limited purely to a bureaucratic exercise, the Government representative reiterated the commitment of his Government to resolving the problems. This was illustrated by the statistics he gave in his preceding intervention concerning prosecutions and convictions against those responsible for forced labour. He insisted that given the size of the problem a solution would require immense effort. This effort, however, must be deployed in a democratic manner, and he underlined the progress that had occurred in the change of conscience concerning the problem on the part of the Government, non-governmental and voluntary organizations and the press. Referring to the intervention of the Workers' members, he reaffirmed his Government's regret for having sent the report late. The Government was committed to complying with the obligations of the supervisory sytem. He reiterated what he had expressed in his preceding intervention concerning the Committee of Ministers of Labour of different States. Their report would permit a better definition of bonded labour and better methods for combating it. In conclusion, the Government representative declared that the question of child labour must not be linked to questions of trade and the imposition of sanctions as this would not contribute to their resolution. The situation must be examined in all of its complexity. Account must be taken of difficulties facing developing countries and the manner in which these countries attempted to face these problems. India has been searching for new avenues to resolve the problems in the areas of education, health and training so as to liberate the children from their state of servitude and reintegrate them in the economic life.

The Employers' members, stating that this was a serious case discussed over a long period of time, praised the very open and forthright position of the Government. However, it was very difficult to engage in dialogue of this kind on the basis of oral information, and that was why they hoped that the Government would not fail to supply its reports on time in the future. But this case was not about reporting: rather, it involved a complicated, intractable problem on which there was little measurable progress. They emphasized that this case concerned forced labour and the Government representative's reference to the subject of child labour in general was a different issue. A new focus needed to be brought to problems of this kind and the Employers thought that a special paragraph might well be the kind of emphasis needed to spur the Government on to renew its efforts to solve this problem more expeditiously.

The Workers' members emphasized that it has not been suggested that the Government's report was deliberately delayed. Noting that the Government had supplied a report on 2 June, which was already an improvement, they pointed out, however, that this Committee never before had an up-to-date report which enabled it to have an effective discussion. They were not accusing India of failing to solve the problem of child labour overnight. The Workers' members wanted to discern some sort of will to act, some feeling that the problem was treated as a matter of priority above all priorities and that some time in the future this would bring about a positive result. Regretfully, the Workers' members, as well as the Employers' members, had not got that feeling. The Workers' members considered that a special paragraph should enable the Government representative to go back to his country to show the urgent concern of this Committee. They hoped that this sense of urgency would be conveyed in the conclusions to be adopted.

The Committee took note of the oral information furnished by the Government representative and of the developments that had taken place. It regretted that no report had been furnished in time by the Government but noted that the report as well as the replies to the comments of the Committee of Experts were received in the International Labour Office on 2 June 1994. It regretted that this late despatch made it impossible for the Committee of Experts, and consequently for the Conference Committee, to consider the most recent information supplied by the Government. In any event, the Committee noted that, notwithstanding the efforts made, much remained to be done to overcome the problems already discussed in the course of the many earlier sessions and highlighted by the Committee of Experts concerning, in particular, the identification, liberation and rehabilitation of persons in bonded labour, including children, as well as, in particular, the introduction of an efficient enforcement system. In this regard, the Committee remained very deeply concerned by the situation. The Committee firmly invited the Government to send its next report on time so that it could be examined by the Committee of Experts, as well as by the Conference Committee. Considering the conclusions it adopted last year and bearing in mind the gravity of the questions which had been discussed for several years now without any progress being recorded, the Committee reiterated its very deep concern. It urged the Government not to spare any efforts to institute the urgent and necessary measures for the elimination of debt bondage and to furnish without delay and without fail all the detailed information required by the Committee of Experts. The Committee decided to include its conclusions in a special paragraph of its report.

Thailand (ratification: 1969). The Government supplied the following information:

The Government refers to the 1994 observation of the Committee of Experts, in particular, the section entitled "Child sexual exploitation" in which 'non-governmental organizations' (NGOs) estimates range from 200,000-300,000 to 800,000 children in prostitution". The Government is aware of the origin of the said non-governmental organizations' estimates and has examined them carefully. It wishes to make the following observations:

According to the Special Rapporteur on the Sale of Children in his report to the Commission on Human Rights (document E/CN.4/1992/55 of 22 January 1992, paragraph 151): "there is a debate as to whether there are really 800,000 child prostitutes or whether this is a gross exaggeration. The available statistics are often out of date; for this reason, this report does not wish to delve into exact computations of statistics, precisely because they are incomplete". Given the fact that statistics in the area of child prostitution are incomplete and that the issue of child prostitution is universal and can be found in all countries, it is regrettable that the report of the Committee of Experts should thus publish statistics that are incomplete and that have yet to be proven. Meanwhile, the Thai Government is actively engaged in eradicating child sexual exploitation. Keeping this objective in mind, it has pursued its study in detail in order to determine with as much certitude as possible the statistics in this matter. According to the latest research conducted by the competent authorities in Thailand, an estimate of 20,000-30,000 children in prostitution would seem to correspond much more to the facts and reality.

In addition, a Government representative noted the precise, fair and objective observation of the situation in the Committee of Experts' report and also expressed appreciation to the Director-General for making the direct contacts mission possible. He considered that the extent to which labour standards are introduced, developed and enforced depended on the existence of democratic government and on the capacity of the national government to implement appropriate measures in practice. He pointed out that the direct contacts mission which took place in September 1993 coincided with the restoration of democracy after military rule and stressed the strong commitment made by the Prime Minister to do away with child labour. In the field of labour, new reforms had been adopted such as the provision of 90 days of maternity leave with pay; maximum overtime of 24 hours per week; a Bill had been submitted to Parliament to re-establish the right to organize and collective bargaining for state enterprise workers; and the Ministry of Labour and Social Welfare was established after some long delay. As to the specific points raised by the Committee of Experts, the Government representative admitted that he could not deny the existence of child labour and children working under conditions of exploitation in Thailand. Under the present labour law, children under 13 years of age are not allowed to work; children between 13 and 15 years of age are allowed to do work that is not harmful to their physical and mental health. In addition compulsory education has been extended by three years to cover up to grade nine. He stated that experience had revealed that 85 per cent of children continue their education and considered that such a trend would reduce the number of children in employment. The new Government has also amended the Criminal Code to increase penalties for those who commit serious offences to 20 years' imprisonment and life sentence in the case of the child's death. This amendment has been approved by Parliament in April 1994 and is expected to become law some time in July 1994. Second, regarding policy and measures to solve child labour, the Government representative pointed out that a high-level committee on child labour had been set up, chaired by the Minister of Labour and Social Welfare and consisting of the government departments concerned, NGOs and academics. The main task of this committee is to coordinate the work and to mobilize all concerned to prevent child labour and protect children in employment through a campaign to increase public awareness at all levels. In addition, several working groups had been established to work on such programmes as public relations campaigns and a "Centre for Community Watch" with the participation of NGOs and workers to keep a close eye on child labour. As to enforcement, the speaker noted that from September 1993 to the end of May 1994, a vigorous inspection had been made covering more than 7,000 establishments and that 44 employers had been prosecuted for violation of labour laws. Third, as to the progress of new labour laws, a draft Bill had been submitted to Parliament, which was expected to discuss it at the present session (May to August 1994). Main and new features of the Bill included the prohibition of employment of a child on holidays, reduction of working hours (six hours a day and 36 hours a week) and prohibition of sale of women. Fourth, the Government representative underlined the establishment of the Ministry of Labour and Social Welfare, which became operational in September 1993. He considered that the fact that the responsible agency had received a ministerial rank and also adequate staff and resources explained the many actions taken during this short period. The speaker expressed his Government's willingness to work with national and international agencies, particularly the ILO, to enhance the capacity of the Ministry to implement its programme. He promised that further detailed information on progress would be provided in the next report to the Committee of Experts. He concluded by reiterating that child labour had become a high priority issue for his Government, that there existed a high level of awareness of child labour in the society and that several policies and measures had been translated into action.

The Workers' members, after recalling the previous discussions on the case in the Conference Committee including a special paragraph in 1991, expressed disappointment at the non-receipt of the report of the Government, although information in the report came from the direct contacts mission which involved the Government. They considered that nothing was more distressing and horrifying for the Committee than to see the indications in the Committee of Experts' report, for instance, that children were bought and sold, that child-catchers were operating in the country. They pointed out that, although there were laws and although the Government's indication of the increased penalties was welcomed, there was little or no enforcement. They stressed that in spite of high-sounding policy statements in 1988 and 1992, the problem persisted. They noted that the direct contacts mission obtained a considerable amount of information from NGOs like the Women Lawyers' Association, while the Government did not seem to be aware of such information. They noted the Committee of Experts' reference to the National Youth Bureau's research material and quoted it for the purpose of record: "Most of the children lacked the opportunity to go home for a visit, or even to get in touch with their family; some of the children to whom advance payment had been made were not allowed to go outside the workplace ... Many children staying with the employer were found to be confined, scolded and physically and psychologically assaulted." They further quoted the "evidence given in particular by one rescued boy; he had been kidnapped at the railway station, was forced with other children to work extremely long hours, was beaten and not allowed to go out or look through the window. The factory in question, like many illegal factories, was composed of two adjoining sweat shops with all their windows sealed and the only corridor barricaded" and pointed out that this sounded like a nineteenth-century story by Charles Dickens. In view of such situations, the Workers' members were unimpressed with the argument by some Government members, particularly from Asian countries, during the general discussion that the social clause would discriminate against them and that it would be unfair to prevent the competition that they are able to achieve at the moment. The Workers' members referred to the paragraphs in the Committee of Experts' general report regarding child prostitution which was promoted in the West as a tourist attraction. They also criticized the import of products made by child labour to the West, which causes loss of employment there. As to the law enforcement, they noted that the labour inspectorate was still understaffed and under-equipped, even after some small improvements, and pointed out that the reduction in labour inspectors was found also in Western countries. As regards prosecutions, they underlined the need for severe sentences to be imposed and to be publicized to serve as deterrents. They also hoped that the measures of community awareness-raising and mobilization would create an atmosphere in which such situations would be discouraged and would be reported to the police for action. As to the figures concerning child prostitution, as shown in the written information provided, the Workers' members noted the existence of some argument about the number, but considered even 20-30,000 was horrifying and refused the Government's excuse that the statistics on child prostitution were incomplete. The Workers' members considered that the statement made by the Government representative gave some modest signs of the Government's efforts and wished to give every positive encouragement to the Government to take serious measures. They suggested recording their deep concern and that the case should be examined again next year after the examination by the Committee of Experts of the promised report of the Government.

The Employers' members welcomed the information supplied by the Government. They focused their comments on some points that they considered particularly important and tried to visualize the problem. The problem concerned the situations where children work instead of going to school, are prevented from seeing their family, are beaten and confined and even sexually exploited, which no words could really describe. The written information to which the Workers' members referred mentioned the figures according to the most recent survey in Thailand, of 20,000 to 30,000 children in prostitution, which was already unacceptable, without reaching 800,000 mentioned in the report of the Committee of Experts as in estimates by NGOs. According to the Employers' members, the key factor in eliminating these kinds of child abuse consisted of improving the inspectorate and the effectiveness of the enforcement machinery. They considered that the information of the Government was not sufficiently clear concerning the resources allocated to inspection activities and to an improvement in enforcement. There was also the severe problem of lack of police enforcement and police corruption that must be remedied. They also referred to the information in the report of the direct contacts mission, to the effect that only five prosecutions took place, which was explained by the fact that the matters were often regulated by negotiations. The Employers' members wondered why there were not more prosecutions, because it was inconceivable that negotiated settlements could make the child whole. It was striking that the Government was being too lenient in settling these cases. They also noted the description provided in the Committee of Experts' report of certain procedures in the Ministry of the Interior whereby criminal prosecutions would take place. In view of the fact that government bureaucracies could be quite complicated, the Employers' members had the impression that a very limited means existed to remedy the rights of the child that had been harmed in the circumstances. They were encouraged by the Government representative's statement but also were concerned about this case especially because, even with the best intentions, the Government still appeared too cautious in its approach to the problem. The tangible actions were urgently needed so that the Committee could note in the near future the end of the exploitation of children in Thailand.

A Government member of the United States of America noted the extremely serious and long-standing situation in Thailand involving the forced labour and exploitation of children. Although she appreciated that progress had been made, and referred in particular to the positive effect of the 1993 ILO direct contacts mission to Thailand, she strongly emphasized that these efforts must not only continue but also be markedly increased. Existing laws must be enforced, and particular efforts must be made to reach those hidden children who had been kidnapped or tricked into illegal abuse and exploitation. These children deserved to have a childhood, a family, an education and a future. She urged that the Government of Thailand take all necessary measures, particularly with the assistance of the ILO and its International Programme for the Elimination of Child Labour, to address this very grave problem on an urgent basis.

The Workers' member of Japan said that Thailand, although not alone in its child prostitution problem, could be included among those countries with the greatest difficulties in this area. He quoted the observation of the Committee of Experts which referred to the large pockets of poverty and profound disparities between rich and poor in a context of a tremendous national growth rate, and the need for effective policies and measures to enhance social justice and equity so that poor families could be assisted and children protected. In his view, this social aspect had been ignored while Thailand strived for economic growth. The international community, particularly those countries with large financial investments in Thailand, should divert some of these funds to social development. There should be sanctions against travel agencies that organized tours to take advantage of child prostitution. In particular, he stressed that the full cooperation of the social partners was necessary. If trade unions in that country were given full rights, they could make an important contribution, as human rights violations tended to exist whenever trade union rights were not guaranteed. He concluded by urging that the ILO mobilize its available resources, as it had done through the 1993 direct contacts mission, and provide other assistance such as the translation of ILO documents on child labour into local languages.

The Workers' member of Greece stated that in reading the nine pages of the report of the Committee of Experts on child labour in Thailand, he felt a chill down his spine because of the extent of the problem, which was a true shame for humanity. This situation also existed in other countries. He asked the Government representative to indicate whether the Government wished to introduce mandatory schooling beyond the minimum 13 years old currently provided for in legislation; and whether in the face of the tens of thousands of cases of child exploitation there had been other prosecutions between 1993 and today in addition to the five which had been referred to, and to give examples of the sentences. He noted that they were making efforts to create community awareness, in particular through radio and television broadcasts; however he asked whether this optimistic note in the report of the Committee of Experts had had concrete results.

The Workers' member of Pakistan stated that children in any part of the world represented the future for prosperity and their proper upbringing would lead to a better quality of life. He noted that during the 1992 ILO Asia Regional Conference, the Government had said that it would promote education and eliminate child labour. He asked when the legislation contemplated by the Government would come into force and what measures would be taken to enforce it. In particular he considered that it was deplorable that criminal interests would use children, including those from neighbouring countries, for child prostitution. In view of the widening gap between rich and poor, and the role of education in reducing poverty, he asked whether the Government had the political will to tackle problems relating to education and enforcement of prohibitions of forced labour.

The Workers' member of Senegal stated that child labour in countries like Thailand was low cost labour which resulted in goods for export being produced cheaply. Such goods were produced in a manner which contravened international Conventions and denoted a lack of respect for human dignity: they thus constituted unfair competition for products made, for example, in Africa, in working conditions which respected international labour Conventions. It was hypocritical for financial institutions and investors from rich countries to denounce countries like Thailand when they, themselves, invested in poor countries only if the social legislation allowed for precarious employment, a reduced level of social protection and a reduced level of buying power.

The Workers' member of the Republic of Korea stated that child labour was a direct result of poverty, and that empirical evidence had shown that it could be eliminated through economic development, but that with the decline of communism and the increased emphasis of the role of the market place over the role of the State, there was a tendency to neglect social protection. In these circumstances the ILO had a particularly important role to play as the international organization of social conscience, and he urged the ILO to conduct a strong and consistent campaign against child labour. With regard to the reference in the observation to the 112 children that had been rescued through a rehabilitation programme, he asked what had been done for the many thousands of other children involved in child prostitution. He considered that preventive measures were the most appropriate to address this problem, such as providing information and making a strong commitment to the education of children. As a means of protecting children by giving them more extensive education, he recommended that the duration of compulsory education be increased from six to nine years.

The Workers' member of Venezuela indicated that the problem of child labour not only took place in Thailand but also was a global problem. The cause of this problem was the abandonment of children, orphanhood, serious poverty, inflation, unemployment and other factors. It was necessary to legislate correctly and to develop effective policy and in this respect the ILO had a fundamental role to accomplish. The speaker related his broad experience in Venezuela concerning the complex and difficult problems arising from child labour including damaged youth, increased criminality, and the direction which should be followed to find realistic and effective solutions.

The Workers' member of the United States of America was appalled and disgusted by the problem of child prostitution in Thailand, and said that the entire Committee was shocked by the heinous conduct of those taking advantage of these children. In his view improvements in legislation were not sufficient. He stressed that what was needed was improved methods for the prosecution of offenders, and asked the Government how it intended to prosecute them, and what concrete measures it intended to introduce in order to eliminate child prostitution.

The Government representative said that he had listened carefully to the statements of members of the Committee, and fully understood their feelings. He himself was appalled and disturbed by the situation, and said that the majority of his compatriots were also unhappy about the situation, in particular intellectuals, trade unionists and progressive employers, of whom some had been attempting for many years to stop child prostitution. While child labour has multiple causes, the Thai situation was aggravated by two main factors, namely: the operation of the market economy and the short existence of a democratic system. Under such conditions, social and labour policies received low priority. Things had been improving since 1992 since a democratic government had taken the helm and announced a strong commitment to abolish child labour. With the recent establishment of the Ministry of Labour and Social Welfare, resources for social problems were being increased considerably. He considered that child labour should be combated not only by improving the legal framework, but also by raising the level of awareness of the community to the problems arising from child labour, and by gaining support from the community and from legislators. He appreciated the encouragement of some members and would convey their good wishes and suggestions to his Government.

The Workers' members did not doubt the personal integrity and sincerity of the Government representative. However, they asked him to convey to his Government the seriousness of the discussions on child labour and child prostitution held by the Committee, and stressed that they would not be satisfied until all child labour in Thailand was eliminated. They expressed the hope that next year there would be tangible signs of progress and that the Government would provide its report on this Convention so that there would be full information and a common approach to study, as well as the possibility for a full discussion. Finally, they emphasized that there should be cooperation among the social partners to provide help and advice and to constitute part of the process of community awareness.

The Employers' members added to the foregoing statements by the Workers' members by emphasizing the need for the Government to commit itself to making the elimination of child labour a first priority, as the problems described in the observation should be eliminated as soon as possible. They also pointed out that the Government representative had not really dealt with the issue of effective enforcement and compliance, as this was an essential part of the solution to the problem.

The Government member of Saudi Arabia stated that as child labour was a global phenomenon the ILO should fight against it and allocate a significant amount of its budget and activities for this struggle.

The Committee took note of the observations of the Committee of Experts and the written information and oral explanations provided by the Government representative and the discussion which took place in the Committee. The Committee noted with interest that a direct contacts mission made it possible to collect useful information during its visit to Thailand from 4 to 11 September 1993. However, the Committee regretted the fact that no report was provided by the Government, particularly since the situation had existed for many years. Despite the actions decided on at the political level in particular to give a follow up to the direct contacts mission, the Committee remained deeply concerned by the situation and by the fact that the legislative and practical measures already adopted by the Government that should protect children remained ineffective as far as their implementation was concerned, particularly with regard to sanctions imposed on those responsible for the abuse or measures concerning reintegration or rehabilitation. The Committee noted with interest the commitment expressed by the Government representative and urged the Government to take as a priority all necessary steps, if necessary with the support of the International Labour Office, to remedy or eliminate the serious situation with regard to child labour in their country and to provide the ILO with all necessary information to allow the supervisory machinery with effect from next year to note a real improvement in order to bring into full conformity with the law and practice in the country all the provisions in the Convention.

The representative of the Secretary-General indicated that the Government of Thailand had not sent the report that was due concerning this Convention and that one would be requested in the upcoming weeks. The Committee of Experts would deal with the case in its February 1995 Session and the present Committee would examine it next year. On the other hand, in response to the Government representative of Saudi Arabia, he stated that a considerable part of the ILO budget was dedicated to the question of child labour and that in addition, thanks to the generosity of Germany, the Office was carrying out a very important technical assistance programme for all those governments that requested it, in order to promote the elimination of child labour.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Peru (ratification: 1945). The Government has communicated the following information:

1. *Article 4 of the Convention* (Guarantee of an old-age pension once the capital is exhausted). In the system of national pensions, of which the Law No. 19990 contains the regulations, the right of each individual to an old-age pension is guaranteed. This conforms to Article 4 of the Convention, and the right only disappears at the individual's death. In the private system of pensions, the privilege of an old-age pension is guaranteed to those affiliated to this regime according to four modalities defined by the law: programmed retirement, individual annuity, family life annuity and temporal annuity with deferred life annuity. When the person reaches retirement age – 65 years – the administration of the Pension Fund (AFP) must inform the person and furnish him with the necessary explanations as to the modalities of payment of the private system of pensions and on the conditions to satisfy to receive the retirement pension in the delay foreseen. Section 42 of

Law No. 25897 foresees in the possible modalities of pension payment the pension called programmed pension. In this option the affiliated person conserves the accumulated funds in his individual capitalization account and makes monthly withdrawals which are charged to the account until the Fund is exhausted. Resolution No. 141-93-EF/SAFR (subtitle I of title III) specifies that the formula of programmed retirement has, among other characteristics, revocability. The affiliated person has the possibility to convert the pension formula to individual or family life annuity or temporal annuity with deferred life annuity which are irrevocable. In this regard the freedom of action of the individual is of particular importance, and this is generally applied in the system because it is the affiliated person himself who, according to his interests and wishes, chooses the modalities of payment that are most convenient for him.

2. *Article 9, paragraph 1, of the Convention* (Financial contribution of employers to the formation of resources of the insurance). Section 6 of Law No. 19990, which concerns the national system of pensions, states that the sources of financing are contributions of the employer and the insured. Each should contribute 3 per cent of the remuneration of the insured. In the private system of pensions, the financial participation of employers is through an automatic increase of 13.54 per cent so that the worker can affiliate with the system, and this amount corresponds to his affiliation in the private system. This formula constitutes an indirect financing of the employer signifying that the employer takes charge of the cost of affiliation of the worker. Concerning workers for whom this increase does not occur, it is important to note that it is unnecessary to introduce a contribution on the employer as the total cost of labour to be supported by the employer is the same, whether or not the contribution is paid by him. The employer is concerned with total costs which include fiscal charges and fees on the employer for the worker. For the worker, on the other hand, what matters is net take-home pay. Initiating a regime of contributions from the employer will result in a reduction in take-home pay for the worker in proportion to the fee paid by the employer. In the opposite case, this approach results in a tax on work, which constitutes a reduction in a demand for labour. When one initiates a contribution solely from the worker, the employer assumes a greater responsibility in the payment of the fee, since this concerns the worker. When it is the worker who pays, he has full latitude in the choice of the AFP Fund with which to affiliate depending on whether he wishes a low or high contribution. Article 9, paragraph 3, of the Convention states that contributions from employers may be dispensed with under laws of national insurance not restricted in scope to employed persons. In this regard, it is important to mention that the private pension system is not limited only to salaried employees, but it is also open to all persons whether employed or not. In consequence, there is no contradiction of this provision to the Convention concerning the contribution of employers to the resources of the insurance within the two systems of insurance existing in our country.

3. *Article 9, paragraph 4, of the Convention* (Financial participation of the public sector in the formation of resources or in benefits of the insurance). The national system of pensions foresees a mechanism by which the public sector participates in the constitution of resources of the insured by a social contribution of the State. This is foreseen in paragraph (b) of section 35 of Law No. 24786. The granting of a general increase in pensions conforming to section 9 of Law No. 19990 is permissible when a Ministerial Resolution decides on a readjustment of pensions. In the private system of pensions, the participation of the public sector in financing equally is foreseen within section 9 of Law No. 25897. This section foresees the issuing of recognition coupons by the Peruvian Institute of Social Security (IPSS) for an amount corresponding to the annuity of the worker, in function of the monthly contribution of this organization at the date at which Law No. 06-12-1992 entered in force. Thus, the State contributes to the mass of resources which each individual conserves and capitalizes in his insurance account. These resources constitute the funds for the financing of pensions once payments begin. A regulatory standard recently was adopted to define the conditions in which the recognition coupons are issued. This was the last remaining element left concerning state financing.

4. *Article 10, paragraph 1, of the Convention* (Management of the insurance). The national system of pensions permits each person, every worker and all groups of workers which adhere to an AFP Fund the possibility to become a manager of the Fund, and any remuneration resulting from this activity reverts to the manager. In this view, the Law on Collective Work Relations, which authorizes the formation of representative organizations for categories of workers, foresees the possibility for trade union organizations to have a union heritage, identical to that which is used for the constitution of an AFP Fund, if the organization so decides. In this way, categories of organizations have the freedom to form an AFP Fund, and any supplementary remuneration for administration of the Fund is to the profit of their members. Furthermore, AFP Funds are controlled by the State through the intermediary of the Control Commission of Private Pension Funds (SAFP). According to sections 53 and 54 of Law No. 25897, it is the duty of SAFP to monitor and control AFP Funds to guard against all inherent risks in independent private management of a private limited company. In consequence, AFP Funds necessarily have a special place in legal provisions, and they are controlled by SAFP, to respect the legal provisions concerning administrative directives.

5. *Article 10, paragraph 4, of the Convention* (Participation of the insured in the management of the insurance). The national system of pensions foresees the participation of the insured in the administration of the Peruvian Institute of Social Security (IPSS) through the board of directors and the board of guardianship, conforming to what is foreseen in Chapter III of the General Law respecting IPSS. In the system of private pensions, the participation of workers comes through freedom of choice, which permits affiliation to a specific AFP Fund. The insured decides freely to either conserve or transfer his funds to an AFP Fund which has the most appropriate management from his point of view and which best represents him. Finally, it is important to mention that the private system of pensions in Peru is only at the beginning of identifying the possibilities that can be offered. It should be noted that the possibility for workers to constitute their own AFP Fund, through their specialized organizations, is open to them. They might also participate by obtaining something akin to stocks in an AFP Fund which are recognized as valuable by the AFP Fund.

In addition, the a Government representative reiterated the written information furnished to the Committee.

The Employers' members stated that this was the first time that this case has been discussed by the Committee. This question is familiar to them since the cases of other countries have been taken up in the last few years and they indicated that success in a new system of pensions tended to be rapidly imitated. The Committee of Experts expressed certain doubts as to the conformity of the private system of pensions with the Convention. The Employers' members felt that the complete information which has been furnished must be first examined by the Committee of Experts. The Committee of Experts is requested to indicate if they are satisfied or if doubts exist. The question therefore is still open and they must return to it. They next dealt with two points that they judged fundamental. The first was that the Convention was adopted in 1933, that is to say 60 years ago, and that only 11 countries have ratified it. At the time of its adoption, we thought the State was all powerful and it was inconceivable to imagine social protection without its control. We had no trust and no experience in market solutions and market economies; it was unimaginable that a successful system of private social security could be created. The Employers' members felt that the current situation was completely different. This explained the divergence between what was foreseen in the Convention and a private pension system. They stressed that it was important to respect certain provisions of the Convention which did not deal with human rights. The question we needed to answer was whether it was useful to criticize a system which might not be bad. They felt that it was useful to wait for the opinion of the Committee of Experts to see whether they should re-examine this case.

The Workers' members noted, in reading the report of the Committee of Experts, that the Government had sent a detailed report on the new private system of pensions in Peru and they took note of the supplementary information concerning this system presented by the Government. They pointed out, like the Employers' members, that the question of private systems' pensions has already been discussed for other countries, such as Chile. The new Peruvian system, which was analogous to the others, led to concern as to the guarantees offered with respect to its compatibility with Convention No. 35 (and also with the Social Security (Minimum Standards) Convention, 1952 (No. 102)). They had already expressed their doubts as to the sustainability of the system, the absence of equality between generations concerning the level of benefits guaranteed, returns on investments by the funds and as to the role of workers' organizations in the management of the system. The information furnished in response to the questions of the Committee of Experts on the subject of the application of Article 4 of the Convention preoccupied them, given that the insured may withdraw amounts until the exhaustion of the accumulated capital in his account. On the other hand, even if the worker may choose freely between the national system and the private system, he cannot be re-integrated into the national sytem once he has opted for the private system. He must eventually suffer the negative consequences of this choice to the detriment of his rights. The system leaves unanswered questions concerning the financial contribution of employers. Being able to choose between a high or low contribution leads to obvious risks notably pressure on the part of the employer. No precision is given concerning the financial participation of public administrations. Dispositions concerning the participation of the insured person in the management of the fund must be studied very closely. Nothing seems to be foreseen as concerns financial guarantees of the State, notably for the fund Electrolima. In consequence, the requirements of this new system do not appear to bring guarantees foreseen by the Convention, and it requires a profound examination of the points specified.

The Workers' member from Spain recalled that what distinguishes the members of the Committee of Standards is the social preoccupation which characterizes their view. In his opinion, the public system of social security, to which workers and employers contribute, administered by a non-profit organization, is one of the best systems developed. He was concerned that Peru had replaced this system by a completely different one and also by the fact that only 11 countries had ratified the Convention. He requested the Conference Committee to ask the Government to strictly apply the dispositions of the Convention.

The Workers' member of Peru stated that the response of the Government to the observations made by the Committee of Experts on the application of the provisions of this Convention was unsatisfactory for Peruvian workers. With reference to Article 4 (guarantee of an old-age pension once the capital was exhausted), she indicated that the concern of the Workers was that the "programmed retirement" method obligated the future pensioner to calculate the number of years he could live after 65 years of age, which was the required age for retirement in the SPP; if the worker calculated that he would live ten more years, until 75 years of age, his accumulated funds in an individual account were divided among the ten years in order to determine his pension, but if he surpassed 75 years of age, he had no right to a pension because he would have exhausted the capital and the law did not guarantee, in this case, a pension of any kind. As for Article 9, paragraph 1 (financial participation of employers), she stated that the private pensions system was financed only by the workers since, although the Government argued that the increase of 13.54 per cent of the remuneration which the worker received when retiring from the public system and joining the private system was equivalent to an indirect form of financing by the employer, this amount, which was given only one time, disappeared with the passing of the years in view of inflation. Moreover, this contribution did not occur in the case of new workers. She also specified that non-fulfilment by employers with regard to the contribution to the SPP, was the result of an agreement with the Government to eliminate "anti-technical" taxes which created additional costs for enterprises, including the contribution to social security. With regard to Article 9, paragraph 4 (financial participation of the public authorities), she explained that the Government had stopped participating and restricted itself to demanding that the SPP issue recognition coupons to the workers which entered the SPP, coupons which did not count on financial support. She also indicated that the Government had taken responsibility for a system of public pensions which would be administered by the State; however, the law neither guaranteed these funds nor the pensions of workers who were members of the SPP in the event of bankruptcy. She then referred to Article 10, paragraph 1 (administration of the insurance), and emphasized the profitable nature of the SPP and the fact that it had among its stock holders Peruvian enterprises which exerted pressure on its workers to join the SPP, making as a condition for renewal of their contracts membership of the SPP. Finally, she referred to Article 10, paragraph 4 (participation of insured persons), and to the response of the Government to the effect that in the SPP the participation of workers was found "in the choice granted by the system to join a determined AFP". In her view, this was like referring to the participation of savings depositors in a bank, which was to say that there was none, since no bank consulted with its depositors about how their savings should be invested. The speaker concluded by stating that the Government in its reply tried to justify the unjustifiable and had taken no measures to bring the law into conformity with the Convention, and requested that this case be included in a Special Paragraph of the report.

The Workers' member of Colombia expressed his preoccupation with the fact that in Latin America only four countries had ratified this Convention, and indicated that the situation in Colombia was very similar to that of Peru described by the previous speaker. He considered it of the utmost importance that the ILO continued to give special attention to this Convention. The situation in Peru was becoming a common denominator for the majority of the Latin American countries where social security systems were used to enrich only a few while leaving unprotected the overwhelming majority of the population. In Colombia, the privatization of the pension system would lead to the accumulation of 17,000 million dollars, the equivalent of the amount of the country's external debt. He supported the previous speaker in that the ILO should pay particular attention to this serious problem and regretted that Colombia had not ratified this Convention.

The Government representative stated that he had noted with great attention all the interventions which would be communicated to the Ministry of Labour so that it could shortly provide the information on the application of this Convention.

The Committee took note of the written and oral information provided by the Government representative and of the discussion which took place. It noted that, according to the Committee of Experts, the law and practice did not appear to be in conformity with the requirements of the Convention in all respects. The Committee urged the Government to provide complete and detailed information requested by the Committee of Experts with a view to being able to assess the development of the situation in the near future.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

Cameroon (ratification: 1960). A Government representative of Cameroon considered the report of the Committee of Experts to be constructive. With regard to Convention No. 87, she stated that Act No. 68/LF/19 dated 18 November 1968 making the legal existence of a trade union of public servants subject to the prior authorization of the Minister of Territorial Administration was to be repealed, to conform to Article 2 of the Convention. Draft legislation had been sent to the Prime Minister for submission to the National Assembly. While awaiting the promulgation of this Act, and in order to show the good faith of the authorities, she cited the decision of 11 May 1994 which recognized the national trade union of officials of the civil and financial services. She referred to a letter of the Executive Secretary-General of this trade union which expressed its appreciation of this recognition. In addition, teachers, who formed a trade union that was not presently recognized, could join this trade union because they were officials of the civil service. With regard to teachers engaged on a contractual basis, they could join the national trade union for contractual workers and state agents pursuant to the Labour Code. She indicated that Cameroon was not opposed to the creation of trade unions, as the matter of the unrecognized trade union concerned simply a question of legality, and that meanwhile the Government noted the observations of the Committee of Experts regarding the Act of 1968. With reference to section 6(2) of the Labour Code making the legal existence of a trade union subject to registration, she stated that, as her Government had already reiterated, it was a matter of a simple formality that existed for all civil acts such as the creation of commercial companies requiring a registration number at the commerce registry and thus granting them a legal status. With regard to trade unions, this formality allowed them to deal with third parties, and this did not constitute a contravention of the Convention. She stated that her Government was open to the observations and advice of this Committee in order to improve, even if no impediments existed, the creation of trade unions. Concerning section 19 of Decree No. 69/DF/7 of 6 January 1969 providing that associations or professional unions could not belong to a foreign professional organization without prior authorization from the Minister responsible for "control of public freedom", she noted that this Decree was a text implementing the Act of 1968. Once the new act was proclaimed the implementing Decree of the old law would be brought into compliance with the requirements of Convention No. 87. In the meantime, she counted upon the understanding of the Committee of Experts.

With reference to Conventions Nos. 87 and 98, she referred to section 6 of the Labour Code providing for the legal existence of professional trade unions, section 3, proclaiming freedom of association, and section 4, granting to employers and workers the right to join organizations and trade unions of their choosing. Section 6(2) forbade all discriminatory acts against workers in employment. This section also provided under paragraph (b) that any practice that would terminate the employment of, or cause any prejudice to, persons because of their affiliation or non-affiliation to a trade union or their participation in trade union activities was prohibited. She indicated that this paragraph was not contrary to the provision of Articles 3 and 4 of the Convention because it guaranteed the legality of the formation of trade unions so that they could act as such legally. Section 6(3) provided that any act that was contrary to the provisions of this section was void. Finally, she stated that Cameroon was a law-abiding State and that it was prepared to submit to the Commission any additional information.

The Workers' members referred to the questions dealt with by the Committee of Experts and noted that the Government was prepared to repeal legislation that did not conform to the Conventions and that the actual practice would be changed to achieve the same conformity. They did hesitate in wholly accepting the explanation of the Government to the effect that the requirement that trade unions must be registered was merely an administrative formality, but concluded by thanking the Government representative for her goodwill and assurances. They nevertheless recalled the gravity of certain points raised by the Committee of Experts, and said that a report on what actually was occurring would need to be submitted for examination.

The Employers' members noted that the points raised in the report of the Committee of Experts had been made for a number of years, although one matter had been resolved last year and was cited as a case of progress. The Government had defended itself last year in the same manner as it did this year, by indicating that although there were no contradictions between the legal situation and the Convention, legislative amendments would be introduced if this were insisted upon by the Committee. With regard to the requirement that trade unions be registered, this was clearly not a formality in view of the rejection of the application by a teachers' trade union for such registration. They asked the Government to put into practice what had been promised in the Committee and to modify the legislation to bring it into compliance with the Convention.

The Workers' member of Senegal stated that the Government had promised every year that it would respect Conventions Nos. 87 and 98, but they were continuing to violate trade union rights in Cameroon, in particular by not recognizing trade union organizations and their right to register. Likewise the Government had recently violated freedom of association since the Ministry of Labour supported the dismissal of the Secretary-General of the Cameroon Confederation of Workers' Trade Unions (CWTU), through a puppet disputes committee controlled by the authorities. This dismissal was due to the trade union activities of the Secretary-General of the CWTU. He requested that the ILO take the necessary measures so that the Secretary-General could resume his duties. Moreover, wages had fallen because of the devaluation of the CFA franc.

The Workers' member of the Netherlands stated that the assurances made by the Government representative were not convincing, as the action of the Government seemed to contradict the statements made before the Committee. As an example, he quoted a provision from a piece of draft legislation of Cameroon which provided that trade unions established for a cause or purpose contrary to the Constitution, the law, or accepted standards of behaviour, or those trade unions designed to impair the security, territorial integrity, national unity, national integration, or the Republican form of the State would be declared null and void. He asked that both the Workers' and Employers' members examine the case more cautiously.

The Workers' member of New Zealand supported the statement of the Workers' member of Senegal, as the situation in Cameroon clearly amounted to a serious contravention of the Conventions. The Committee of Experts' report had highlighted the practices that are incompatible with the requirements of Conventions Nos. 87 and 98. Any denial of freedom of association was unacceptable, and especially damaging with regard to teachers because their working conditions constituted the same environment where children and young people learn. Moreover, teachers' unions acted as professional organizations to assist their members to develop high professional standards. Denial of access to such an organization, particularly when higher education was involved, usually reflected a desire to control what was taught and how it was taught, which amounted to a denial of academic freedom. Such restrictions were compounded by a restriction of the right of trade unions or professional organizations to join foreign professional organizations, thus denying Cameroon the benefit of exchanges of ideas and knowledge from outside the country. She also referred to infringements of the freedom of association of teachers in Cameroon involving the dismissal, suspension, and forced transfer of teachers and public servants for participating in a strike. While accepting that the Committee acknowledged positive developments, she asked that the Government be requested to grant teachers in higher education the right to form unions of their own choosing and the right to bargain collectively. She also asked that an undertaking be obtained from the Government that it not frustrate the activities of the Cameroon Confederation of Workers' Trade Unions.

The Workers' member of Togo emphasized that the Committee of Experts and the previous speakers had pointed out serious and repeated violations of trade union rights in the legislation and in practice. These violations were also occurring in other African countries whenever trade union organizations adopted an independent approach. With regard to the assurance of the Government representative that the trade union register was a formality, the speaker indicated that this "formality" could indefinitely delay the formation of trade unions, preventing them from developing their activities. On the other hand, section 3 of the draft Act referred to by the Government representative contained worrisome concepts that could prevent the formation of trade unions or impede their activities, as now occurred in respect of professional trade unions. He also joined in the previous statement on the dismissal of the Secretary-General of the Cameroon Confederation of Workers' Trade Unions. Finally, he stressed that there was a practice of interference in collective bargaining and he considered that the Committee should demand that the Government comply with Conventions Nos. 87 and 98.

The Government representative stated that she maintained her previous statement and that she hoped that an amalgamation of matters would be avoided with regard to such an important discussion; in this sense, she indicated that the Workers' member of Senegal recognized that his comments were not to the point. With regard to the Cameroon Confederation of Workers' Trade Unions, she indicated that her country had ratified Conventions Nos. 87 and 98 and that it was its duty to respect these Conventions. She believed that the creation of a trade union of officials of the civil and financial services could reassure the Committee, as in her opinion this constituted progress. Teachers on contract and teachers who were public servants worked under different rules. The latter could belong to the trade union referred to above, while the teachers on contract could belong to the national trade union for contractual workers and agents of the State. She emphasized that there would be a law permitting those who wished to create a specific trade union to do so and that she would inform her Government of the observations that had been made in this Committee.

The Workers' members recognized that they might have been overly willing to accept the assurances given by the Government representative that the legislation in contravention of the Conventions would be repealed and the contravening practices discontinued. They then reiterated their concern regarding the registration requirement, and the need for further examination by the Committee of Experts, and hoped that the promises made by the Government representative would be kept.

The Committee took note of the statement made by the Government representative and the discussion which followed. The Committee reminded the Government of the need to amend its legislation and practice as soon as possible in order to ensure the application of these Conventions, in particular to guarantee that public servants have the right to set up trade union organizations and to join them to defend their economic, social and professional interests. It took note of the preoccupation of the Committee of Experts in light of the refusal of the Government to give legal status to a trade union of teachers in higher education, and expressed the firm hope that the forthcoming reports from the Government would show what effective measures had actually been taken in order to remove obstacles to freedom of association and to guarantee for all workers, including public servants and teachers in higher education, the right to join the trade union of their choice without interference by the public authorities.

Germany (ratification: 1957). A Government representative explained (in relation to paragraph 3 of the observation of the Committee of Experts) that in the German public service there were three categories of employees: manual workers, state employees and public servants. Manual workers and state employees, just like their colleagues in the private sector were employed on the basis of a contract which could be modified during its duration. Their terms of employment were laid down in collective bargaining agreements, they paid contributions to social security and they had the right to strike. The contractual status of public servants, on the other hand, was established on their appointment. Instead of signing a contract, they swore an oath of loyalty to their employer. Public servants could be dismissed only if they had been responsible for very serious cases of misconduct. It was the legislator who laid down their terms of employment including their salaries. They did not pay social security contributions. They were not allowed to exercise the right to strike. The reasons were many. First, the Constitution prohibited the situation whereby a public servant could refuse to perform his duties for his employer, which had been confirmed by the Federal Constitutional Court. Another reason was that, according to jurisprudence of the Federal Labour Court which had been confirmed by the Federal Constitutional Court, labour conflicts in Germany could only be conducted in connection with subjects which were covered by collective bargaining agreements. However, as already mentioned, the terms of employment of public servants were fixed by the legislator. Therefore, a strike by public servants would not be directed against the employer but against Parliament. Finally, the prohibition of strikes by public servants was consistent with the objective of continuing to provide some services for citizens even if there were labour conflicts. The speaker wondered whether if, at the time when Germany had envisaged the ratification of Convention No. 87, there had been sufficient elements to indicate that a right to strike would be extended to public servants at a later stage. He recalled that under the Covenant on Economic, Social and Cultural Rights (article 8, paragraph 2), legal restrictions on the right to strike for civil servants had been admitted. At the time of ratifying the European Social Charter, the Government had entered a reservation indicating that civil servants *(Beamte)* were excluded from the application of point 4 of Article 6 (Part II), a procedure that was not permitted for ILO Conventions. The absence of any mention of the right to strike in the text of Convention No. 87 could either be explained by the fact that the authors of the Convention felt that it was not a component of freedom of association or that it was so evidently a part of freedom of association that it was not even worth expressing explicitly. However, if the latter case were true, then what had been said in the 1994 General Survey on Freedom of Association and Collective Bargaining (paragraph 48, footnote 4) was equally true. This paragraph quoted Report VII of the 30th (1947) Session of the International Labour Conference which contained amongst other things the following statement: "However, the recognition of the right of association of public servants in no way prejudges the question of the right of such officials to strike ...". Hence, this paragraph had to be interpreted in such a way that the recognition of the right to strike for public servants had to be left to the discretion of the States that had ratified the Convention. However, the Committee of Experts had adopted a different approach. They did not just say that the right to strike was a component of freedom of association. They affirmed this right in a very specific and detailed way with which he could not agree. The Committee of Experts had allowed for restrictions on the right to strike in the public service to be subject to one particular criterion based on the function of the public servant concerned. However, in Germany, what was decisive was not the function of the public servant but the status of the employee. If one had the status of a career public servant, the right to strike could not be exercised. All other employees, that was to say, state employees and manual workers could strike, regardless of whether they were carrying out essential services or not. In practical terms, the speaker indicated that 21 per cent of those who were employed on a full-time basis in the public service were public servants *(Beamte)* not including the armed forces and the police. However, there were frequent strikes in the public service in Germany; also in the railways and in the postal services, where 30 per cent and 56 per cent of employees respectively were public servants. This percentage was also very high in the educational sector; by contrast, it was very low (10 per cent) in the local authorities. In fact, the German postal service was a very clear example of how strikes could be carried out quite successfully, even if only a low proportion of the people concerned were entitled to strike. In recent years, there were strikes on two occasions in the postal services, where public servants who were not entitled to strike were employed in place of striking manual workers and state employees in order to mitigate the consequences of the strikes. Moreover, in the railways and the postal services, the problem of those public servants who did not have the right to strike would disappear in the future, since privatization measures were being introduced which would lead to a situation whereby no public servants would be employed in the future in those services. The speaker agreed with the Committee of Experts that restrictions on the right to strike should never be extrapolated to such an extent that strikes became a blunt or useless weapon. However, this was certainly not the case in Germany where another criterion was applied for the limitation of the right to strike in the public service. This criterion was different from the one adopted by the Committee of Experts, which should not, in the view of the speaker, be considered as the only generally admissible criterion. Finally, the speaker stressed that no employee of the State in Germany was obliged to become a public servant but the vast majority of those who had fulfilled the prerequisites asked to become career public servants, knowing that this implied the loss of their right to strike.

The Workers' members stated that this was a case of principle which had been the subject of comments by the Committee of Experts for several years. However, neither the situation nor the Government's attitude in this regard had changed. Of course the problem was complex and could not be resolved immediately. It concerned the prohibition of the right to strike for all public servants whatever their functions and the sectors to which they belonged. Without entering into the debate concerning the definition and the status of public servants, it was appropriate to recall, like the Committee of Experts, that it was necessary to limit the number of persons affected by restrictions on the right to strike in order to avoid excluding a large number of workers from this right, and notably workers employed in industrial or commercial state enterprises. In this respect, it was appropriate to draw the attention of the Employers' members to the fact that in Germany, public sector employers had prerogatives that private sector employers did not have. If the position of the German Government was to be applied generally, this could lead to discrimination especially in countries having a very large public sector. Finally, it was to be recalled that Convention No. 87 was a fundamental instrument and, consequently, concrete measures should be taken to bring legislation and practice into conformity with the obligations set out in Articles 3 and 10.

The Employers' members would have also liked to discuss the first two points in this case on access to the workplace for union representatives who were not employees of the enterprise and the issue of replacing strikers. With respect to the workplace access issue, they were concerned that the Committee of Experts had not given enough consideration to the rights of private property. On the striker replacement issue, the experts had established an absolute rule that was even stricter than that taken by the Committee on Freedom of Association and which did not take into account the characteristics of a complex system of labour relations. The Employer's members emphasized that this was the first time that the issue of the prohibition of strikes in the public sector had been considered in this Committee. They pointed out that Germany had ratified Convention No. 87 in 1957, two years before the Committee of Experts had observed that there was in fact a right to strike in the public sector under Convention No. 87. So when Germany ratified this Convention, it had no notice that the right to strike applied in its circumstances. They further noted that the experts' first observation on this matter had occurred 30 years after the Government of Germany had ratified Convention No. 87. This case, from the employers' perspective, illustrated the problem with the one-size-fits-all approach that the experts took for many issues. In the case of strikes by public employees, the Committee of Experts would have this Committee apply two unqualified rules: that the prohibition of strikes should be limited to public servants exercising authority in the name of the State and to services, the interruption of which would endanger the life, personal safety or health of the whole or part of the population. On the issue of strikes in essential services, the Employers' members considered that the experts' observation in this case was not consistent with what they had said in this year's General Survey, especially when considering their previously heretofore absolute rule. In this respect, the Employers' members referred to the sentence in paragraph 160 of the Survey, namely that "Account must be taken of the special circumstances existing in the various member States." The Employers' members thought that a more pragmatic, less detailed approach was called for when such a right to strike was implied through interpretation, rather than by express reference to the Convention. Germany had a special category of public employees *(Beamte)* that was unique in the world. While the Employers' members acknowledged that not all *Beamte* exercised authority in the name of the State, they swore an oath to represent the State by virtue of their special status under public law. *Beamte* were effectively given employment for life and an enriched pension benefit, among other considerations. These were highly sought-after jobs. In exchange for those benefits and responsibilities, that were not typical of other public employees around the world, they swore an oath of loyalty and could not strike. They had a special relationship of confidentiality and loyalty governed by public law. The Employers' members considered that, given the history of Germany and the reasons for creating the public service category of *Beamte*, the experts should, as they appeared to have done now in the case of strikes in essential services, reconsider their view relating to the prohibition of strikes by the *Beamte* and take account of the special circumstances existing with respect to the *Beamte*. The Employers' members concluded that the Government should be asked to consider and do what it realistically could do to comply with Convention No. 87 and that the Committee of Experts should be asked, as its Chairman stated in his summation, "to change what it can change".

The Workers' member of Japan stated that this was a very important case of principle, the implications of which could go far beyond Germany to many other countries, including his own. The observation made by the Committee of Experts in this case on the right to strike in public services was nothing new but exactly in line with the position it took in its 1983 and 1994 General Surveys. However, it was the very first time that it had been applied to an individual case in this Committee and therefore was very significant. He particularly welcomed the observation made by the experts asking the German Government to take the necessary steps to guarantee to public servants other than those exercising authority in the name of the State and to their organizations, the right to organize their activities and formulate their programmes of action to defend their economic, social and occupational interests, including by resorting to strike action, without any interference on the part of the public authorities.

The Workers' member of Germany indicated that more than 1.6 million public servants were, in addition to manual workers and state employees, mostly in ministries and administrations at the federal level. For example, in the railways and the postal services, there were more than 400,000 public servants employed. In the federal system, there were more than 900,000 public servants in the field of education and in other fields of employment in the states. He indicated that not all of these people would be entitled to exercise the right to strike. Although the working conditions for public servants were laid down in legislation and statutory regulations, in so far as their income was concerned, the results of wage agreements for those working in the public service were also applicable to public servants. In recent years, however, this was no longer the case. There had been actual interventions or attempts at intervention through the legislative process regarding working conditions. For example, the number of working hours would be increased without any corresponding increase in wages. For reasons of this kind, and not withstanding the ban on the right to strike, the indignation of the public servants had escalated into brief periods of strike action. Disciplinary measures had been taken against the strikers concerning financial claims, wage claims and claims concerning promotion. In recent years, both the Committee of Experts and the Committee on Freedom of Association had repeatedly called upon his Government to guarantee the right to strike to public servants, to the extent that they were not exercising sovereign functions. Despite these clear pronouncements by the ILO supervisory bodies, the Government had thus far taken no measures to carry out these prescriptions. Even in the case of the privatization of the railway and postal sectors, the federal Government had emphatically opposed any demands for a right to strike for persons employed in these sectors. This meant that public servants who were working for a private joint stock company and who were no longer supposed to be fulfilling any public duties were still denied the right to strike. There was no justification for withholding the right to strike in this case. Referring to the case law of the Federal Constitutional Court, the speaker indicated that neither the Constitution nor any other law contained any express provisions which prohibited strikes by public servants. He concluded by asserting that his Government should make it clear that it was prepared to undertake specific action in accordance with the prescriptions of the ILO supervisory bodies, particularly having regard to the human rights nature of Convention No. 87.

The Workers' member of Greece stated that this issue was of particular interest for European workers. The argument according to which it was necessary to privatize public services so that workers could have the right to strike was unacceptable. If a country, such as Germany, did not grant the right to strike to workers and did not strictly apply the provisions of Convention No. 87 – one of the fundamental Conventions, if not the most fundamental – what was going to happen? It would be impossible to ask other countries, whichever they may be, to respect the provisions of this Convention.

The Government representative of Germany, referring to the situation in the railway and postal sectors, acknowledged that, as long as public employees had the status of public servants, then no exception could be made for them, even in privatized enterprises. He posed a hypothetical question as to how his Government could try to change the situation. First, it was necessary to take into account that the Federal Constitutional Court had held that the ban on the right to strike of public servants was part of certain traditional principles outlined in the Constitution which could not be changed, because the Government could not influence case law. Consequently, the Constitution would have to be modified to grant the right to strike – but that would require a two-thirds majority in both Chambers. Moreover, there was a principle that strikes could only take place in Germany for a claim made in the framework of collective bargaining. Since this was again a question of case law, it could not be changed forcibly. As a result, a law concerning labour disputes would have to be adopted. Both social partners wanted the rules by which labour disputes were governed to be developed by case law, as was the case now, and not to be governed by the legislator. This would mean that the Government would have to work towards the adoption of a law governing labour disputes, contrary to the wishes of the social partners. This left his Government with one option of doing nothing, neither adopting legislation governing strike action, nor amending the Constitution. A solution could be that, whenever public servants did go on strike, the State as employer would not proceed against the strikers. However, the speaker was not sure that the Committee of Experts would agree with this solution. They would ask for an explicit change. The only alternative would be to do away with the officials of the public service altogether or to reduce the body of public servants to those with really important functions. It was impossible to predict at the moment if or when a consensus on such a solution would be reached.

The Workers' member of Germany stated that, even if the question could not be resolved in a short period of time, measures could nevertheless be taken, not necessarily through the adoption of a law on the right to strike at national level. In addition, he expressed his reservation as to the adoption of a transitory regulation when it related to the privatization of state enterprises, because it could take 30 or 40 years. Besides, he pointed out that the Federal Government could have done more to influence the process of amending the Federal Constitution towards the direction of a better clarification of the question. He further referred to the role of the Supreme Court, whose interpretation was based on the international law, and therefore also on the interpretation of the supervisory bodies of the ILO. Furthermore, the right to strike was interpreted in a divergent manner by the Federal Government and by German employers.

The Employers' members were also of the opinion that the situation could only be changed by time. Nevertheless, they observed that, when an official chose to enter the public service, it was because the jobs were attractive and the status gave him several advantages, in spite of the prohibition of the right to strike. He considered this was a trade-off. They drew attention to paragraph 160 of the General Survey.

The Workers' members expressed their hope that the Committee should adopt clear conclusions, on the one hand to avoid entering into the details of the modalities of strikes, and on the other hand, not to hesitate to request the Government to change what could be changed. The Government should be requested to put the national legislation and practice into conformity with the Convention. In addition, they pointed out that the number of public servants was quite big in Germany and that if the Employers' members' reasoning was followed in this regard, the notion of public servant *(Beamte)* should be limited. They concluded by insisting that the existence of a more favourable statute for the public servants should not constitute a reason for depriving them of the right to strike.

The Committee took note of the detailed information furnished by the Government representative. It noted that the Committee of Experts had formulated comments for several years regarding the application of Articles 3 and 10 of the Convention, which the Committee recalled were of fundamental character. The Committee expressed the hope that the next report of the Government would show evolutions that had taken place or were envisaged in order to ensure the full implementation of the rights recognized by the Convention to organizations of workers for the defence of economic, social and occupational interests of their members without interference on the part of the public authorities.

Myanmar (ratification: 1955). The Government supplied the following information:

In an observation on the labour laws in the Union of Myanmar, the Committee of Experts expressed its concern that no progress had been made with respect to the legislation, nor in practice, and urged the Government to take the necessary measures. The Myanmar Government is taking positive and concrete steps to put in place institutions that will establish, promote and nurture democratic principles and practices. With these objectives in view, a broad-based national convention comprising some 700 delegates representing the whole strata of Myanmar society was held. This convention has by consensus adopted 104 basic principles which will serve as the basis for a new State Constitution. Among these principles, the national convention has laid down that the State shall enact laws to protect the rights of the workers in the country. In May 1994, an opportunity was afforded by the relevant technical services of the International Labour Office for a brief preliminary discussion of some aspects of the new draft legislation to allow workers to establish trade unions, federations, etc., of their own choosing. These discussions took place between the ILO Technical Adviser based in New Delhi and the authorities in the Ministry of Labour, Government of the Union of Myanmar. The Government is of the view that further contacts should continue to be held between the Government and the International Labour Office to obtain technical advice that would contribute considerably towards its efforts in applying this Convention and the principle of freedom of association, etc. The Government is looking forward to these contacts with the International Labour Office and, subject to mutually convenient dates, preparations are being made to receive a technical assistance mission in Myanmar from the International Labour Office some time before the next session of the Committee of Experts. The Myanmar Government is making every effort to take further action with the technical assistance of the International Labour Office.

In addition, a Government representative recalled the transformation of the political and economic system of his country, including measures to draft a new State Constitution. The speaker quoted one of the basic constitutional principles laid down by the National Convention that "the State shall enact the necessary laws to protect the right of the workers". While measures were being taken to put in place democratic institutions including the rights of the workers to form their own unions, he considered that the present machinery for the protection of the rights of the workers was as strong and effective as ever: for example, the workers' welfare associations and several other professional and craft organizations were the forerunners of the trade unions to be established in the country. He further stated that a body known as the Laws Scrutiny Central Body was formed in 1990 to review the existing national legislation including labour laws, and that a law reviewing committee headed by the Minister of Labour was also formed. The relevant labour laws including the Trade Union Act of 1926 had been reviewed and redrafted in the national language since the advent of the State Law and Order Restoration Council (SLORC). The draft laws including that relating to the trade union had been forwarded to the Attorney General's office for a preliminary review and would be later submitted to the Laws Scrutiny Central Body. The Government representative also recalled the visit made in May 1994 by an ILO technical adviser on standards for an initial round of discussions on some aspects of the draft legislation. He stressed that such contacts should be continued to assist the Government in its efforts to ensure the application of the Convention. He concluded by confirming that the fundamental rights of workers continued to be the major concern of his Government which would make every effort to take further action with the assistance of the International Labour Office.

The Workers' members described this case as one of almost total despair, considering that the Convention had been ratified 40 years ago by the Government. Since then there had been ten observations by the Committee of Experts regarding the complete lack of progress in fulfilling obligations under the Convention; six long discussions of this case and the lack of any progress in the Conference Committee; no progress recorded in the report of the Committee of Experts; and mention of the case in a special paragraph of the report in both 1982 and 1993. Although there had been promises of a new Constitution respecting fundamental rights including freedom of association, and of new labour laws to replace old ones, there had been no concrete action and no real progress. The Convention was a cornerstone of human rights but it was neither complex nor difficult to implement if the Government really wished to meet its obligations. With regard to the current situation in Myanmar, they had learned from a reliable source that repression of trade unions existed, and that there was a climate of fear in which grave human rights violations continued. Moreover, the existence of independent trade unions was still illegal, and those who promoted them were punished. To show real progress, the Government needed to provide more specifics such as texts of new laws under consideration and the dates when they were planned to come into effect. They recognized that the 1994 intervention by the Office in the form of technical assistance represented an opportunity to move forward, and that a future meeting between the ILO staff and the Government administration might help the situation. Laws must be adopted that would permit the establishment of first-level unions as well as federations and confederations for workers of their own choosing, independent of previous government authorization. As this case was so deplorable, and as there had been a total lack of real progress, it was necessary for the Committee to express the need to act urgently and the need for discernable progress.

The Employers' members endorsed most of the declarations of the Workers' members. They noted that this case had been dealt with on seven occasions since 1987 and every year since 1991, and that in 1982 and 1993 it had been referred to in special paragraphs. The case had been around for a very long time, and there had been far too little action. They were concerned that the law provided for a trade union monopoly and that basic freedom of association was not guaranteed. In reference to the draft legislation under preparation which if enacted would constitute a substantial change, and the information from the Government regarding the technical assistance provided by the Office in May 1994, they said that usually one would be glad when requests were made by countries for technical assistance, as they often were a sign of determination to bring their legislation into conformity with the Convention. However, in this case, they felt that this was simply a delaying tactic, and that although the Government referred to 104 basic principles for the planned Constitution that had been adopted by consensus, in fact legislative preparation was at a very early stage. The Employers' members were less concerned with the finer details than with the establishment of the very basis of freedom of association. While the Government only referred to its plans to give workers the freedom to form trade unions, they urged that everyone, including employers, be entitled to form organizations of their choice as provided for under the Convention. They agreed with the Workers' members that the Committee had waited far too long for progress and they urged the Government to act quickly as it was a matter of urgency that changes be made.

The Government member of the United States said that upon reviewing the history of this case, she noted that since 1989 the Government had repeatedly said that there were political changes taking place in the country, that a period of transition was under way, and that there would be a new Constitution and new legislation that would conform to the Convention. However, these repeated promises had a hollow ring. Although the basis of the case had been a problem of trade union monopoly, she now considered that it was actually a total lack of freedom of association. While the legislation was not in conformity with the Convention, the practice was even worse as workers were not free to join organizations of their own choosing, and there were reported violations of civil liberties. In the past few years, not only the ILO but the United Nations Committee on Human Rights and the General Assembly had expressed their urgent concern regarding the lack of freedom of association in the country. It was encouraging that the Government had entered into discussions with the Office about this matter, and had requested future technical assistance. She supported any measures the Office and this Committee considered appropriate to ensure that the actions of the Government would, in the near future, match the promises made.

The Workers' member of Pakistan noted the great concern expressed in previous special paragraphs regarding this situation which urged the Government to bring its legislation into conformity with the Convention. Regulation No. 5 of 1976 did not permit the existence of independent unions freely chosen by workers. The Government had been making similar promises for several years, but there was no real progress in legislation and practice. He hoped that the Government would not merely confine itself to receiving advice from the Office, but that it would have the political will to protect freedom of association, as there could be no social justice without it.

The Government member of the Netherlands supported the statement of the Government member of the United States. He noted that the Government had been promising new labour laws to replace old ones for a very long time, but that no concrete progress had yet been made. Although one of the aims of the Convention was to create a level playing field, this was far from being achieved in Myanmar. He urged the Government to bring the legislation into conformity with the Convention, so that there could be true tripartism in which employers and workers played their proper roles.

The Workers' member of the Netherlands asked the Government representative to provide information on the existing practice with regard to the exercise of trade union rights in Myanmar in the absence of conforming legislation.

The Workers' member of Japan noted that the Government had made repeated assurances year after year regarding its intention to establish legislation in compliance with the Convention. However, he emphasized that empty assurances were no substitute for concrete progress. In his view, the case under consideration indicated a complete lack of freedom of association. Although the statement of the Government indicated that there were functioning workers' organizations in the country, he pointed out that the Workers' delegate for Myanmar at the Conference was a person who, in actual fact, did not represent any workers' organization.

The Government member of Norway, speaking on behalf of the Governments of the Nordic countries, noted with great interest the proposed laws that were intended to conform with the Convention. However, he pointed out that no real progress had been made in this respect in legislation or in practice. He hoped that there would soon be legislation in force that would permit independent trade unions, and that democratic rights would be established in Myanmar.

The Government representative stated that he had listened very attentively to the comments made by the delegates to the effect that there had been a lack of progress and repression of workers in his country. However, he insisted that concrete and positive steps had been taken and that there was a distinct improvement in the situation. In his view, the Workers' members had failed to take into proper consideration the second part of the letter of 9 June 1994 to the Office from the Director-General of the Myanmar Labour Department requesting technical assistance in which he had underlined the need for further contacts with the ILO to obtain technical advice that would contribute to the efforts of the Government in applying Convention No. 87 and the principles of freedom of association. He stressed that it was more productive to talk about the future rather than the past and stated that this letter and its contents were evidence of his Government's forward-looking attitude, and that there had been active consultation with the Office on some aspects of the draft trade union law. There was a misconception that trade union monopoly existed in Myanmar, as the one-party system had been abolished in 1988, and with it the trade union monopoly. Moreover, a Chamber of Commerce and Industry, whose chairman was an Employers' delegate at this Conference, existed in his country and was functioning effectively. The Government was making every effort to establish democratic institutions including trade unions, and was in the process of revising its legislation on trade unions to conform with the new political and economic system. This was testimony to the efforts being made by his Government in good faith and with sincerity to take further necessary measures with the assistance of the ILO.

The Workers' member of the Netherlands reiterated his previous request for information about the current practice in Myanmar, and in particular details about the functioning of trade unions and employers' organizations, and their ability to freely form and elect their leaders, and to engage in collective bargaining.

The Employers' members could not see that any progress had been made in the immediate past. Although it was true that one should look to the future, expectations for the future were based on past experience, which in this case was very negative. They reiterated that it was favourable that there had been a preliminary mission by the Office and that further technical assistance had been requested. However, it seemed that the Government was engaging in tactics that would lead to further delay in taking measures. In view of the 40 years that had passed since ratification of the Convention, they asked that rapid measures be taken, and urged that substantive changes be made.

The Workers' members strongly reiterated what they had said in their previous statement, and stood solidly on their statements about the actual practice in Myanmar, which contrasted sharply with the promises of reform. They also agreed entirely with the insistence of the Employers' members on employers' rights to freedom of association.

The Committee noted the written information provided by the Government and the statement made by the Government representative as well as the discussion which took place in the Committee. The Committee regretted that despite the assurances made by the Government to the effect that it was involved in the process of changing legislation in order to guarantee trade union rights, no tangible sign of improvement had been visible to the Committee of Experts. The Committee noted, however, that since the meeting of the Committee of Experts, a preliminary discussion with the ILO took place in the country relating to certain aspects of draft legislation. In addition the Committee noted that the Government requested a technical assistance mission to be sent to the country before the next session of the Committee of Experts. While reiterating its deep concern with the situation, the Committee urged the Government to adopt at an early date all the necessary measures urgently needed to guarantee that in law and in practice, employers and workers, without distinction of any kind and without previous authorization, may have the right to associate and that workers have the right to join trade unions of their choice outside the existent trade union structure, and trade unions the right to establish federations and confederations without impediment. The Committee expressed the firm hope that in the very near future it would be in a position to register real substantial progress in the application in law and in practice of the Convention, and it requested the Government to send a detailed report to the Committee of Experts so as to allow it to make an assessment of progress made by next year.

Pakistan **(ratification: 1951). The Government supplied the following information:**

1. With regard to the observation of the Committee of Experts concerning the ban on trade union membership and activities for employees of the Pakistan Television Corporation (PTVC) and the Pakistan Broadcasting Corporation (PBC), it is pointed out that the workers of the PTVC and the PBC in the past used to exercise trade union rights. During the martial law regime, television stations were occupied by the then trade union leadership. This action was taken contrary to the discipline enforced by the then Army regime. As a result, the employees of both PTV and PBC were excluded from the provision of Industrial Relations Ordinance, 1969, by an amendment to the law since they belonged to the sensitive field of information. This matter recently has been placed for deliberation before the tripartite Task Force on Labour constituted by the Prime Minister of Pakistan, inter alia, to suggest ways and means to bring national labour laws into conformity with ILO Conventions. A subcommittee constituted by the Task Force has recently heard the representatives of workers and employers of both these organizations who have favoured the restoration of trade union rights to these employees, subject to certain appropriate conditions where discipline may be reinforced in view of the sensitivity of information media. The Government may decide to restore trade union activities to these organizations after the Task Force finally submits its recommendations to the competent authority, i.e. the Cabinet for approval. The Ministry of Labour will let the Committee know of the outcome of the decision in the matter.

2. So far as the observation of the Committee of Experts concerning denial of the rights guaranteed by the Convention for workers in export processing zones (EPZs) is concerned, it is stated that although the EPZs have been exempted from the application of certain labour laws, the conditions of employment of their employees are regulated by the Export Processing Zone Authority (Control of Employment) Rules, 1982. These rules provide for a separate system of rights of their workers and for the resolution of their grievances. Moreover, the benefits that accrue to these workers are better when compared to those of other workers. It may also be mentioned that at present there is only one EPZ that has been established in Karachi. Fewer than 6,000 workers are employed by the Karachi Export Processing Zone (KEPZ), with around 80 per cent female labour. Since the cultural climate in Pakistan is not in favour of unionization of female workers due to social taboos, those workers themselves do not demand that trade union rights within the meaning of Industrial Relations Ordinance, 1969, be restored to them. However, there is no bar on their forming any association. Exemption of labour laws was granted to EPZs for reasons of Pakistan's deal with foreign investors. The matter is under the Government's consideration in order to see how to apply labour laws equally to all enterprises without discrimination. In the case of the KEPZ, the withdrawal of the exemption is a matter that will have to be seen in line with the deal made with foreign investors who have invested in this zone on the basis of certain exemptions provided to them. In any case, as already stated, the employment conditions in this zone are no less favourable than under the existing labour laws. The workers of this zone have never complained in any manner about their rights. Rather, they seem to be more content and satisfied with the arrangement as explained above in detail. The present Government, in view of its election manifesto, is more committed to the cause of labour than the previous Government and is determined to redeem its pledges to protect the rights of labour in the light of ILO standards. The terms of reference being considered by the Task Force on Labour provide for simplification, consolidation and codification of labour laws. The deliberations of the Task Force in this regard may culminate in its recommendation for the establishment of a permanent commission on codification of labour laws. It will also be the responsibility of the commission to see that all labour laws are brought into conformity with ILO Conventions. Pakistan's ratification of ILO Conventions Nos. 87 and 98 has created a climate whereby a democratic approach is being used in resolving labour problems and disputes pertaining to the employer-employee relationship on a collective basis. Fundamentally, this is a positive development in the field of industrial relations. Since Pakistan is a newborn State, it has taken initiatives to build up national infrastructures and has to rely more on its own economic activities. In such circumstances, no nation can easily afford the cost of a social programme when measured against economic viability. But Pakistan's initiative in the social sector itself is proof of its intentions and it will bring change in the living standards of the poor masses and the working community. Change is inevitable as soon as matters have improved to a point where it will be possible to run the affairs of the country at par with those nations that have passed this transitory phase.

3. As a result of the administrative reforms of 1973, all civil service associations representing civil servants, prior to 20 August 1973, have ceased to exist. However, civil service associations other than regularly constituted associations which were functioning prior to the introduction of the administrative reforms have been allowed to continue to function as before. At present there is no bar on the formation of associations of different categories of employees; this is fairly in consonance with the provisions of this Convention. However, federal government employees, as well as all the four provincial governments' employees, are subject to certain restrictions to avoid the carrying out of activities that are harmful to the basic aims and objectives of their establishments, such as the engagement of employees and their organizations in political activities, the issuance of periodical publications or publishing representations of their members without prior government approval. This is a purely administrative measure to maintain discipline and the smooth running of the public establishments which in no way can be termed to be in contravention with Articles 2 and 3 of this Convention. The rights granted to employees under these provisions are being exercised by them in full freedom. However, the restriction mentioned above is in the vital interest of the public establishments as well as the employees, to achieve the goals of efficiency leading to greater productivity and production. In the context of the Pakistan Essential Services (Maintenance) Act, 1952, "essential service" means an employment or a class of employment which is essential in the opinion of the federal Government for securing the defence or security of Pakistan or any part thereof or for the maintenance of such supplies or services as are essential to the life of the community. The above criterion is applied in keeping with national considerations and objectives while applying the law in question to employment of an essential nature. It may be mentioned that an ILO mission headed by Sir John Wood that visited Pakistan has treated the issue of essential services in its report as a complicated matter on which generalizations are difficult to make and apply. The mission has formed the opinion that in general terms, the basis for exclu-

sion must be a serious matter for health, safety and law and order. If this is taken as an ILO criterion, Pakistan has acted very carefully in extending the application of this law to certain organizations. It is not correct that the Pakistan Essential Services (Maintenance) Act, 1952, has been broadly applied to employment organizations such as the post and telegraph services, railways, airways and ports. Due care is taken when extending the application of this law to any organization for a limited period of time, and for that purpose the request of the employing organization is thoroughly examined by the Ministry of Interior and the Ministry of Labour. Only those which meet defence needs or concern the life of the community can be considered to be covered by the said law which virtually does not prohibit trade union activity. An explanation recently issued by the Interior Division in respect of the application of this law is reproduced below:

> ... the application of this Act to an organization does not take away workers' rights of collective bargaining. The provisions of the Essential Services Act and the rules made thereunder empower the Chairman, NIRC, to regulate the wages and other conditions of services of persons or class of persons engaged in any employment or class of employment to which the Act/Rules apply. Accordingly the settlement reached between the management and the CBA are authenticated by the Chairman, NIRC, and forwarded to the Ministry of Interior for notification in the gazette of Pakistan. Furthermore the Act also does not impose any ban on trade union activity.

As pointed out, the main thrust of the Government of Pakistan is to ensure the economic viability of national priority programmes. Pakistan cannot afford industrial action, including strikes or lockouts, to continue for an indefinite period. Therefore, it is in the national interest to put a check on this right. This check presently serves as a deterrent, but the parties themselves have hardly ever resorted to a strike or lockout for a period of even up to 30 days. Such a restriction on the initiation of industrial action – which may be more undemocratic – does not exist in Pakistan's legal system.

4. The management of Pakistan International Airlines Corporation (PIAC) is implementing the terms and conditions of ILO Conventions (Nos. 87 and 98) within the scope of the provisions contained in various labour laws. Consequent upon amendment of section 10 of the PIAC Act, 1956, the applicability of the Industrial Relations Ordinance, 1969, has been restored and the formation of unions in the PIAC has already been allowed. Due to the existence of unions in the establishment, the collective bargaining agent (CBA) has also been determined by the National Industrial Relations Commission through a referendum conducted in 1992 for a term of two years ending August 1994. The CBA and management have already signed an agreement on the revision of wages, allowances and on the review of terms and conditions of employment, keeping in mind the welfare of the employees. The matter pertaining to the withdrawal of the application of the Pakistan Essential Services (Maintenance) Act, 1952, to this and other establishments mentioned above is under the consideration of the tripartite Task Force. The recommendations of the Task Force on this issue will be submitted to the competent authority, i.e. the Cabinet, for approval. The list of establishments covered by this Act will be modified in accordance with the decision of the Cabinet and will be reported in the next annual report.

5. So far as the right of representation of minority unions is concerned, the federal Government and provincial governments have so far not faced any problems on this account as these rights are adequately protected by the IRO of 1969 and grievances, if any, are redressed by the courts of law. Moreover, these interests are properly looked after by the respective CBA unions. Collective agreements entered into by the CBAs are binding on all types of workers, and as such, benefits under such agreements are granted to non-CBA members as well. However, the Government has taken note of the observation and is taking all possible measures which are in consonance with this Convention, to protect the rights of minority unions accordingly.

6. The Government reiterates its previous explanation with regard to the allegations made in the complaint (Case No. 1534) by the Pakistan National Federation of Trade Unions against the alleged anti-union policy of multinational companies in Pakistan. It affirms that section 15(i) provides protection against anti-union acts and that, if in effect false promotions occurred, whereby the employees received higher wages but not the corresponding change of task to a supervisory role, the employees could use the unfair labour practice provisions of section 22(A)(8)(g) of the IRO and eventually go to the labour courts for redress. It is further stated that although the Federation has lodged no complaint against the Government of Pakistan as such, it is however aggrieved by certain decisions of the management of some of the multinational companies operating in Pakistan. Since the complaint is against one civil person by another civil person, the aggrieved party can get redress by approaching the judicial bodies established for the purpose in the country. This matter was also discussed at length during the visit of the abovementioned ILO mission. This is a matter between the management and the workers and the Government has no role to play in their relationship.

7. It is not correct to say that the employees working in the public and private sector hospitals and clinics are deprived of their right to form trade unions. However, in order to secure the defence or the security of Pakistan or any part thereof and to maintain such supplies or services which are essential to the life of the community, some services have been declared as essential services under the Pakistan Essential Services (Maintenance) Act, 1952. The application of this Act does not mean that the workers have no right to organize as guaranteed to them under this Convention. Hence, they have the legal right to form associations.

In addition, the Government representative stated that his Government welcomed the ILO's attention towards the labour rights situation in Pakistan, as well as the recent ILO direct contacts mission which advised the Government on matters relating to workers' rights and compliance with ratified Conventions. Recognizing that many of the observations made by the Committee of Experts regarding his country were not without reason, he admitted that there was child labour in Pakistan and that there were curbs on workers' rights in some establishments, especially those falling under the Essential Services Act. Commenting on the recent developments in his country, he stated that the new Government had the firm commitment to protect workers' rights and had set up a special tripartite Task Force on Labour. The recommendations of this Task Force would shortly be submitted to the Government and would form the basis of a new labour policy to ensure harmonious labour-management relations. Already the present Government had decided not to apply the Essential Services Act to any new establishment and to redefine it with a view to bringing it into conformity with the Convention. The existing list of the establishments under the Act would gradually be reduced to a minimum: three of the establishments had already been removed from the list. In addition, the Government had decided to sign a Memorandum of Understanding with the ILO to launch a programme for the gradual elimination of child labour. The supervisory machinery has been geared up to check violations of labour laws, especially the laws relating to child labour and bonded labour. In order to celebrate the 75th anniversary of the ILO, the Government had decided to ratify two Conventions, namely the Tripartite Consultations (International Labour Standards) Convention, 1976 (No. 144), and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). As to the observation of the Committee of Experts on the application of Convention No. 87, he stated that these matters had been referred to the Task Force on Labour and that the ILO would be informed of the outcome in due course. He requested the Committee to give reasonable time to the new Government to take decisions on the recommendations of the Task Force and of the ILO direct contacts mission.

The Employers' members recalled that this case had been discussed since 1981 and had been the subject of a special paragraph in 1987. Today, they welcomed a whole series of positive indications from the Government, not only with respect to Convention No. 87 but on other important issues as well. They noted with satisfaction that the direct contacts mission to Pakistan had taken place in January 1994 and that the Government wanted to receive continuing assistance. The written information furnished by the Government had provided this Committee with details on the work of the tripartite Task Force on Labour. The Employers' members urged the Government to take account of paragraph 160 of the General Survey of the Committee of Experts concerning strikes in essential services. They asked the Government representative to indicate how ILO technical assistance and the information from the direct contacts mission was being used by the Task Force, particularly in the formulation of new legislation. Finally, the Employers' members urged rapid enactment of the appropriate legislation to bring Pakistan's labour law into line with the Convention.

The Workers' members, noting that the Task Force would be reporting fairly shortly to the Government, wanted more precise indications as to when the Task Force would finally complete its work, whether it had taken into account all the observations made by the direct contacts mission of the ILO, and how quickly its recommendations could be passed into law. They pointed out that the information given by the Government representative on the action taken to limit the number of areas where strikes were forbidden should be provided to the Committee of Experts so that it could determine whether these were areas where strikes should be prohibited.

The Government representative reiterated that the new Government elected eight months ago was deeply concerned with the welfare of workers and was trying to expedite the recommendations of the Task Force in order to formulate a new labour policy. He expected the Task Force to be presenting its report in July 1994 but pointed out that, while executive decisions on its recommendations could be taken fairly quickly, matters requiring legislation would take a much longer time. The recommendations of the ILO direct contacts mission had been made available to the Task Force which would be making its own recommendations in the light of this mission's report.

The Workers' member of Greece thanked the Government representative for the information supplied, but indicated that, in his view, no replies were provided on the two questions raised in a very clear manner in the report of the Committee of Experts. These concerned the prohibition on employees of the Pakistan Television Corporation as well as on employees in the public and private hospitals, to establish or to join trade unions. He considered that removing the ban for the workers to establish trade unions did not require an enormous legislative work and it sufficed to repeal the relevant provisions.

The Government representative stated that the question of the ban on trade union activities in the Pakistan Television Corporation and the Pakistan Broadcasting Corporation was among the items on the agenda of the Task Force which would be making appropriate recommendations. As for hospital workers, this issue had not yet come up before the Task Force but he assured the Committee that it would be put before the Task Force as a matter to be included in its final recommendations on his return. The question of civil servants could also be placed before the Task Force. However, according to a new ruling of the Supreme Court, those working in the service of the State could not form trade unions, but they did have the right to form associations.

The Workers' member of Pakistan pointed out that it was the responsibility of the Government to bring the national legislation into conformity with the Convention by removing the restrictions imposed on trade union activities in relation to radio, television, hospital and other areas pointed out by the Committee of Experts, including the export processing zones. He recalled that a complaint had been lodged before the Committee on Freedom of Association on these very issues. At the time of its election in October 1993 the new Government gave a pledge to the workers that the national labour legislation would be brought into conformity with the ILO standards, and it had now the responsibility to do so in the light of the recommendations made by the ILO direct contacts mission. Pointing out that workers were represented on the tripartite Task Force, he emphasized however that it was the Government's responsibility to put its recommendations into practice as soon as possible. He invited the Committee to urge the Government to honour its commitment to the ILO in the large interests of industrial peace and the welfare of the workers.

The Committee took note of the written and oral information supplied by the Government. It welcomed the direct contacts mission which took place in Pakistan in January 1994. It noted that the mission's report had been forwarded to the Government to serve as the basis for the tripartite Task Force recently created to solve difficulties in the application of the Conventions. The Committee strongly hoped that, in the light of the observations of the Committee of Experts and of the comments and explanations given to the Government by the direct contacts mission, it would be able to review its position and to indicate in its next report the specific measures taken to bring the whole of its legislation and practice into conformity with the requirements of the Convention. The Committee hoped that the next detailed report of the Government would show that decisive progress had been made in relation to the right of all workers, without distinction whatsoever, to establish and join organizations of their own choosing, in the private as well as in the public sector, including the export processing zones.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Bangladesh (ratification: 1972). A Government representative of Bangladesh described the steps being taken to bring labour legislation into compliance with the Convention. In particular, he referred to the establishment of a National Labour Law Commission in 1992, led by a senior court judge, which was tripartite in structure and included eminent legal experts. The recommendations of this Commission dealt with all points mentioned in the report of the Committee of Experts, and were submitted to the Prime Minister on 4 June 1994. In addition, the Tripartite Labour Committee headed by the Minister of Labour and Manpower as well as the Parliamentary Standing Committee on Labour Matters, on which members of the opposition were represented, would provide their input into the drafting of a comprehensive labour code. He hoped that next year he would be able to inform the Committee that all problems raised in the observations of the Committee of Experts had been resolved.

The Workers' members stated that the problems regarding the application of the Convention were serious and long-standing and had been reported on by the Committee of Experts for a number of years. These included restrictions on voluntary bargaining in the private and public sectors, lack of protection for workers' organizations against acts of interference, and the denial of the right to engage in collective bargaining for workers in export processing zones. In view of the work of the National Labour Law Commission, which had already made recommendations on revisions to labour legislation that would address current problems of non-compliance with the Convention, they expressed cautious optimism that reasonably rapid changes would take place. They asked that the case be discussed once again next year in this Committee, so that they might determine whether the planned changes had actually occurred.

The Employers' members also were to a certain extent hopeful and noted a measure of progress, particularly because of the difference in the posture of the new and democratic Government from that when the case had been previously discussed. Although the National Labour Law Commission had made its recommendations, he appreciated that their incorporation into legislation would be time-consuming. In order to hasten the process, he urged the Government to consider requesting technical assistance from the ILO to assist in determining whether the proposed legislation would comply with Convention No. 98 and related Conventions.

The Workers' member of Poland reiterated the declaration of the Workers' members, in particular referring to restrictions on collective bargaining for small businesses, the public sector and the export processing zone, and noted the long history of this case. With regard to export processing zones, he referred to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, which stated that there should be no limitation of workers' freedom of association and right to organize and bargain collectively as part of any incentives offered by countries to attract foreign investment. Export processing zones were used as a pretext to avoid the application of basic workers' rights. He concluded by emphasizing that in such a persistent case as this, technical assistance by the ILO would not replace an absence of the goodwill needed for the legislation to be brought into conformity with the Convention.

The Government representative reiterated his previous declaration and confirmed his hope that the problems with regard to the application of the Convention would be resolved by next year.

The Committee took note of the statement made by the Government representative and the discussion which took place. The Committee believed that the next report from the Government would make it possible to note real progress in the application of the Convention and, in particular, that the Government would be able to report next year on specific measures to guarantee the explicit protection of workers' organizations against measures of interference by employers in order to truly promote the voluntary application of collective bargaining agreements, in particular in small enterprises and in the public sector, and to amend the Bangladesh Export Processing Zones Authority Act 1980 to explicitly state that workers in those zones should benefit from the rights guaranteed by Articles 1, 2 and 4 of the Convention. The Committee reminded the Government that technical assistance of the International Labour Office could, to a great extent, contribute to helping the Government to bring its legislation into conformity with the requirements of the Convention in these areas.

Cameroon (ratification: 1962). See under Convention No. 87.

Colombia (ratification: 1976). A Government representative expressed his satisfaction and that of his Government with the recognition by the Committee of Experts of the progress accomplished in his country in different domains of legislation. Progress had been made in the forming of trade union organizations without advance authorization, their right to freely organize their internal administration, their power to intervene in certain political questions and the adoption of measures to reinforce protection against anti-union discrimination. These results demonstrated the Government's will to give full effect to the ILO Conventions ratified by his country. He agreed with the opinion of the Committee of Experts when they declared that this progress bore witness to the vitality of the ILO's system of control of the application of standards and the essential contribution of tripartitism to this process. He underlined the efforts being put in place by his Government concerning the timely sending of reports on the different Conventions and it should be noted that the number of observations made by the Committee of Experts on his country has diminished from one year to the next. There are now only four observations for 17 Conventions for which reports were submitted. Colombia was also cited among the countries having communicated reports signalling important changes in the application of Conventions. The speaker recalled the important role played by the ILO in technical cooperation which has assisted in the progress on standards for his Government. Touching the observations formulated by the Committee of Experts concerning the application of Convention No. 98, especially concerning the place accorded in the legislation to the definition of public employees which determined the possibility for certain workers to present collective bargaining proposals, he indicated that the existing Constitution recognized the separation of powers and that the Congress of the Republic had the exclusive competence for fixing the conditions of workers and the conditions of work of these workers. This explained the divergence noted by the Committee. Concerning the absence of protection for union members who were civil servants, the speaker pointed out that the recent ruling of the Supreme Court was approved after the last report was sent. This ruling declared that all provisions allowing such discrimination were contrary to the Constitution. In consequence, today there was no longer any obstacle to the exercise of union activities whether it be in the public or private sector. To conclude, the speaker underlined the efforts of his Government towards consolidating institutions in all domains with the goal of improving the conditions in which work relations develop, and he reaffirmed the strong will of his Government to continue their efforts to bring his legislation into conformity with ratified Conventions.

The Workers' members stated that work in the Conference Committee often required reading between the lines to understand the context in which events were occurring in a country. They pointed out that they had read documents prepared by ICFTU and Amnesty International on Colombia concerning human rights. The Committee of Experts has encouraged cooperation between supervisory bodies and non-governmental organizations. From these documents and the organizations, one learned that, in spite of political and economic changes occurring in the country, there were still a number of serious dilemmas to be faced. It was alleged that more trade unionists were killed in Colombia than in any other country in the world. The lives of trade union officials in Colombia were in peril. As an indication of the problems, the Workers' members cited the fact that there are currently eight complaints pending before the Committee on Freedom of Association, four of which concerned very serious acts of trade union discrimination. The Report of the Committee of Experts examined anti-trade union discrimination in the public sector. The Conference Committee examined this problem first in 1989 and it was also discussed in 1991 and 1992. A direct contacts mission took place in 1991. The Government should be aware of the fact that their legislation did not conform to the Convention. They noted that certain public servants in Colombia had no immunity if they joined a trade union, and certain civil servants were denied the right to collective bargaining. The Government representative had referred to recent legislation which would have a bearing on this, and they were sure the Committee of Experts would like to see this. What the Committee of Experts said was that existing formulations of the laws allowed neither proper trade unionism nor collective bargaining to take place in various parts of the civil service. The Workers' members wished to underscore the fact that when a country ratified Convention No. 98, it committed itself to allowing civil servants the right to organize and bargain collectively. Existing laws allowed only "humble petitions" under Section 414 of the Code, which the Government maintained establish the right to collective bargaining. They believed the Employers' members would agree that "humble petitions" would not bring the national legislation into conformity with this Convention. No indication had been given that legislation would be changed on the two precise points raised by the Committee of Experts. If this was correct, the Workers' members felt that the conclusions should draw attention to the fact that existing legislation is not in conformity with Convention No. 98.

The Employers' members pointed out that the Conference Committee had dealt with Colombia on several occasions. In 1991, a direct contacts mission took place. Comparing this year's report with previous ones, it was fair to say that some change had occurred in the interim although it was not actually specified. The Workers' members had pointed out that there was a great deal of violence in Colombia, but the violence was not limited to workers and trade unions. It affected everyone. They turned to the specific problems: the absence of protection for employees who were trade union members of a mixed organization; and the denial of the right to collective bargaining for civil servants. The Committee of Experts considered that the term "public employees" was defined too broadly. Concerning the first point, the Employers' members noted that there was a deficiency in the country's legislation. The Government representative, however, had pointed out that a recent ruling handed by the Supreme Court had done away with this exclusion. To verify this, they requested that the Government representative send a copy of the new ruling to the Committee of Experts as soon as possible to allow them to assess the situation. Concerning the second point, the Committee of Experts noted that there was a discrepancy in legislation compared to the obligations of the Convention. The Presidential Directive No. 38 of 1990 still excluded too many public service employees from the right to bargain collectively. The Committee of Experts had stated that the definition of public employee needs to be narrowed down, but they had not pointed out how that could be done. This might form the terms of reference for a direct contacts mission. The Employers' members concluded by suggesting that the Conference Committee request the Government of Colombia to consider carefully the indications and recommendations of the Committee of Experts and to act on them to remove any discrepancies. They also reiterated that a copy of the new ruling of the Supreme Court which the Government representative referred to should be sent to the Committee of Experts.

The Workers' member of Norway also spoke on behalf of Denmark, Finland, Iceland and Sweden. He expressed the opinion that the case of anti-union discrimination by the State and the denial to civil servants of the right to collective bargaining were extremely grave problems. He referred to the last report of the ICFTU and noted the serious attacks against unionism including the murders of union militants. The government authorities of Colombia not only refused to respect the right of civil servants to bargain collectively with their employer, which was provided for in the Convention, but they also practiced anti-union discrimination by means of legislation and regulations which paralysed possible union activities. The speaker requested the Government representative to point out what measures it had taken to protect militant unionists who sought the right to bargain collectively and, to conclude, he called on the Government to implement the decisions of the ILO's supervisory bodies.

The Workers' member of Colombia declared that he was in total agreement with the report of the Committee of Experts. Colombian workers did not have trade union freedom and civil servants did not have the right to collectively bargain. He deplored the fact that the recommendations of this Committee were reiterated continuously and that they had become nothing but a habit. He pointed out that, when the Government claimed to have taken measures, it had in fact acted completely differently. For example, although the Constitution of 1991 guaranteed the right to strike, with the exception of essential public services, there was no legislation which guaranteed this right, and Law No. 50 prohibiting the right to strike for certain public employees continued to be applied. The speaker declared that the Government had not honoured its engagements and had not implemented the recommendations of the Committee of Experts concerning the dialogue with the social partners and did not take into account their proposals. A proposal for a labour legislation law, which was supported by a million signatures, had not been discussed by the Parliament while a proposal to privatize social security had been presented to Parliament as a priority for discussion. The speaker denounced the impunity of anti-union acts which remain the rule in his country. More than 1,500 union militants had been assassinated and almost 180 last year. He denounced the false image that the Government would like to give of the country and notably the Government's wish to cover up the realities of the situation of human rights and trade union freedom. To conclude, he asked the Committee to adopt firm conclusions.

The Government member of Venezuela declared that he was happy to note progress in the situation in Colombia concerning international labour standards. He recalled that the case of Colombia was set in the context of a great amount of violence which affected all sectors including trade unions. He considered that the solution was not simply the job of the Government, but nevertheless, there had been progress in this regard. Attesting to this was the fight against organized crime and the accords concluded with certain guerilla movements which had participated in recent elections. He believed it reasonable to hope that, with progress towards national pacification, it would become easier to respect international labour standards ratified by Colombia. Referring to the observations of the Committee of Experts, he felt that a certain legal point should be examined by them. In the legislative doctrine of work in Latin America, the limit between the right to work includes, in general terms, the right to collective bargaining. On the other hand, the administrative right to work of the civil service recognizes certain restrictions to this right. The speaker considered that the problem calls for clarification as to the distinction made, in Colombian legislation, between "public employees" and "official workers", as well as the use of the concept of "civil servants engaged in the administration of the State". This concept should be the object of profound study since it concerned a complex question and a very important current subject in Latin America.

The Workers' member of Pakistan deplored the violence that existed in Colombia and the fact that it was estimated that 180 trade unionists were killed there last year. There was a need to change this situation rapidly. The speaker pointed out that public employees constituted the bulk of the labour force in most developing countries. Countries that have ratified Conventions Nos. 87 and 98 were required to provide immunity against anti-union discrimination as well as permit the right to collective bargaining to public employees. The Government should be a model for the private sector in the area of workers' rights. Where civil servants were denied such basic rights as immunity from anti-union discrimination and collective bargaining, the private sector might follow in the same path. The speaker fully supported the request that the Government should be requested to send the new Supreme Court ruling to the Committee of Experts as soon as possible and that they should change legislation to bring it into conformity with the obligations of Convention No. 98.

Another Worker member of Colombia, after thanking the Committee of Experts for having presented the case concerning the non-respect of a certain number of workers' rights in his country, dealt with the situation of civil servants. He declared that, under the cover of the modernization of the State, more than 80,000 civil servants had lost their jobs in the last four years. This category of workers could not exercise union rights and express its demands. Collective bargaining was limited to simply presenting "humble petitions". He wished the Committee of Experts to follow up on the work it has done on these problems and to call upon the Government to take concrete political measures that would result in real change.

The Government representative recognized the positive character of the various interventions, and declared that his Government was far from trying to hide the reality of the violence (which had multiple causes) which reigns in Colombia and causes grave problems to the trade union movement. In applying constitutional legislation, the system of protection of the freedom of trade unions and human rights had been developed. This had been witnessed in the last two years by the examination of some 30,000 cases among which many concerned the protection of the right of association and the questions of work. Constitutional reforms had also been undertaken. Commissions of Human Rights had been created in the Senate and in the Chamber. Conforming to Government policy in the development of protection and the fight against impunity of crimes, 5,000 members of the national police had had their employment terminated in order to reorient this institution toward the protection of citizens. Two laws concerning education in the area of human rights had been adopted and in 1993, two projects aimed at stopping "disappearances" had been elaborated. A service of human rights had been constituted under the Administrative Department of Security, and a competent ombudsman in matters of human rights had been designated. These actions had the objective of breaking the cycle of violence and impunity. Today there was a reduction in the violence parallel to the development of the system for protection of workers. It could not be said that the Government exercised a policy of violence, even if certain agents of the State had been guilty of such acts. In any event, his Government had the principal objective of ending impunity. The budget consecrated to justice in the country had been doubled. To conclude, the speaker thanked the Government member of Venezuela for his useful proposals.

The Workers' members recognized that while violence affected everyone, its tendency in Colombia was to touch those involved in human rights issues the most. These persons were trade unionists, politicians and lawyers: they were the ones who stood up for human rights and they were affected most by violence. The Government representative maintained that progress had been made. They wished to remind the Conference Committee that the discussion had been limited to problems facing civil servants. The major discussion for Colombia concerned Convention No. 87 on freedom of association, and there was no report on that Convention this year. Presumably that would be next year, and at that time the Conference Committee would be in a better position to judge what progress had been made. They hoped, along with the Employers' members, that the new Supreme Court ruling would completely eliminate anti-union discrimination and guarantee the right to collective bargaining for civil servants in one fell swoop. It should be remembered, however, that the ruling needed to be translated into legislation. The Committee of Experts would be able to judge the efficacy of the new ruling once the necessary measures had been taken.

The Committee noted the statement provided by the Government representative and the discussions which had taken place. It recalled that in 1992, the Committee requested the Government to modify its legislation so that it would conform to the suggestions of the Committee of Experts and report on the amendments adopted. The Committee noted the comments of the Committee of Experts according to which although civil servants had the right to organize, the law did not protect them against acts of anti-union discrimination and prohibited collective bargaining. The Committee expressed the strong hope that, given the explanations of the Committee of Experts and the discussions that had taken place, the Government would take the necessary measures to guarantee this category of workers (with perhaps the sole exception of public servants engaged in the administration of the State), protection against anti-union discrimination and the right to collective bargaining on their conditions of employment, as guaranteed by Articles 1 and 4 of the Convention. The Committee requested the Government, taking account of the many complaints presented before the Committee on Freedom of Association, to reinforce the protection against acts of anti-union discrimination in both the public and private sectors. The Committee hoped that the next report of the Government would furnish detailed information on the legislative or jurisprudential evolution relative to these questions and that these would show evidence of progress leading to a full application of the Convention.

The Government representative of Colombia wished to point out that there was no longer an absence of protection of trade union rights for civil servants as had been mentioned by the Committee of Experts in its observations. A new ruling of the Supreme Court had been given recently, and the text would be communicated without delay to the ILO. He made it clear that additional legislative measures would not be necessary.

Indonesia (ratification: 1957). The Government supplied the following information:

1. Act No. 14 of 1969 on the Basic Provisions respecting Manpower is a comprehensive law which includes industrial relations aspects. Although the provisions of the Act are still relevant in the Indonesian situation of labour standards, the Government realizes that it needs some adjustment to accommodate recent developments in industrial relations, particularly in facing the Second Long-Term Development. Therefore, the Government of Indonesia decided to review and revise the labour legislation. This programme consists of Act No. 14 of 1969 and Act No. 1 of 1951. Apart from that, the need was realized to have brand new regulations on employment and apprenticeship. So for the past five years, the Government has been working on four texts of labour legislation simultaneously. As the Government realizes that this programme is a very big job and a very delicate process, it has stated its intention to get technical assistance from the ILO.

2. The Minister of Manpower Regulation No. 01/1994 concerning Trade Unions at Company Level (SPTP) gives a wide opportunity to workers at the plant level to establish an organization with no obligation to join any particular organization. This organization will be able to bargain and negotiate a collective labour agreement with their employers.

Some provisions in this regulation stipulate the following:

Article 4(1). Workers at plant level with no fewer than 25 members may establish a workers' organization, unless there already is an existing trade union in the company concerned.

Article 17. A workers' organization at company level has the right to bargain and to negotiate a collective labour agreement based on the existing regulation.

Thus, this new regulation gives a broader opportunity to the workers at plant level whether they prefer to establish the organization under this regulation or whether they would like to join the existing trade union, i.e. SPSI.

3. The law and regulation in Indonesia guarantee workers' protection against anti-union discrimination and employer intervention in union membership. Even the 1945 constitution secures the freedom to organize and to express opinion.

4. The protection against anti-union discrimination is explicitly stated in the following:

(a) Article 8, paragraph (a) of the Minister of Manpower Regulation No. 04/1986 and Circular Letter of the Director General for Industrial Relations and Labour Standards No. 113/M/BW/1990 in which it is stated that:
The permit to terminate an employment shall not be given under the condition that the termination is conducted on the basis of the establishment or union membership.

(b) Ministerial Manpower Decree No. 438 of 1992 explained that the employer shall not take any unfavourable action towards the workers on the basis of trade union membership whether as union official or as a member of trade union.

5. Regarding the proposal to give more penalties for those who act against labour law including provision of the principle of freedom to organize, the Government declares to share this idea and it has been discussed and decided accordingly.

6. In line with the Government's intention to implement labour regulation, it has conducted law enforcement through the court.

7. The Government agrees that industrial relations mainly concern workers' and employers' interests. Therefore, in January 1994, it has withdrawn Minister of Manpower Decree No. 342 on Guidance for Conciliation in the Settlement of Industrial Disputes, particularly in facing various cases respecting overtime pay, strike, contract workers, termination of employment and the change of ownership of the company and replaced it with Minister Decree No. 15A on Guidance for the Settlement of Industrial Disputes and Termination of Employment at Company Level and Conciliation. The latest Decree replaces three Ministerial Decrees, i.e. No. 342/1984, No. 1108/1986, No. 120/1988, all of them concerning industrial dispute settlement. By doing so, the process of industrial dispute settlement in Indonesia has been simplified.

In addition, the Government representative stated that an overall review of national legislation concerning the right to organize and to bargain collectively was an enormous task. It was being undertaken with a view to coping with the need for just and democratic industrial relations. In this regard and in response to the recommendations of the direct contacts mission that had taken place from 21 to 27 November 1993, the Department of Manpower had taken some necessary measures, including a series of national seminars on employment and poverty elimination, reviewing labour laws and ways and means of implementing of the Pancasila Industrial Relations system, and on the wage system. Through these seminars, important inputs and views for the review of labour legislation were collected from related government institutions, employers, trade unions, national NGOs, universities as well as experts from other countries and the ILO. The 75th anniversary of the ILO was marked by the signing of the Memorandum of Understanding concerning the five-year programme of cooperation between the Government and the ILO, which showed the Government's full awareness of the importance of ILO technical assistance in improving the national legal system in compliance with international labour standards. Indonesia had always recognized and accepted the universal validity of basic workers' rights not only because it was a Member of the United Nations and the ILO but also because those rights were deeply rooted in the national consciousness and were embodied in the country's state philosophy and Constitution, and in its legislation. The speaker also referred to Ministerial Decrees No. 1 and No. 15A of 1994 noted in the written information submitted to the Committee, and indicated that Ministerial Decree No. 15A restated the non-involvement of the security apparatus in dealing with labour affairs or disputes. The Government was in the process of drafting a comprehensive law on strikes, which would give a clear definition on the involvement of police in the handling of demonstrations to prevent them from engaging themselves in interference in purely labour strikes. The draft law on strikes had been tabled for in-depth study to the national inter-departmental advisory committee. She also noted the Government's efforts to awaken the workers' consciousness of their rights by seriously promoting educational programmes for workers. The Government had encouraged the establishment of trade unions based on industrial sectors in order to achieve better representation and effectiveness and to meet the needs of workers. She considered that the huge number of workers with low levels of education and lack of adequate information could cause ignorance of their basic rights and stressed that, while fundamental workers' rights were indeed universal, their expression and implementation in the national context should remain the competence and responsibility of each government. The speaker noted the recent establishment of two national advisory bodies to deal with issues of fundamental human rights including workers' rights, namely the Independent National Commission on Human Rights and the Inter-departmental Committee on Human Rights. She stated that it had never been a deliberate intention or the policy of the Government to allow violations of the fundamental rights of workers, although full enjoyment of such rights remained elusive due to public ignorance. For this reason, the nationwide promotion of fundamental ILO standards had been set as the priority task of these two institutions. She concluded by confirming her Government's strong commitment to protect and promote workers' right to organize and bargain collectively with their own employers in their respective enterprises and to promote the role of trade unions within the framework of a sound and harmonious industrial relations system at every company.

The Employers' members referred to the direct contacts mission and, in particular, to the recommended measures, which were summarized in the report of the Committee of Experts. They underlined the rather positive results of this mission, and especially that the question was no longer that of principles or of fundamental gaps, but rather the question of improvement and perfection of the situation. In addition, they were pleased with the spirit of cooperation and collaboration with the ILO, which the Government demonstrated during this mission as noted in the report of the Committee of Experts. Besides, they emphasized the different approaches contained in the report and stated that, in their opinion, neither the Committee of Experts nor the Conference Committee should request the adoption of dissuasive sanctions; they should rather call for effective measures that they were able to examine. They concluded by insisting that the Government should clearly indicate the changes in practice and request necessary technical assistance of the ILO.

The Workers' members had the impression that the Government wanted to take steps forward according to the written and oral information it had provided to the Committee. Addressing themselves to the written information, they stated, as a first point, that they did not think five years would be necessary for the preparation of the four legal texts mentioned, especially if the Government benefited from the technical assistance of the ILO; as to the second point, it seemed unacceptable for them that freedom of association and the right to collective bargaining were limited to the enterprise level and that companies with fewer than 25 persons were excluded; besides, a trade union monopoly of the All Indonesia Workers' Union (SPSI) was already installed, even though plural enterprise unions could exist: the question was whether a central union could be freely established; as to points three and four, they referred to the remarks of Workers' members last year and also to the arrests of trade unionists during the previous week, and questioned how the workers were effectively protected in practice against anti-union discrimination and the intervention of the employers; as to point five, they referred to the recommendations of the direct contacts mission and requested the Government to indicate measures taken on the subject and their juridical value; as to point six, the Workers' members wondered who had access to courts and by what means; and finally, as to point seven, as to whether the contents of the new regulation contained more freedom for negotiation. In comparing the reply of the Government and the recommendations of the direct contacts mission, the Workers' members considered that there remained still much to do, even though the supplied information permitted a certain optimism. Since the practice noted was unfortunately rather discouraging, the Committee could not but make conclusions clearly requesting the necessary modifications to legislation, full information on the decisions and changes in practice declared, and hoping that a profound reform would be started and could be noted especially as concerns the recommendations of the direct contacts mission.

The Workers' member of the Netherlands, speaking also on behalf of several Workers' members, including those of Norway and Sweden, stated that the initiative of the Government to invite a direct contacts mission was a clear departure from their position in previous years that this was a minor case. It should be welcomed but the Government should now clearly commit itself to implement the recommendations of the mission and profit from the technical assistance that the ILO could provide. In addition, the situation should be followed, keeping in mind that collective bargaining should be carried out by freely chosen representatives. In this regard, the speaker recalled the situation in Indonesia, where the trade unionists had encountered difficulties in organizing themselves into independent trade union federations such as the SBSI and in expressing themselves; where collective agreements were concluded by the SPSI, a union controlled by the State and which included retired military people in its local and regional bodies; and where the police or armed forces intervened in trade union activities. Despite certain changes in legislation (and regulations) made recently, he thought that interventions were still allowed under other pieces of legislation. In conclusion, he stated that the Committee should request the Government to apply the recommendations of the direct contacts mission in their entirety and to profit from the technical cooperation of the ILO. In this regard, the conclusions of the Committee should fix a time limit – one or two years – for the detailed information to demonstrate progress made in law and practice.

The Workers' member of Japan welcomed the positive tone of the information supplied by the Government and referred to the recommendations of the direct contacts mission, in particular, the suggestion that measures should be taken to avoid to the maximum the intervention of the police and armed forces. He requested the Government's assurance in this regard.

The Government member of the United States expressed the concern that the situation in practice was far more grave than was apparent in the Committee of Experts' observations, and referred to accounts of widespread and extremely serious repression of trade unionists in Indonesia. She noted that her Government was very concerned about the worker rights situation in Indonesia and had strongly urged the Government to invite an ILO direct contacts mission. She welcomed the Government's cooperation and collaboration with the ILO direct contacts mission, as well as the positive remarks made by the Government representative. She encouraged the Government to follow up the recommendations made by the direct contacts mission with the further assistance of the ILO so as to bring the national legislation and practice into conformity with the Convention.

The Workers' member of Indonesia considered that the development of his union (the All Indonesia Workers' Union "SPSI") was now much more satisfactory and encouraging compared with 44 years ago and referred to the Declaration on the unity and integrity of Indonesian workers of 1973, which was the basis of "FBSI" that later became SPSI. He mentioned, in addition to the Ministerial Decrees No. 1 and No. 15A of 1994, Ministerial Decree No. 3 of 1993 on the registration of trade unions. He further stated that the legislation reaffirmed workers' freedom of association without Government and employer interference, and that security forces were prohibited from interfering in the industrial conflict. He also noted that the SPSI had a new structure of "federation" supported by 13 industrial sectors, some of which were affiliated to international sectoral trade unions. In addition he provided some data: the establishment of 11,484 units (compared to 11,000 in March 1993) in the approximately 40,000 companies which had permission to establish trade unions; 8,437 collective bargaining agreements signed (7,000 in March 1993), some of them in the Government-owned plantation enterprises; 2.2 million members who paid the contribution (1.9 million in March 1993). He pointed out that 80 per cent of strikes took place in companies without a trade union and that they usually concerned normative matters such as the minimum wage and the freedom to establish a trade union, while in companies that had SPSI units, demands in strikes were generally above the minimum normative level.

The Workers' member of the United States noted certain information concerning interference: the Indonesian Prosperity Trade Union "SBSI", established in April 1992, reported that the first congress was broken up by soldiers who seized their offices and the premises of the congress; despite the revocation in January 1994 of a 1986 law which allowed employers to use security forces to intervene in labour disputes, the coordinating agency for national stability continued its military intervention in labour disputes whenever it felt "security" was threatened, for example, violent interventions by the military, officers confiscating posters and banners and being ominously present at the negotiations, kidnapping of workers and arrests of trade union leaders, even very recently. He hoped that these actions would finally cease and that the military would withdraw permanently and completely from its involvement in labour matters, as recommended by the Committee of Experts.

The Workers' member of Pakistan referred to the recommendations of the direct contacts mission and emphasized that the Ministerial Decree No. 1 of 1994 should be abrogated. In addition, he supported the view expressed by the Workers' member of the Netherlands regarding collective bargaining.

The Employers' member of Indonesia, after recalling last year's discussion, informed the Committee that the workers and employers had been invited by the Government to participate in strengthening some regulations to ensure a better compliance with the Convention in response to the recommendations of the direct contacts mission, as was indicated by the Government representative. He was pleased with the Government's efforts to respond to the observations made by the Committee of Experts.

Another Government representative emphasized that there had been continuous, consistent and significant development of the condition of labour in his country, at least during the last 25 years, including the right to organize. He stated that the Ministerial Decree No. 1 of 1994 meant that there was no monopoly in the trade unions, and that there could be thousands or even ten thousand unions in the country. In less than four months after the direct contacts mission, the Government had already issued one Ministerial Decree and one Ministerial Regulation, because the elaboration of laws would take a long time. The Government was preparing for the simplification and the consolidation of the whole system with the technical assistance of the ILO. The speaker did not think that there was any contradiction in the two Ministerial decrees, which were consistent in promoting freedom of association and the right to bargain collectively with the respective employers at the plant level. He insisted that there was no trade union monopoly any more, because it was by consensus of all the leaders of workers in the early 1970s that they united themselves into one federation that is FBSI, which became SPSI. Regarding the involvement of security and military forces, he stated that even if there were some retired army personnel who held positions in the SPSI, they did not have any functional relations any more. He pointed out that distinction should be made between the industrial relations issues and the non-industrial relations issues: while the former was always the responsibility of the Ministry of Manpower, the security aspect should be considered in the latter, if there is threat to the national stability or dignity. He also considered that a worker violating laws related to industrial relations issues or something else should not be excused of being brought to court only because he was a worker. He finally confirmed that the efforts to simplify and consolidate the existing provisions would be continued and that progress should be awaited as to the measures for the implementation of the two Decrees.

The Committee took note of the detailed written and oral information provided by the Government representative and the discussion that ensued. The Committee welcomed the fact that a direct contacts mission had been to Indonesia in November 1993 to examine and discuss the measures to be taken to ensure the application of the Convention. Consequently, the Committee expressed the firm hope that this direct contacts mission would be followed by promising developments and that the Government would indicate, in its next detailed report on the application of the Convention, the specific measures effectively taken by the Government to codify and simplify labour legislation ensuring effective protection against anti-trade union discrimination acts and interference and to eliminate legislative restrictions on the right of workers to determine their working conditions through collective bargaining. The Committee hopes that the next report of the Government will indicate decisive progress in the legal and practical application of the Convention, if necessary with the assistance of the International Labour Office.

Malaysia (ratification: 1961). A Government representative stated that the Committee of Experts raised three main issues in its observation this year. He would confine his comments to these three issues, which related to (1) the scope of collective agreements for companies granted "pioneer enterprises" status; (2) internal management prerogatives; and (3) collective bargaining in the public service. Concerning the first issue, the Cabinet had approved the proposed repeal of section 15 of the Industrial Relations Act which limited the scope of collective agreements for so-called "pioneer enterprises", and appropriate action was currently being taken to repeal this Act. The repealing legislation would be transmitted to the ILO as soon as it was passed by Parliament. Regarding the issue of internal management prerogatives, the speaker pointed out that section 13 of the Industrial Relations Act did not confer any advantages on the employers nor did it cause any disadvantages to workers, as the matters covered by that provision were subject to negotiation, conciliation, arbitration and judicial decisions. These matters could be raised at any time as and when necessary as opposed to other matters covered by collective agreements that were negotiated at specific intervals. Finally, regarding the third issue, section 52 of the Industrial Relations Act referred to collective bargaining in the public service. Public sector employees, through their unions, had been holding regular consultations in respect of some aspects of their terms and conditions of employment, including remuneration. The Congress of Unions of Employees in the Public and Civil Services, the offices of the National Joint Councils and the Public Services Department met every month to discuss issues affecting employees in the public services. Through these discussions, the parties were working towards resolving problems by consensus. The National Labour Advisory Council, a tripartite advisory body, at its meeting in April 1994 had taken note of the need for adaptability to changes in the country's economy and the changing social requirements within the framework of an ongoing process. His Government had taken, and continued to take, positive measures to give effect to the Convention.

The Employers' members thanked the Government representative for his explanations, recalling that most of the questions raised by this case were already discussed by the Committee in 1992 and that a direct contacts mission was undertaken in Malaysia in 1993. The observation of the Committee of Experts dealt with three points. Concerning the limits to collective bargaining in so-called "pioneer enterprises", the Government representative confirmed that they would soon be lifted. He would communicate information on when the law would be modified. The exclusion from collective bargaining of issues relating to the power of management had been much discussed in the past by this Committee. The Government had indicated that even these issues could be negotiated and that there existed regulatory procedures for these types of conflicts. The question of the existence of a proper power of management had nevertheless been raised, and the Employers believed that, in certain areas, the final decision was theirs and could not be shared. But there was no need to attempt to exclude these areas from collective bargaining by law. Concerning restrictions to the right of collective bargaining in the public administration, the Government stated that they were in part compensated by the fact that joint councils of Government and worker representatives met several times per year. It was important to recall that it was voluntary collective bargaining that the Convention was asking for, through the appropriate measures given national conditions. Dialogue must be interpreted as a first step in this sense and it should lead to greater progress. Generally, the Government must be encouraged to progress by the proper avenues and report on all changes that take place.

The Workers' members thanked the Government representative for his explanations before this Committee. The points raised by the Committee of Experts were now sufficiently well known by this Committee so that there was no need to go into detail. It was nevertheless useful to recall that in 1992, this Committee had criticized legislation which allowed unacceptable interference in collective bargaining. The Committee of Experts pointed out this year that the Government was seriously envisaging the repeal of section 15 of the Industrial Relations Act, and the Government representative also indicated that decisions to this end had been taken. It was to be hoped that this was the first sign of a more positive attitude from the Government with regard to standards. It was regrettable that no progress had been made concerning two other issues. The Government representative, who invoked the need to take account of the requirements of economic development, was requested to refer to paragraph 21 of the General Report of the Committee of Experts which underlined that the respect of standards of fundamental human rights must be observed regardless of economic circumstances or fluctuations. This Committee should associate itself with the request of the Committee of Experts for further information. It was appropriate to insist that the Government inform the Office of the measures that it envisaged taking in order to protect workers against acts of interference and discrimination.

The Employers' member of Malaysia asserted that the exclusion by section 13(3) of the Industrial Relations Act of matters relating to an employee's promotion, transfer, termination, dismissal or allocation of duties (management prerogatives) was not in contravention of the Convention. He underlined that section 13(3) did not grant unfettered rights to employers, as demonstrated by numerous decisions of Malaysian courts on this matter. For example, an employer could refuse to promote an employee only for proper cause and any trade union was free under the law to raise questions as to what was or was not proper cause. Moreover, the employers' prerogative of transfer was not unlimited and the courts had ruled that there should be no unreasonableness or want of bona fide on the part of the employer. Termination by way of retrenchment could not be carried out arbitrarily and the "last in, first out" principle had to be applied. Unjust dismissal could entitle the worker to reinstatement. All the above proved that employers were not free to exercise their prerogatives in an unlimited fashion. Therefore, section 13(3) did not impose any limitations and therefore was in line with the Convention. He took exception to the Experts' view that section 13(3) constituted "limitations" to the Convention. He welcomed the Experts' view on the very same issue in paragraph 250 of their 1994 General Survey on freedom of association for holding "tripartite discussions, for the preparation on a voluntary basis of guidelines for collective bargaining", instead of doing away with section 13(3). Moreover, nothing in Convention No. 98 provided for an unfettered right for unions to bargain for their members. To provide that matters such as promotion or transfer or allocation of duties should be covered by a collective agreement would amount to asserting that it was not the management which was responsible for managing the enterprise, which would indeed be contrary to commonly accepted practice worldwide.

The Government member of Indonesia considered that the Government of Malaysia had taken significant steps and achieved progress in this case. First, the Malaysian Government had approved the proposed repeal of section 15 of the Industrial Relations Act which limited the scope of collective agreements for so-called "pioneer enterprises". Moreover, there had been periodical meetings of the tripartite partners in the public sector. It was only a matter of time before the role of the Congress of Unions of Employees in the Public Sector would progress significantly.

The Workers' member of Pakistan wished to draw the attention of the Government representative to the observation of the Committee of Experts in paragraph 2 relating to section 13, subsection 3, which limited the right of collective bargaining on questions of promotion, transfer, employment, termination, dismissal and reinstatement. He disagreed with what the Government representative had asserted, that these questions were not subject to collective bargaining and were instead dealt with by judicial decisions. He disagreed because in his view Article 1 of Convention No. 98 required that workers should enjoy protection against anti-union activities. With respect to collective bargaining rights of public servants not engaged in the administration of the State, the speaker said that the Convention expressly required they had the right to negotiate and the right to collective bargaining. He recalled that the Committee of Experts had emphasized in its General Survey that it was essential that these workers take full part in collective bargaining and should have access to all financial, budgetary and other data enabling them to assess the situation. It did not suffice to say like the Government representative did that there was always consensus in general on these questions. One had to provide for collective bargaining to resolve cases of differences between workers and employers that might eventually arise. He urged the Government to review its legislation in the light of the observation made by the Committee of Experts, and particularly to amend section 15 of the Industrial Relations Act.

The Workers' member of Japan noted the positive tone of the statement made by the Government representative but felt uneasy given the support given by the Employers' member from Malaysia and the Government member of Indonesia, a country which had a very similar outlook regarding the observation of the Committee of Experts. He joined the Workers' members in expressing the hope that real and concrete progress would be made and that the Committee of Experts would then be able to further examine the case.

The Government representative reiterated that positive steps were being taken to bring changes to Malaysian legislation. In so far as the repeal of section 15 of the Industrial Relations Act was concerned, this would be discussed by Parliament in December 1994. Regarding the other two provisions, the National Labour Advisory Council was considering the matter and it was hoped that this Committee would come up with a suggestion as to how the law was to be reviewed in the not so distant future.

The speaker added that although all developing countries considered investment and development needs to be high priority issues, this did not mean sacrificing the interests of labour. Labour played a very important role in the Government's efforts to meet development and investment targets and would continue to do so under the guidance of responsible union leaders. Three major trade union centrals in the country were participating in the National Labour Advisory Council and it was hoped that, through these tripartite discussions with the employers, concrete progress would be made in the near future.

The Workers' members noted that the Government representative was trying to demonstrate that section 13(3) did not raise any problems in practice. If that was the case, it was up to the Government to prove it by furnishing the information requested by the Committee of Experts.

The Committee took note of the statement made by the Government representative and the discussion which followed. The Committee emphasized the fact that, for several years, the Committee of Experts had been making comments on restrictions on the scope of collective bargaining which resulted from the law and restrictions on the rights of employees in the public service to bargain collectively. The Committee, like the Committee of Experts, noted the explanations provided by the Government according to which the provisions referring to collective bargaining in pioneer enterprises were being repealed. It also noted that, in the private sector, matters excluded under the law from collective bargaining were in practice the subject of negotiation. It finally noted that, in the public service, joint committees examined the problems of application of the remuneration machinery recently set up. The Committee expressed the firm hope that restrictions on the scope of collective bargaining contained in the law would be repealed in the near future in order to bring the law into conformity with practice in the private sector, and that the Government would make every effort to encourage and promote voluntary negotiation of working conditions and remuneration of employees in the public service covered by the Convention. The Committee requested the Government to submit a detailed report to the Committee of Experts to allow it to assess to what extent real progress had been made in law and in practice in these areas.

Morocco (ratification: 1957). A Government representative stated that his Government attached great importance to the right to organize and collective bargaining, which was reflected in the legislation as well as in practice. At the level of the legislation, there were two important laws – the law of 16 July 1957 respecting occupational organizations and the law of 17 April 1957 on the collective bargaining – which formed the basis for the collective bargaining. Besides the ratification of Convention No. 98, the procedure for the ratification of Convention No. 154 on collective bargaining was presently in its final stage as the Government had already given its accord in principle. On the practical level, collective agreements were concluded both in certain industrial sectors and in individual enterprises; to increase their number and to facilitate the dialogue between the social partners, a model of a typical collective agreement had been elaborated in collaboration with occupational organizations. He considered that the promotion of the law through negotiations was a solution for the future for the stability of industrial relations and for finding practical solutions to the existing problems. With respect to the comments made by certain Moroccan trade unions, like the CDT and the UGTM, concerning the absence of texts protecting the workers against acts of anti-union discrimination, the Decree of 23 October 1948 provided that the employer could hire workers only on the basis of their qualification and aptitude, any other criteria being illegal, including membership in a trade union; the law of 17 July 1957 proclaimed freedom of association and the right to form trade unions freely to defend professional interests of their members, any encroachment on this liberty being punishable. He emphasized that it was for the complaining party to take the case to the tribunal and that the tribunals had in fact taken decisions in these cases. The Tribunal of the First Instance of Rabat, for example, having determined that the real motive for dismissing certain workers was their exercise of trade union activities, ordered these workers to be reintegrated in their employment. In addition, the Court of Appeal of Rabat, in its decision of 1 October 1984, considered that dismissal for trade union activity was abusive and could give grounds for compensation. As these sanctions were sufficiently dissuasive, it did not seem necessary to provide for penal sanctions, all the more so as Convention No. 98 did not require it. However, to conform to the opinion of the Committee of Experts, more precise provisions accompanied by penal sanctions were included in the draft Labour Code. The adoption of this Code was however delayed at the request of the occupational organizations which wanted to improve it, but considering the measures taken lately, it was highly possible that the Code would be adopted or submitted for adoption before the end of the year. Concerning the complaints considered by the Committee on Freedom of Association, mentioned in the report, he stated that the number of complaints should not prejudge the application of Convention No. 98 and that, on the contrary, the existence of such complaints demonstrated that the interested parties were free to express themselves without any fear of repressive measures. The Government had already responded to these complaints and considered that the complainants should first of all exhaust all internal procedures before the ordinary tribunals to contest the employers' decisions as well as taking action before the administrative tribunals to cancel the administrative acts. Concerning the information on the settlement of collective labour disputes, the representative pointed out that, generally, the procedure for their settlement was contained in the collective agreements concluded between trade unions and employers. The law of 1946 on the conciliation and arbitration which prohibited the use of strikes until the conciliation procedures were exhausted was no longer applied, as a result of the position taken by the trade unions which considered this law to be incompatible with the principle of the right to strike guaranteed by the Constitution; a new draft law had been elaborated and communicated to occupational organizations for comments. In the preceding month a high-level social dialogue had taken place between the Government and the social partners, with very positive results. A written and more detailed report would be communicated as soon as possible.

The Workers' members stated that it was a well-known case for the Committee on Freedom of Association as well as for this Committee, which had already discussed the matter in 1988. They noted with satisfaction the intention of the Government to ratify Convention No. 154, as well as that of taking into account the comments made by the experts. They recalled that the Committee of Experts had for many years made observations and criticisms concerning the acts of anti-union discrimination and interference contrary to provisions of Articles 1 and 2 of the Convention, and that many trade unions, like the CDT and the UGTM, had to resubmit their complaints and observations denouncing the poor functioning of the collective bargaining procedures as a means of determining the conditions of work. For many years the Government had only repeated that a draft Labour Code was in the course of elaboration, yet this Code had still not been adopted and in the meantime there were many acts of anti-union discrimination. Moreover, collective bargaining had until now remained a theoretical concept and apparently did not have much practical impact. They were even obliged to note that a number of questions persisted concerning the quality of information supplied by the Government. The Committee on Freedom of Association was obliged to deal with numerous complaints without having received the comments and information from the Government. In order to demonstrate its real intention, the Government should adopt the necessary provisions in order to resolve the problems mentioned and provide the information required so that they could be examined in time by the Committee of Experts. They suggested that the Government could request the technical assistance of the Office, but considered that a direct contacts mission would be a more appropriate means of action. It was important to indicate in the conclusions that real progress must be registered next year.

The Employers' members recalled that this case was last discussed in this Committee in 1987 and 1988 and that, with respect to the absence of legislation guaranteeing protection against anti-union discrimination, the Government representative was saying essentially the same things that he said in 1987. Already in 1987 the Government announced that it was about to issue the draft Labour Code which had been prepared with the assistance of the Office. Today it stated that there were new delays in the adoption of this legislation at the request of the participants in this process who wanted to make changes in substance. The Employers' members wondered whether this text was still consistent with the requirements of the Convention after an interval of seven years. The Employers' members supported the suggestion made by the Workers' members for a direct contacts mission to review the present state of the legislation. Given the fundamental nature of protecting workers' organizations from interference, they considered that the Government should enact legislation and fully implement it in practice as a matter of urgency. As to whether or not there was a viable system of collective bargaining in Morocco, the Employers' members noted that negotiations took place through special commissions that included the social partners. However, the Committee of Experts had made a series of requests to the Government for information to clarify the situation, and the Employers' members urged the Government to honour its commitment to provide the information as soon as possible. It was only after the Committee of Experts had reviewed the situation that the Employers' members would be in a position to evaluate whether or not the Government was fully meeting its obligations under the Convention.

The Workers' member of Morocco stated that while the Government of Morocco had ratified the Convention in 1957, no consistent policy was applied in the field of collective bargaining; only ten collective agreements had been concluded since the 1960s; and even the collective agreements signed by the Government were violated, as it was the case in the sugar production sector. The law on collective agreements was not applied, as for example in the banking sector, and when the Government was organizing what its representative has called "dialogues" with the social partners, the result was meaningless and formal sittings giving an illusion of dialogue. Concerning the violations of the rights of trade unions, the acts of anti-union discrimination and interference, he regretted that a Convention of such importance as Convention No. 87 has not been ratified. The law of 16 July 1957 respecting occupational organizations did not provide for the protection of trade union delegates and of trade unions which resulted in practice in violations in the form of dismissals, imprisonments and legal prosecution of trade union activists. In the course of 1993 alone, 96 trade unionists of the Moroccan Union of Labour (UMT) had been arrested or prosecuted, including a good number of militant women, and several dozen militants were dismissed for their trade union activities. The decisions on the reintegration of the dismissed activists given by the tribunals were not applied. This was why several complaints had been made by the UMT to the Committee on Freedom of Association; the examination of the complaints before the Committee on Freedom of Association had been postponed many times because of the lack of information from the Government. There was also another and more dangerous form of violation of the right to organize: the Government, in the name of trade union pluralism, was creating various trade union organizations, directly and indirectly, through the intermediary of political parties with the aim of weakening the free, authentic and independent trade unions organized by the workers and for the benefit of the workers. This was in flagrant contradiction with the resolution of 1952 concerning the independence of the trade union movement. Concerning the draft Labour Code and the draft law on arbitration and conciliation, he indicated that there were divergent points of view because those drafts did not constitute a veritable social advance, being in fact a simple compilation of the old texts with an objective of encroaching on the social achievements and in particular on the right to strike. The Committee should invite the Government of Morocco to respect the Convention and the right to organize.

The Government representative recalled that the acts of discrimination came within the competence of the tribunals, and that the interested parties should bring their cases before those bodies. As to the poor functioning of collective bargaining, it was a question which concerned exclusively the trade unions and the employers, because the Government did not interfere in this field. The draft Labour Code had been amended and contained very important provisions which would make possible the ratification of other Conventions. In the pluralistic system in Morocco, there existed at present seven central trade union organizations and the Workers' member who had spoken previously might not represent the general opinion of all trade unions.

The Committee noted the oral information communicated by the Government representative as well as the discussion which took place. The Committee observed with concern that, despite the assurances given on a number of occasions by the Government to adopt a draft Labour Code in the near future and to bring the legislation into conformity with the Convention, no tangible progress has been noted. The Committee noted that, in the course of the examination of numerous complaints concerning acts of anti-union discrimination, the Committee on Freedom of Association had recommended the Government to ensure effective protection against acts of anti-union discrimination by means of specific provisions. The Committee also noted that the Committee of Experts had made observations on this question as well as on the protection against acts of interference and the poor functioning of the machinery of collective bargaining for the purpose of determining conditions of employment. Recalling the importance it attaches to the implementation of this fundamental Convention, the Committee once again called on the Government to provide, as of next year, a detailed report to be examined by the Committee of Experts in order to permit an evaluation of the extent to which real progress has been made in law and in practice. The Committee recalled that the International Labour Office was at the Government's disposal to provide any technical assistance that might be necessary in the form of direct contacts or any other form.

Singapore (ratification: 1965). The Government supplied the following information:

The Annual Wage Supplement (AWS) payment is peculiar to Singapore. It began as a form of goodwill payment given by employers to their employees during the year and festival seasons. This was particularly so when companies were profitable. This payment later became a contentious industrial relations issue in collective bargaining. While the unions sought to raise the quantum of this payment, employers wanted it to be discontinued. As a compromise, employers and unions agreed that the payment of AWS should be limited to one month's salary and setting a legislative limit would help to solve the disputes on this issue. As there is no restriction in collective bargaining in respect of negotiation on wage increases, bonus payments and other forms of reward for workers, the legislative limit on the quantum of AWS to resolve an industrial relations problem peculiar to Singapore should not be viewed as an imposed restriction on collective bargaining. It should be seen as a "social contract" between the employers and trade unions, with the support of government to resolve a contentious issue in industrial relations for the benefit of all. To remove the legislative limit would seriously undermine this "social contract" and bring forth the contentious issue which has been painfully overcome through tripartite consultations and consensus. Hence, the Government hopes that the Committee of Experts could look at this legislative limit from the historical perspective and give due regard to the need to help balance the interests of both employers and unions/workers through legislation to solve this peculiar problem. As far as rewards for workers are concerned, either in the form of wage increases or bonus payments, there is no restriction in the system of collective bargaining.

In relation to section 25 of the Industrial Relations Act, we would also like to confirm that the Industrial Arbitration Court has, as in previous years, not refused to certify any of the collective agreements which contained terms and conditions of service more favourable than Part IV of the Employment Act.

Sudan (ratification: 1957). A Government representative first of all stated that in his country freedom of association was guaranteed by section 16.1 of the Trade Union Act of 1992. This Act prohibited that a request to join or to leave a trade union be refused. Joining and leaving a trade union were finalized immediately upon request. This section must be read together with section 13 of the Manpower Act, which provided for the registration of candidates for posts. There were no constraints in that Act to membership or non-membership of a trade union. Section 9 of the same Act also stipulated that an unemployed person with the capacity and desire to work could register with the employment service concerned upon presentation of the necessary documentation. Secondly, section 13(b) stipulated that any enterprise employing ten or more persons that wished to employ a person covered by this Act could request to the corresponding employment service to recruit a person qualified for that job. With regard to the question of stability of employment and the prevention of discrimination with regard to workers and their trade union organizations, section 3, subsection 2 of the Act of 1992 prohibited the employer from disciplining any member of a trade union because of that person's trade union activities. Thirdly, with regard to the protection of trade union organizations, section 24 of the Trade Union Act of 1992 stipulated that the employer could not impose any financial or other penalties or sanctions in order to make a person join or leave a trade union organization, and the employer could not interfere in the internal affairs of trade union organizations. Fourthly, with regard to the necessity of adopting measures in order to promote collective bargaining negotiations, section 11 of the Industrial Relations Act of 1976 provided that in the case of a labour dispute, the two parties to the dispute were required, within a period of two weeks, to launch negotiations in order to reach a voluntary settlement to the dispute within three weeks from the start of such negotiations. He concluded by insisting on the importance his Government attached to the dialogue with this Committee and expressed its readiness to cooperate with it and with the Committee of Experts in order to serve the objectives of this Organization.

The Workers' members pointed out that although the brevity of the observation of the Committee of Experts on this case might be interpreted to obscure the very serious character of the violations of Convention No. 98 involved in this case, nothing could be further from the truth. They recalled that the experts' observation was not based upon a report from the Government, but on the conclusion of the Committee on Freedom of Association in Case No. 1508, adopted in November 1992. The comments of the Committee of Experts on this case suggested that there had been a violent and almost total elimination of trade union rights in Sudan. For a better understanding of this case, they considered it was necessary to look at the facts and the conclusions of the Committee on Freedom of Association in Case No. 1508 on which the Committee of Experts relied in reaching its conclusions. This revealed that the complaint was filed in October 1989 with the Committee on Freedom of Association by the WFTU, the ICFTU and the International Federation of Commercial, Clerical, Professional and Technical Employees alleging severe repression of trade union activities following the June 1989 coup d'état including the dissolution of all trade union organizations in the country, the detention of numerous trade union leaders, the confiscation of union assets and property by the military and the sentencing to death of a trade union leader for calling a doctors' strike. The Committee on Freedom of Association concluded that there was, first, a denial by the new Trade Union Act of trade union rights to certain public servants; second, the imposition of a system of trade union monopoly imposed by legislation; third, government interference in union activities and elections; fourth, suspension or dissolution of trade union organizations by administrative authorities; and finally, lack of sufficient protection afforded to workers against acts of anti-union discrimination. In view of the seriously troubling aspects of this case, they wished to ask the Government representative to inform them about any corrective measures taken or contemplated to amend the new Trade Union Act and thus ensure workers' rights under the Convention. Thus far, what they had heard from the Government representative was really a restatement of the current law and not a response to the comments of the Committee of Experts and the Committee on Freedom of Association.

The Employers' members noted that up until now this Committee had not dealt with Sudan under Convention No. 98. They recalled however that in the last few years it had repeatedly dealt with this country on other subjects, such as under Convention No. 29, on forced labour where considerable problems were encountered and clear violations noted. This year it was certainly timely to deal with this country under Convention No. 98, the application of which posed serious problems. The statement of the Government representative did not in any way respond to the points raised by the Committee of Experts regarding the non-compliance, in law and practice, by Sudan with fundamental principles of freedom of association. They fully supported the views of the Workers' members and felt that if no concrete replies were not provided by the Government, at least in its next report, this Committee should reserve its right to come back to it next year in order to see whether important changes had occurred.

The Workers' member of New Zealand noted that the experts' comments on this case were brief but absolutely unequivocal. These comments recorded the conclusions of the Committee on Freedom of Association which expressed concern at the numerous and serious incompatibilities of the 1990 Trade Union Act with the principles of freedom of association, and in particular the lack of protection afforded to workers against acts of anti-union discrimination. Since the introduction of the new Act and the issuing of the report of the Committee on Freedom of Association, it appeared that the events in Sudan over the past 18 months had in fact confirmed the worst fears expressed concerning the likely impact of the Act. Moreover, the Government had interfered in trade union activities and trade unionists had been arrested, detained, tortured and forced into exile. The speaker was heartened by the statement of the Government representative when he said that his Government wanted to work very closely with this Committee and with the Committee on Freedom of Association to fulfil the requirements of the Convention. She felt, however, that if any practical change were to occur, then this Committee needed to express its views in the strongest possible terms.

The Workers' member of Togo emphasized that the violation of trade union rights constituted a violation of human rights. The situation in Sudan preoccupied independent African organizations which worried that these violations could spread and threaten the whole system of standards.

The Workers' member of Sudan spoke as Secretary-General of the Sudanese Confederation of Trade Unions and thanked the Government representative for his explanations before describing the trade union situation in his country. The merging of all of the sectoral and various levels of unions decided upon by the Trade Union Conference of 1990 was in response to a more general objective of efficiency and independence as regards political parties. The law counted for less than the power of the trade union movement: it was thanks to the power of its conviction that the movement obtained the modification of the minimum wage from the Government. This Committee, in its work of defence of social justice, should avoid to treat developing countries in the same manner as industrialized countries. Those countries need technical assistance to provide them a fair base.

The Workers' member of Germany, reacting to the Workers' member of Sudan, considered that a situation of imposed trade union monopoly did not indicate a great respect of the right to organize, which necessarily involved the free choice of union affiliation. When the law provided for a single trade union, neither trade union independence nor freedom of association was respected. This Committee should clearly point out that this was a grave violation of human rights.

The Workers' member of Sudan, in response to the Workers' member of Germany, stated that the trade union unity in his country had not been imposed by law but had been decided upon spontaneously by elected representatives.

The Workers' member of Greece, reacting to the Workers' member of Sudan, stated that it was not useful to come to help the Government representative in the elements not reflecting the reality. The real trade union situation in Sudan had been explained to the Workers' group by a Sudanese trade unionist in exile, which was characterized by the absence of freedom of expression and of freedom of association. It was not by prohibiting workers from freely explaining themselves that a country hoped to progress in its development.

Another Government representative of Sudan replied that the National Salvation Revolution did not dissolve the trade unions, but only re-examined political and social organizations and setups. With regard to trade unions and the revision of their structure, it should be noted that they were suspended for a period of only two months, after which they resumed their activities in full freedom. They held a large conference in 1990 in the course of which the workers laid down a new strategy for trade union activities to allow workers to enjoy their trade union rights. This dialogue gave birth to a tripartite committee which drew up draft trade union legislation endorsed by the competent authorities. He considered that the views expressed in this Committee were not pertinent to the question of whether his Government was applying Convention No. 98. In his view this was being done satisfactorily regarding discrimination and the right to collective bargaining. With respect to the violations raised in the Committee on Freedom of Association they said the Government had provided that Committee in 1993 with a detailed reply containing explanations on the provisions of the law. The Committee had not yet considered or examined this reply. In his view therefore the dialogue was continuing. He further wished to add that in Sudan they did not have detainees at present and that if anyone was interested to ascertain this he would be most welcome to do so.

The Employers' members considered that the discussion had shown that their proposals to have a complete report on all the individual points raised were urgently required in order to permit the re-examination of the situation in Sudan as soon as possible.

The Workers' members supported the views expressed by the Employers' members that this case needed to be examined again next year. They emphasized the gravity of the situation and expressed the hope that that would be reflected in the conclusions of this Committee in view of the fact that one of the allegations included the death and torture of a trade union leader. Were it not for the fact that it was being discussed for the first time they would certainly have requested that it be put in a Special Paragraph.

The Government representative of Sudan reiterated the fact that the issue under discussion was pending before the Committee on Freedom of Association which Committee had been provided with a report. The issue regarding the death of a trade unionist was raised within the said Committee and a reply provided. He said he would convey the observations of this Committee to his Government.

The Committee took note of the statement made by the Government representative and the discussion that took place in the Committee. The Committee would like to remind the Government of the need to make in-depth modifications in its national legislation and practice to ensure the application of the Convention. The Committee noted with concern several complaints had been submitted to the Committee on Freedom of Association concerning, in particular, serious acts of anti-trade union discrimination. The Committee would reiterate the importance that it attached to the interdependence that existed between civil rights and freedom of association, and it could not overemphasize the fact that the guarantees stipulated in the Convention could not be effective unless they were truly recognized and protected as part of civil and political freedoms. The Committee expressed the firm hope that the Government would, as of next year, submit a detailed report to the Committee of Experts on the measures taken or under consideration to ensure that workers and their organizations had true protection against acts of anti-trade union discrimination and against acts of interference, as well as to promote voluntary negotiation of collective bargaining agreements, with a view to regulating employment conditions between employers and workers in Sudan.

Turkey (ratification: 1952). A Government representative of Turkey declared that he would offer information on the three points concerning the application of Convention No. 98 raised in the report of the Committee of Experts: (1) numerical requirements concerning the determination of the representativity of a trade union for collective negotiation; (2) trade union rights of civil servants; and (3) compulsory arbitration in relation to the suspension of a strike. Concerning the first point, the speaker recalled having given information last year on Article 12 of Law No. 2822 on Collective Labour Agreements, Strikes, and Lock-outs. This had not been modified because the most representative social partners wished to maintain the existing system, and the Government was not able to undertake the legislative modifications requested by the Committee of Experts. He added that there was now a proposal of the Ministry of Labour and Social Security to remove the 10 per cent numerical restriction so that the trade union could participate in collective bargaining of any given branch, and this had been communicated to the social partners. The Confederation of Workers, TURK-IS, has declared itself against this proposal by a letter of 5 April 1994. The Confederation of Employers, TISK, equally declared itself against the proposal by a letter of 19 April 1994. Nevertheless, the Ministry is continuing its work to modify this Law and the law on trade unions. Concerning the second point (trade union rights of civil servants), the speaker recalled indicating last year that new legislation would be drafted in conformity with Conventions Nos. 87 and 151 which have recently been ratified by Turkey. He reported that there has now been a proposal of a law on trade union rights for civil servants and their participation, by the intermediary of their representatives, in the determination of their conditions of work. This proposal has been approved by the Council of Ministers, and it has been submitted to the National Assembly and transmitted for study to the Parliament. He added that, in practice, civil servants have already started to form trade unions, and that by a Circular of the Prime Minister, No. 1993/15 of 15 June 1993, the hesitations of certain administrative authorities have been removed, and the civil servants can freely constitute trade unions. Concerning the third point (compulsory arbitration in relation to the suspension of a strike), the speaker pointed out that if the Committee of Experts request a modification of Article 33 of Law No. 2822 on Collective Labour Agreements, Strikes and Lock-outs, he believed nevertheless that compulsory arbitration should be applied to essential services the interruption of which may put in danger all or a part of the population, life, security or health. The speaker added that the contents of this Article are not in contradiction with the principles held by the Committee of Experts because they permit the Government to impose compulsory arbitration only if the strike is of a nature such as referred to above. He underlined, however, that any decision of the Government in this affair could at any moment be submitted to independent judicial procedures or submitted to private arbitration. Finally, he pointed out that the Government could always rethink or annul its decision if circumstances justify a cessation, the interested parties still having the possibility to reach an agreement at this stage. The conflict would be submitted to compulsory arbitration of the Supreme Committee of Arbitration only if there is no solution. In any event, the Government will not call a suspension to a strike except in exceptional circumstances, and they have not resorted to this procedure in the last year. To conclude, the speaker announced the adoption by the National Assembly of a law authorizing the Government to ratify Convention No. 158 (Termination of Employment, 1982). This will hold particular importance for the right to organize and trade union activity.

The Workers' members pointed out that this case had been discussed several times and that the Committee of Experts had formulated observations on the matter. These observations were restated in its last report under the three points put forward below and upon which the Government representative based his intervention: the numerical requirements of 10 per cent of the workers in a branch and more than half of the workers of the establishment was required of the trade union to obtain the power for collective bargaining; the refusal to allow civil servants the right for collective bargaining; and compulsory arbitration in work conflicts which affected essential services. They noted with interest the ratification of Conventions Nos. 87, 135 and 151 and welcomed the announcement of the future ratification of Convention No. 158. Nevertheless, they had the impression that many of the measures announced by the governmental representative and the ambiguous nature of the statements made by the Government representative led them to believe that the Government would continue to control the trade union movement and the development of collective bargaining. Returning to the question of numerical requirements, they supported the statements made in the General Survey (paragraph 97 and following, and paragraph 238 and following) concerning the importance of an equilibrium between trade union pluralism and efficiency in collective bargaining. They equally agreed with the considerations developed in paragraph 241 of the same study in which the Committee of Experts dealt with the recognition of trade unions leading to collective bargaining, and considered that such a system could lead to the exclusion from negotiations of a union which, while having a majority, did not constitute 50 per cent of members. Considering that a national system must promote the efficiency of collective bargaining and stimulate social dialogue, they believe that the system foreseen by the Turkish legislation did not respond to this need because of the double criteria concerning the amount of workers represented. This double criteria allowed the exclusion of a large number of workers from all collective bargaining. Concerning the right to negotiation for workers in the civil service, the Workers' members supported the opinion expressed by the Committee of Experts in paragraph 105 of its General Study and considered that freedom of association could not be denied to civil servants or to public employees. This sector must be allowed a significant role in matters of collective bargaining (paragraph 265). They felt that the concept of a civil servant must be understood in a strict sense. Concerning compulsory arbitration, they recalled that the Committee of Experts only allowed this procedure in cases of essential services. They requested the Government representative to give explanations as to the system of compulsory arbitration prescribed in free trade zones. To conclude, the Workers' members requested the Government to follow the proposals of the Committee of Experts in eliminating both numerical requirements as well as the requirement for compulsory arbitration and to adopt the law on trade union rights for civil servants. They expressed their hope that the Government would take the necessary measures for stimulating free collective bargaining at all levels and in all enterprises.

The Employers' members first dealt with the question of numerical requirements used to determine the representativity of an organization within the framework of collective bargaining. The Committee of Experts criticized the double criteria of 10 and 50 per cent as being too high, and the Employers agreed. The Government also appeared to agree, as it had not expressed a divergent opinion. The Employers' members understood, however, the difficulty the Government had in modifying the regulations in question since the social partners seemed to want to maintain the system as it was and both had rejected the proposed change in the law. Nevertheless they called on the Government to do everything possible to submit a new law to Parliament understanding that the question could only be resolved by modification of the pertinent regulations. Secondly, the Employers' members could not express an opinion concerning the right of negotiation for civil servants, since, according to the information communicated by the Government, the Parliament was now studying a proposed law which would abolish or at least limit the restrictions imposed on civil servants. The new law would allow civil servants the right to negotiate collectively. In any event, it seemed that, according to the Committee of Experts, the TURK-IS was not satisfied and that the restrictions persist. The Committee of Experts had expressed the hope that the proposed law would guarantee to public civil servants the right to bargain collectively and that the Government would provide information on any new changes. For their part, the Employers' members hoped that these changes would be undertaken and followed, and they hoped to be kept informed of the progress realized. Third, the Employers' members dealt with the question of compulsory arbitration. They referred to the formula utilized by the Committee of Experts according to which it should not be used except in the case of certain essential services in the strict sense of the term. That is to say, compulsory arbitration would be used only in cases where there was a threat to public health, public security or the lives of the population. The Employers' members considered, as they had said several times, that this formula went too far and that the State must have the possibility to intervene before such a grave situation occurs. The Government has said that it would only use compulsory arbitration when public health, security or lives were in peril. Furthermore, it stated that an appeal to the courts could be lodged against the decision to interrupt a strike for 60 days, and all sides participate in the subsequent arbitration. Finally, there are no indications that this kind of arbitration is often used or that it is used in an abusive manner. They considered that a procedure was significant only when one appreciated its application in practice. It should be recalled that compulsory arbitration would come into play only after a delay of 60 days had been allowed for the partners to reach an agreement. In addition, there was the possibility to appeal within the judicial system and to constitute a tripartite arbitration tribunal. The Committee of Experts had not signalled an abuse of this procedure, and in these circumstances, the Employers' members felt that they must ask the Government to follow up the measures that they had begun with a view to modifying the regulations concerning numerical requirements and to facilitate the participation of civil servants in collective bargaining. To conclude, they were reassured by the fact that the Government had ratified Convention No. 87 last year.

The Workers' member of Norway declared that he would be speaking for the Workers' members of Denmark, Finland, Iceland, Sweden and the Netherlands. He deplored the fact that the Turkish Government continued to oppose pluralism in the structures of trade union activity. Examination of the consequences of the prescribed numerical requirements for judging the representativity of an organization for collective bargaining purposes, led to the conclusion that the Government wished to crush the leftist trade unions. This applied in particular to DISK, a trade union which the Government should be proud of because it had been noteworthy for its contributions to the political process leading to democracy. He considered it wrong for the Government to state that another Turkish trade union did not accept the interpretation of the Committee of Experts. He underlined the fact that the right of civil servants to take part in collective bargaining had still not been recognized. This was in spite of the fact that the Government had assured the Conference Committee on several occasions that laws contrary to fundamental human rights would be repealed quickly after the adoption of the Constitution of 1980 and after a conference held in March 1994 in Istanbul. Participants to this conference included the European Union, the Council of Europe, trade union leaders of TURK-IS, of HAK-IS and of DISK and the international centres ICFTU and the ECTU. The Government affirmed that the measures necessary for ensuring that national legislation conformed to the Conventions of the ILO, and notably Convention No. 98, would be taken. The Government also referred to its request to become a Member of the European Union which would guarantee the consecration of fundamental rights into its national legislation. In his opinion, the proposal for a law which had been presented envisaged the assimilation of organizations of civil servants to associations and not trade unions, thus implying that the State would exercise control over these organizations according to civil law.

The Workers' member of Turkey regretted that the Government had continued to violate the provisions of the Convention. Existing legislation fixed fines for acts of anti-union discrimination at 30-130 US cents, which was ridiculously low. Legislation also required trade unions to inform the Government of newly recruited members within 15 days and the Ministry of Labour used its authority to issue certificates of competence as a means of interfering with trade unions. Trade union officers and employees could be dismissed without just cause, and employers could oppose their reinstatement. The speaker emphasized the need for a total revision of labour law in Turkey, in line with Conventions Nos. 87, 98 and 151, and for this, technical assistance should be requested from the ILO. The speaker cited several examples in which public servants were prevented from organizing. The draft legislation referred to by the Government as a positive step in this regard would not solve the problems and, in certain cases, might even aggravate them. In one case, a trade union of civilian employees in military establishments, legally formed under existing legislation, would be dissolved under the proposed bill. There was little room for collective bargaining in the legislation. In case of a dispute, the proposed legislation establishes a conciliation committee, made up of two government officials and a university staff member, which proposes a solution. The Council of Ministers has power to decide whether a strike will be allowed and when and where it will take place. There is extensive use of compulsory arbitration in Turkey. Strikes are banned in a great number of non-essential sectors. Even where collective bargaining is allowed, it is to be completed in a period of 60 days; and if not, compulsory mediation determines the matter. Pursuant to the Free Trade Zone Act, there is compulsory arbitration for a period of ten years following the establishment of the zone. These are clear violations of Convention No. 98. The proposed amendments to the Collective Labour Agreements, Strikes and Lock-outs Act will not bring the legislation into line with the Convention. And neither will the Democratization Plan of the Government. The speaker concluded by reiterating that all Turkish labour legislation needed to be harmonized with Conventions Nos. 87, 98 and 151 as well as recommendations and proposals of the Committee of Experts, the

Committee on Freedom of Association and this Conference Committee. This should be done with technical assistance from the Office and the participation of the social partners.

The Employers' member of Romania considered that, instead of criticizing the Government of Turkey, the Conference Committee should congratulate it on its efforts in complying with Convention No. 98. Concerning the problem of numerical requirements, the speaker wished to know if there exist internationally recognized standards or if the Committee of Experts could suggest optimal numerical requirements. The speaker pointed out that negotiations became more difficult with a larger number of social partners, and the lower the numerical requirement, the larger the number of social partners.

The Workers' member of Greece was disappointed that the Employers' members had been reassured simply because Turkey had ratified Convention No. 87. In many countries, and notably in Greece, Conventions ratified long ago have not been implemented, as the Committee has recognized. It was important to point out that it was not sufficient merely to ratify a Convention. National legislation must also be brought into conformity with the Convention so that it would be respected. He wondered why the trade union DISK, member of the European Confederation of Trade Unions and a member of the Executive Board, was not participating in this meeting at the Conference.

The Government representative assured the Conference Committee that its observations and suggestions would be studied by the competent authorities of his country. He recalled that, as concerned the suppression of numerical requirements, there was a proposal for a law now under discussion which saw the suppression of the 10 per cent requirement. As to the rights of civil servants to organize, he recalled that, in the light of Conventions Nos. 87 and 151 on freedom of association, a proposal for a law concerning the procedures for determining the conditions of work for civil servants was being studied by Parliament. Concerning freedom of negotiation between the social partners, the speaker declared that his Government desired to enter this process as little as possible. He discarded the idea that there was no freedom for negotiation in Turkey, citing the 1,783 agreements concluded through free collective bargaining since 1982 and covering 1,090,000 workers, and the some 1,153,578 hours of work lost to strikes since that date. To conclude, the speaker pointed out that proposals for reform foreseen by his Government had been communicated to all concerned parties, including DISK, the HAK-IS, the TURK-IS and the TISK.

The Workers' members, referring to the intervention of the Employers' members, declared that the existing problems were not unimportant, and that it was necessary to continue to insist that the Government proceed with the requested modifications of the legislation. They considered that the problem of numerical requirements was not just that it served as a criterion for defining the most representative organizations but also the fact that the existing legislation had a double requirement. This resulted in the exclusion of a large proportion of workers. Concerning compulsory arbitration, they judged it indispensable to refer to the spirit of the Convention and the opinion of the Committee of Experts.

The Employers' members agreed with the Workers' members that it would be useful to modify the regulations concerning numerical requirements, even if an important trade union wanted to maintain the existing situation. Concerning the declarations of the Government representative they did not consider the fact that the large number of strikes signified important social progress. Concerning compulsory arbitration they felt that this procedure was valuable to the extent that non-ambiguous criteria were established and where the participation of the two parties was guaranteed. Relating to the formula utilized by the Committee of Experts, they preferred to hold to the letter of the Convention more than to its spirit, which they judged at times confused.

The Committee took note of the statement of the Government representative concerning the developments which had occurred and the discussions which had taken place at the Conference Committee. The Committee was pleased to note the recent ratification of Conventions Nos. 87, 135 and 151, which should lead to a better application of the present Convention. The Committee recalled, nevertheless, that for a number of years the Committee of Experts had noted important differences between legislation and the Convention. The Committee requested the Government to adopt measures to eliminate restrictions on collective bargaining resulting from the double criteria for judging the representativity of trade unions, so that they might bargain collectively with employers; and to promote collective bargaining as a means of determining conditions of work and for adopting specific legislative provisions to accord to workers in the public sector, covered by the Convention, the right to form trade unions so as to enable them to bargain collectively on the conditions of their employment. The Commission insisted that the next report of the Government should provide details on the application of the Convention, particularly the concrete measures taken to stimulate and promote, as a priority, free collective bargaining. The Commission requested the Government to communicate the legislative proposals elaborated in this area. The Commission hoped to be able to signal major progress on these questions in the near future.

United Kingdom (ratification: 1950). A Government representative referred first to the Committee of Experts' comments on the United Kingdom Government's compliance with Article 4 of the Convention in relation to the determination of schoolteachers' pay and working conditions in England and Wales. In its report, the Government had provided information on the establishment of an independent review body to make recommendations on the pay and conditions of teachers in England and Wales and also on the public endorsement of this body by five out of six of the national unions representing teachers in service. In response to a request from the Committee of Experts, it had provided information on the statutory powers of the review body and of its practical functioning during the pay rounds of 1992 and 1993 including particularly the involvement of all teachers' unions and employers' associations. In its report, the Committee of Experts recorded this information and concluded that, "the Committee notes the information provided by the Government and trusts that the new pay review machinery for schoolteachers will not be applied in practice so as to hamper the freedom of collective bargaining". He believed that both the constitution and practical operation of the review body were consistent with that objective. Consequently, he found no issue in the Committee of Experts' report to explain or defend to this Committee. However, the mere fact that the subject of schoolteachers' pay machinery had been selected for discussion, suggested clearly that there was perhaps some problem of which neither his Government nor the Committee of Experts had been informed. He thus suggested that the Workers' representative give his Government any information received on the matter without taking the issue any further in this Committee today. That approach, he believed, would be in accordance with the written agreement which the Government had reached with the TUC and CBI, to meet the requirements for tripartite consultation concerning reporting procedures under Convention No. 144 so as to enable them to provide comments to the Committee of Experts on the issues raised, if necessary. In the meantime, he considered it would be premature and possibly contrary to the established procedure of the ILO's supervisory machinery for this Committee to consider now any issues which neither the Government nor the Committee of Experts had had the chance to consider. With respect to the Committee of Experts' comments on the protection available in the United Kingdom to those who were rejected for a job because of their trade union membership or activity, he stated that, since 1978, his Government considered that the requirements of Convention No. 98 in this regard were met by the provisions of the Employment Protection (Consolidation) Act of that year. However, with the introduction of the Employment Act, 1990, the Government specifically extended protection to ensure that individuals would not be denied employment on the grounds of trade union membership. He elaborated further that Section 1 of the 1990 Act provided that an individual's ability to obtain a job should not be affected by the question of whether or not they were a member of a trade union by making it unlawful for an employer to refuse to employ anyone on the grounds of such membership or non-membership, or for refusal to join or for cessation of membership of a trade union. Anyone who was refused employment on these grounds could complain to an industrial tribunal and it would be for the tribunal to decide the complaint on the facts of the case. If a tribunal found that an individual had been unlawfully refused employment for reasons relating to trade union membership, it would make a declaration to that effect and could also award the complainant compensation to be paid by the prospective employer and/or would recommend that the prospective employer take action to remedy the damage of that unlawful refusal. It could, for example, recommend that the employer should consider the complainant for a job vacancy, although it could not order them to do so. The tribunal would assess and award any compensation on the same basis as damages for breach of statutory duty, and this might include compensation for injury to feelings. In cases where an employer against whom a complaint was upheld failed, without reasonable justification, to comply with a recommendation, the tribunal might increase the amount of its award if it had not already done so up to a maximum limit of £11,000. In his view, these were substantial legislative provisions, by any standards, explicitly outlawing discrimination in recruitment on grounds of trade union membership and providing appropriate remedies. He remarked that the Committee of Experts had taken note of this and conceded that this might offer "some remedy" against acts of discrimination against trade union membership but added that it "considers that the existence of legislative provisions prohibiting such acts is not sufficient if these provisions are not accompanied by effective procedures ensuring their application in practice and machinery appropriate to national conditions should be established, where necessary, to ensure respect for the right to organize". It was not at all clear what procedures and machinery the Committee of Experts had in mind and it unfortunately offered no further explanation except to echo the regret of the Committee on Freedom of Association in Case No. 1618, that the Government did not take any measures to implement the recommendations of the House of Commons Select Committee cited in that case. The relevant recommendations of that House Committee were that all organizations supplying information about potential employees should be subject to licensing and to a code of practice, and if a potential employee were refused employment as a result of the information supplied, it should be passed on to the employee to provide a chance for that information to be rejected. The Government had not accepted these recommendations because it believed that they would impose significant additional burdens on all organizations supplying information to prospective employers (which would, for example, include previous employers, banks, schools and colleges) without improving the protection available to jobseekers. The provisions of the Data Protection Act 1984 already provided some protection against the supply of inaccurate information, and it was not clear that the Select Committee's recommendations, if implemented, would have offered much further assistance to trade union members rejected for jobs they had applied for. Even if such trade union members had found that the information passed on to them by the organizations was entirely accurate, how would they have known that it was complete? And if they had been rejected for a job, how would they have known whether the employer's decision was based on information supplied by particular organizations, rather than, for example, through informal discussions with friends which would never have been recorded? He believed the crucial issue in all these cases was not the information which employers received about jobseekers, but the use which the employers decided to make of that information in refusing to offer them employment. In other words, it was not the information itself, but the reasons for refusing employment which constituted discrimination on trade union membership grounds which was precisely the area covered by Section 1 of the Employment Act, 1990. This legislation had therefore tackled the real problem of discrimination in recruitment which the Select Committee's recommendations would have left entirely untouched. He was confident that the industrial tribunal system in the United Kingdom did provide what the Committee of Experts had called for in terms of "effective procedures" and "appropriate national machinery". He considered that industrial tribunals had the expertise and practical experience needed for the most searching scrutiny of cases of denial of employment on grounds of trade union membership. He believed that the United Kingdom Government had put into place both the legislation necessary to ban discrimination in recruitment on grounds of trade union membership and as forceful and as practical a means of implementing this legislation as could reasonably be provided. He therefore invited this Committee to accept that these measures complied fully with the requirements of Articles 1 and 3 of the Convention.

The Workers' members thanked the Government representative for his statement and said that the somewhat complex arguments should be put into some sort of context to render them less abstract. Just to show that it was wrong to assume there were no complaints against the United Kingdom Government in the past regarding Convention No. 98, he recalled that this Committee and the Committee of Experts had experienced various difficulties with the British Government, including the GCHQ case at Cheltenham. Unless the important principles involved in the GCHQ case were resolved, the other serious conflicts in the United Kingdom's legislation and practice, relating to both Conventions Nos. 87 and 98, regularly reported on by the Committee of Experts, could not be usefully pursued with the United Kingdom Government. If all or even part of the problems involving the United Kingdom in this respect were taken up, the discussion would have monopolized the work of this Committee. He further recalled that in the past 13 or 14 years, there had been about six or eight new major pieces of legislation that had succeeded in reducing either the rights or effectiveness of trade unionists in Great Britain. Some clauses of these laws went to the very limits of what the Conventions allowed and others went even beyond those limits and have been the subject of the comments of the Committee of Experts which, at one stage, remarked that the very weight and amount of the legislation was itself repressive. In his view, the British Government had, through this body of legislation, made the whole country into an export processing zone and in the process had not, of course, respected the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body in November 1977 which states: "where governments of host countries offer special incentives to attract foreign investment, these incentives should not include any limitation of the workers' freedom of association or the right to organize and bargain collectively" as cited in paragraph 60 of the Committee's General Survey of this year. In his view, there was a prolonged and sustained attack by the British Government upon trade unions. Regarding the questions of denial of employment on the grounds of trade union membership or activity, he wished to recall the nasty and vicious role played by the former Economic League by providing blacklists of trade unionists to unscrupulous employers. He stated that the existing United Kingdom legislation was not sufficient to deal with any new similar bodies whose sole purpose was anti-trade union discrimination. Indeed, the TUC understood that leading figures from the former Economic League had bought an "off the peg" company and, using information previously held by the League which, it had appeared, not been destroyed as claimed, were once again providing a similar service to unprincipled employers. He referred to the passages quoted by the Government representative from the third paragraph of the observation of the Committee of Experts and considered that the Committee was drawing the Government's attention to the need to create the condition in law which would enable a trade union to defend itself. It was up to the Government to choose the manner and the means by which it wished to resolve this question. Regarding the question of schoolteachers' pay and working conditions in England and Wales, he said he based his remarks on information he had obtained from the largest teachers' organization in the United Kingdom, the National Union of Teachers. Referring to the statement of the Government representative that five out of six trade unions were taking part in collective bargaining under this machinery, he said that, even if certain unions had accepted a law or a governmental decision, this did not ensure conformity with the Convention. Neither did it stop the Committee of Experts from commenting about the matter. In his view, the teachers' union was rightly basing its position on Article 4 of Convention No. 98. Referring to the final passage of the observation of the Committee of Experts, also cited by the Government representative, he was of the view that the Committee of Experts was simply pointing out that the review machinery was acceptable to the extent it did not hinder collective bargaining. It was their considered view that the machinery and its functioning, as described by the Government and reflected in the observation of the Committee of Experts, did not provide for voluntary negotiation between employers' and workers' organizations with actual meetings in the review body to conduct negotiations to regulate the "terms and conditions of employment by collective agreements". He was wary about the suggestion made by the Government representative about circumventing this Committee to conduct tripartite consultations on this question given the experience of the pointless similar discussions in the GCHQ case. He concluded by saying that the Committee of Experts could assess the information provided and the views expressed here and could then give its comments on whether the workings of the review machinery constituted collective bargaining within the terms of the Convention.

The Employers' members recalled that in the last 15 years this Committee had not been confronted with the need to discuss the application by the United Kingdom of Convention No. 98. But on the other hand it had discussed, on many occasions and at length, cases involving the United Kingdom under Convention No. 87 and invariably the expected explosive petered out. The case before this Committee this year as usual touched only a limited number of issues. The Workers' members, in presenting their views on all the amendments adopted in the last few years to the pertinent United Kingdom legislation, had considered this legislation to be too much and complex. The Employers' members found this view surprising because the Convention did not require the simplification of the legislation. They considered it was more prudent to stick to the few concrete points in this case. Point 1(a) of the observation of the Committee of Experts concerned the issue of whether, in the United Kingdom, there was sufficient protection against denial of employment on grounds of trade union membership or activity. The Committee of Experts rightfully recalled that Convention No. 98 required that protection appropriate to national conditions should be established but without adding, as it did in its General Survey, that this should also be accompanied by sanctions. This last point was important in their view because international labour standards had to be incorporated into extremely varied legal systems and the ILO could not impose on every Member the same method of incorporation. In this particular case, the United Kingdom was a country with a long tradition of the rule of law and its legal system afforded each individual a whole range of possibilities of access to courts and remedies including compensation and sanctions. Contrary to the conclusion that the Committee of Experts seemed to make, the British legal system provided adequate protection. The Committee's observation also referred to the recommendations of a Parliamentary Select Committee whose recommendations were not implemented. This was, in their view, an internal matter that should be left to the discretion of the Government. They welcomed the fact that the Economic League referred to by the Workers' members was a thing of the past, dissolved without government intervention. The Committee of Experts had noted this with interest and this aspect did not, therefore, call for any particular comment. In respect of the second question dealing with the determination of schoolteacher's pay and working conditions, it was sufficient to remark that, while the existing system might be relatively complex, it was none the less balanced, and it ensured the participation of all the parties and satisfied almost everybody. The Committee of Experts did not make any criticism in this regard. The fact that salary increases of 7.5 per cent had been awarded seemed to indicate that the system had fulfilled its role of ensuring appropriate working conditions for teachers. The Committee of Experts did not share the criticism made by the Workers' members but it expressed the hope that the new system would function in a satisfactory manner. Following an assessment of the results achieved, this Committee might, if necessary, re-examine the question.

The Government representative of Belgium, having noted the progress made on this question, raised the problem of the consequences of the extreme complexity of the United Kingdom legislation in this area which mystified the rights of workers and complicated parliamentary and international supervision, as had already been mentioned by the Government of Belgium in the context of the application of the European Social Charter. The permanent link established between employment and industrial relations raised questions about the extent of the will of the Government to establish a clearly defined framework for industrial relations. This Committee ran the risk of entering into an analysis of this case if, at the same time as it took note of satisfactory comments, it uncovered more new subtleties in the very complex machinery. The Committee was justified in requesting a clarification and stabilization of industrial relations in the United Kingdom in the interest of everyone.

The Government representative of the United Kingdom wished to respond with regard to two points in relation to the complexity of the legislation. One of the pieces of legislation which provided for the protection of trade union members was actually the one being debated today. This showed that all the legislation was not targeted against trade unions. He also wished to reassure the Government member of Belgium and pointed out there had been Consolidation Acts, the most recent being the 1992 one, which actually helped clarify the law. He expressed his disappointment that a letter coming from one of the six teachers' trade unions and sent to the TUC had not been passed to them prior to discussion in this Committee. The right procedure would have been for this Committee to endorse the normal standard procedure which would have been for that letter to be passed to the Government so that it could report on the matter to the Committee of Experts, and if necessary, back to this Committee. It seemed to him that to bypass this procedure would undermine the functioning of Convention No. 144 and this should be reflected in the conclusions of this Committee under the point relating to the issue about the teachers' pay machinery. He wished to stress the point that the views heard today were the comments of one trade union out of six and that the other five unions which had endorsed the procedure of the review body represented some 65 per cent of teachers in service. Surveys of teachers had also consistently identified a higher proportion than that supported by the review body. Even a substantial proportion of the membership of the National Union of Teachers was understood to support the review body approach. There was, therefore, no doubt in his mind that this issue had in fact been resolved in accordance with the wishes of the majority of teachers. He agreed with the suggestion put forward by the Employers' members that the thing to do at this stage was for this Committee to wait and see how that review body operated before, if necessary, this Committee – and certainly before the Committee of Experts – could take account of whether, in fact, the review body operated in a way consistent with the requirements of collective bargaining. With regard to the question of the protection against the ban and denial of employment on grounds of trade union membership, he expressed gratitude to the approach adopted by the Employers' members and noted that the Workers' members did not comment on the provisions of Section 1 of the 1990 Act which, in his view, clearly banned discrimination in recruitment on grounds of membership or non-membership of the trade union. He reaffirmed that the United Kingdom industrial tribunal system provided both the procedures and remedies which offered effective protection to individuals who believed they were the victims of such discrimination. Thus he stated that the United Kingdom Government was in full compliance with Articles 1 and 3 of Convention No. 98.

The Workers' members agreed with the Government member of Belgium when he pointed out the complexity of the United Kingdom's legislation in this area. The Committee of Experts had in the past made this point as well as having noted that the amount of legislation was in itself repressive. They disagreed with the views of the Employers' members that the first part of the observation of the Committee of Experts was almost laudatory. They also pointed out that, for lack of other remedies, trade unionists had to resort to all sorts of ways to deal with the Economic League, including the use of libel laws which, in Great Britain, required an enormous amount of money. Referring to the statement made by the Government representative that one of the Acts in question was in fact designed to help trade unions, they said that a certain clause in that Act was already the subject of a complaint before the Committee on Freedom of Association. With regard to the question of the determination of schoolteachers' pay and working conditions, they said they had nothing against conducting tripartite consultations, as suggested by the Government representative, but considered there was no harm in also continuing to review in this Committee and the Committee of Experts the problems created by the review machinery which, it should be recalled, was imposed without consultation on the teachers.

The Employers' members said that by not discussing the points raised by the Government representative and instead debating directly with them, the Workers' members had implicitly admitted that the substance of this case was limited. Without reverting back to the general question of the manner by which international labour standards were to be incorporated into national jurisdictions, they would agree with the Workers' members that it would be an ideal situation if there were, in general, only a few simple laws. That, however, would not prevent criticism of countries where the legislation was simple but insufficient. In the case of the United Kingdom it was clear that the protection appropriate to national conditions required by the Convention was assured by the access to courts provided to every victim of discrimination. The Committee of Experts did not, unfortunately, indicate the particular inadequacies of the current legal provisions. With regard to the system of fixing the working conditions of teachers, there was nothing to indicate that collective bargaining was being hindered at the moment. If there were such hindrances, this Committee would return to the matter.

The Committee noted the report of the Committee of Experts, the statement made by the Government representative and the information he provided on the practical application of the Convention as well as the discussion. The Committee noted certain developments with regard to the strengthening of protection against anti-trade union discrimination and the establishment of a new mechanism to deal with teachers' wages and working conditions. The Committee expressed the hope that the Government would continue to provide the ILO's supervisory bodies with all detailed information on measures taken concerning the legal protection against anti-trade union discrimination and on guaranteeing the unfettered rights of teachers to negotiate freely their working conditions with their employers.

The Workers' members referring to the Conclusions adopted by the Committee regarding the application by the United Kingdom of Convention No. 98 regretted that some elements were not included in these conclusions because of the objections of the Employers' members. This was happening for the second time this year whereas in similar circumstances in the past the Committee had none the less adopted its conclusions and registered, as well, the reservations of the Employer's members. In their view, this constituted a dangerous situation that the officers of the Committee should address in an informal meeting.

Convention No. 100: Equal Remuneration, 1951

Japan (ratification: 1967). A Government representative indicated that his Government had been making efforts to enforce the Labour Standards Act, 1947, which prohibited sex discrimination with respect to wages so that the requirements of the Convention were fully met. He explained that, although the insufficient response by the Government to the comments of the Committee of Experts was due to the situation of the labour market and the practice of employment management in Japan, the Government would endeavour to supply the appropriate information as far as possible. He stressed that the gap between the average wages of men and women had been diminishing. For example, the difference in wages per hour between men and women had been reduced by 3.3 per cent over the last seven or eight years. As a result, in 1992 women's wages represented 62 per cent of men's wages. This tendency would continue slowly but steadily. Average wage differences between the sexes were a reflection of differences between sectors, the size of companies, as well as the occupations men and women were engaged in. Even within the same sector, these differences resulted from the various technical skills which companies required taking into account the difference between men and women in their academic backgrounds and the number of years of service. His Government had been making efforts to implement and enforce the Equal Employment Opportunity Act, 1985, so that differences in the average wages between the sexes could be reduced through securing equal opportunity and treatment in employment. In particular the guideline established under the Act had been revised in April 1994 after consultations had been held with employers' and workers' organizations. The revised guideline included two new objectives: to stop female students from being treated unfairly at the recruitment stage and to prevent married women from being treated unfairly when they were assigned and promoted. Moreover, regarding the narrowing of the gap in the average wages of men and women through reducing differences in the number of years of service, his Government had been promoting measures to help workers harmonize their working lives with their family lives and to enable women who wanted to continue working to do so while still bringing up their children. These measures included the application of the child care leave system contained in the Child Care Leave Act of 1992, the introduction of a system of reducing worked hours as well as the provision of a subsidy to employers to compensate them for part of the costs associated with establishing and running a day nursery within the company, and to help women return easily to their jobs after their child care leave. Owing to these various efforts, more women had come to be engaged in occupations where few were found in the past such as in electrical, chemical and information processing engineering, journalism, editing and even as guards, engine drivers and so on. Moreover, the attitude of companies towards the assignment of women had changed. The result of a recent survey stated that the percentage of companies which "assign all occupations according to one's ability and aptitude" had increased from 23 per cent in 1989 to 50 per cent in 1992, while those which "assign women to only less important jobs" had decreased from 7.9 per cent in 1989 to 5.3 per cent in 1992. Besides, the average number of years of service of women had increased steadily from 4.5 in 1970 to 7.4 in 1992.

The Employers' members stated that the principle which had to be applied in this case gave rise to many difficulties. An important point in the comments made by the Committee of Experts was the demand for objective criteria. In the Employers' view, a starting point for evaluation was generally that the average income for women was to a certain extent lower than the average income for men. The reasons for this needed to be verified. Once again, it was a question of determining what criteria were at the basis of wages. In Japan, seniority, i.e. the length of service, had an important impact on the amount of the salary. Seniority was an objective criteria since it could not be manipulated but was a fact. However, the tendency among the Committee of Experts was to apply other factors instead of seniority. The experts had indicated that the content of the job should be the yardstick for establishing remuneration. However, there were historic reasons as to why women usually had lower seniority as well as why there continued to be typical men's jobs and typical women's jobs. The experts required that the same wages had to be paid for work of equal value but this did not explain what criteria should lie at the basis of this. In the Employers' members' view, there were no scientifically objective methods of evaluating equal value of jobs in connection with what wages should be paid for those jobs. The solution lay in overcoming barriers such as separate labour markets for men and women which had been inherited from the past. Enterprises in the industrialized countries had already made efforts to this end and the results of this were only being seen very gradually. The most important reason for this gradual change could be attributed to traditional attitudes held by people which could only be changed by education and conviction but not by legislation. The solution to these problems would certainly require a period of time but any progress began with the recognition that there was a problem; this recognition had taken place during this and other discussions on the subject.

The Workers' members took note of the statement of the Government representative according to which a full report would be transmitted to the Committee of Experts. This case had already been discussed during the last Conference. In this regard, it was appropriate to recall the previous conclusions of this Committee which had first of all noted that the differences in wages were much more significant in Japan than in other industrialized countries and that a considerable number of women were confined to sectors where wages were lowest. This Committee had considered that the problem should be solved within the framework of a global policy and not through the adoption of ad hoc measures. Last year, the commitment made by the Government to this Committee to remedy the situation was equivocal and lacked clarity. Incomplete information which was transmitted to the Committee of Experts and noted in this year's report showed that there was a significant gap between the monthly wages of men and women and was, moreover, confirmed by international studies on the subject. It was true that while this gap was more significant in Japan than in other industrialized countries, the difference was even more significant in countries which did not have any legislation or truly appropriate procedures and which did not undertake any action to convince enterprises to change practices which, directly or indirectly, had negative effects on the rights of women. The Employers' members had stated that the Government representative had listed a series of ad hoc measures. However, the Workers' members considered that this information was imprecise and difficult to use since several issues remained pending. The Workers' members subscribed to the views of the Committee of Experts which rightly had taken note of the increased efforts made by the Government to promote equality of opportunity and treatment and which had underlined the need to establish non-discriminatory criteria to evaluate the different work accomplished by men and women. It was appropriate to insist that the Government continue to implement the measures and the initiatives that it had described and that it multiply its efforts in the legislative field as well as in the field of labour market policy in the wide sense of the term. All means had to be used in order to change the discriminatory practices of enterprises.

The Workers' member of Japan felt that his Government should supply all the necessary information requested by the Committee of Experts as soon as possible. In their observation this year, the experts stated that they lacked information on the measures to evaluate and compare the value of the different work performed by men and women on the basis of objective criteria. He urged the Government to provide adequate information on this matter. The Government representative had said that the wage gap in Japan had been diminishing and that this tendency would continue slowly but steadily. However, the speaker maintained that there was still a wide wage gap between men and women in Japan. According to a study carried out by the Japanese Trade Union Confederation, women's wages stood at around 60 per cent of men's wages. The Japanese Government should therefore promote its policy and accelerate ongoing "slow and steady" improvement. Regarding labour laws concerning equality of employment, Japan had the Labour Standards Act, the Equal Employment Opportunity Act, the Child Care Leave Act, the Part-time Labour Act and so on. These laws had contributed to improving the situation. However, many matters needed to be improved and the Government needed to revise the relevant labour laws and ordinances properly so that effective measures could be taken. He was of the view that other ILO Conventions should be ratified in order to achieve full equality between men and women and, in particular, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Workers with Family Responsibilities Convention, 1981 (No. 156).

The Government representative of Japan concluded that with regard to the gap between the average wages of men and women, his Government had to fully recognize the present situation and had to make progress by continuing to enforce the measures which were accepted and supported by both the organizations of employers and workers concerned.

The Committee noted the information and explanations supplied by the Government representative. The Committee noted that the Government had made increased efforts to promote the aims of the Convention and that some concrete measures had been taken to ensure in law and in practice the application of the Convention. It had noted, however, that serious discrepancies existed in the implementation of the principle recognized in the Convention, particularly due to the absence of any system of objective evaluation of jobs and the maintenance of a specific system whereby length of service was taken into account for the determination of wages. The Committee hoped that the Government would continue to make all necessary efforts and also, in general terms, to give full effect in law and in practice to the provisions of the Convention and that it would supply full and detailed information in its next report.

New Zealand (ratification: 1983). A Government representative stated that her Government was somewhat surprised that the request for further information on the application of Convention No. 100 was raised as a matter for consideration by this Committee. The observation made by the Committee of Experts raised no issues, legal or otherwise, over New Zealand's compliance with the Convention and, therefore, there was no basis for any substantive discussion. Her Government would, of course, respond to the request for further information in the same way as it consistently complied with all of its reporting obligations. Given the nature of the information sought, this would necessarily take some time. However, this information would be included in the next report on the application of this Convention which, according to the established practice and to Convention No. 144, would also be the subject of consultation with the employers' and workers' organizations.

The Workers' members that this case on Convention No. 100 raised important problems in respect of the principles and interests which were involved. They wished to have more information on the question of whether the new approach to the functioning of the labour market promoted by the Government by virtue of the law of 1991, that favoured individual contracts at the expense of collective agreements, did not require the adoption of additional measures to guarantee equality of remuneration between men and women. As a result of this law, an increasing proportion of workers was not covered by collective agreements, and female employees who were concentrated in the services sector and in small and medium-sized enterprises were particularly affected by this approach. In 1972 and 1977 New Zealand had introduced a system of fixing wages by collective agreements inspired by the principles of the ILO. This legislation had been completed in 1990 by introducing the notion of equal pay for work of equal value and by the introduction of action plans to promote effective equality of treatment between men and women. However, this legislation was repealed by the new law of 1991 which favoured wage-fixing on an individual basis and necessarily affected the machinery for implementing equality of treatment. This affected access to the information on the level of wages, because wages paid on an individual basis could not be sufficiently made known; the effective application of the principle of equal pay for work of equal value and the complaints procedure against discrimination; and also had implications concerning the protection of women against acts of discrimination or intimidation when they sought to defend their rights before the competent tribunals or other bodies. As noted by the Committee of Experts' report, the Labour Inspectorate had received only one complaint under the Equal Pay Act during the period 1990-93. The Workers' members considered that it was an important case because equality of remuneration should be applied equitably under any labour market system, and it was for this reason that they had proposed to discuss the case. They would like the Government to provide more information on recent developments with respect to the effective implementation of equality of remuneration, including remuneration stipulated in individual contracts, in the services sector and in other sectors employing a large number of women. The Workers' members insisted that the Government should, in conformity with the requirements of the Convention, ensure that legislation and implementing machinery corresponded to the specific needs of a deregulated labour market, so as to guarantee and promote the principle of equality of remuneration.

The Employers' members noted that the comments made by the Committee of Experts were very general in nature. However, they raised concern over the possible impact of the new legislation on the question of equal treatment and equal remuneration for men and women, taking into account the increased emphasis placed by the Government on individual contracts and the reduced importance attached to collective agreements. The Employers' members fully understood that such a development was a source of preoccupation with workers, though they believed that workers could also defend their interests on the basis of individual contracts, in particular, in countries where citizens were well aware of their rights and how to implement them. They pointed out that there was no criticism levelled by the Committee of Experts with regard to the legislation and measures adopted by the Government, but that there was only a request for further information to be supplied in the next report. The Employers' members felt sure that the Government would in fact follow up this request.

The Workers' member of New Zealand stated that, after having been the first country in the world to give women the right to vote a hundred years ago, extremist free market policies combined with an attack on the role of the State, as well as privatization, reductions in social welfare provisions and a deregulated labour market introduced by the Employment Contracts Act, had put New Zealand in serious breach of its legal obligations under this fundamental Convention. The latest statistics showed a steady trend to widening the gap between men's and women's wages since the introduction of this Act, which also rendered obsolete and totally ineffective the Equal Pay Act and its state sector equivalent. The only option left open in this situation was the use of the personal grievance provisions of the Employment Contracts Act or a complaint to the Human Rights Commission. In practice, these were totally ineffective in the environment created by the new Act, which was characterized by the following: (i) individual contracts were becoming much more common and remuneration was likely to be more varied by region, industry, firm and other factors which made it more difficult to establish discrimination in individual cases; (ii) fewer people were in a position to know what others were paid and thus whether there was any discrimination; (iii) merit and performance pay were becoming more common and there was evidence that they provided a great potential for unintended discrimination; (iv) support from a union was less likely to be available because of low levels of union coverage. Every indicator on what was happening to women in the labour force in New Zealand was showing a negative effect. The most disadvantaged were women in the clerical administration, retail and service sectors, who were low paid and increasingly casualized, and were being denied the opportunity to acquire skills and training to improve their position in the labour market. While this was a complex problem, the fundamental question for this Committee was whether the existence of a deregulated labour market was an acceptable excuse for the Government to do nothing to provide for equal pay for work of equal value. It must ask the Government what it intended to do to provide for equality of remuneration between men and women under the Employment Contracts Act and what changes were needed to this Act to meet the requirements of the Convention. She stated that the Government had not replied substantively to the Committee of Experts for the last three years and must be asked now to supply the full report for next year.

The Workers' member of Singapore considered that in evaluating the measures undertaken by the Government, one had to determine whether they were sufficient to ensure that women received equal pay for work of equal value. If the statistics showed that women's wages continued to lag significantly behind that of men, the adequacy of these measures had to be re-examined. The common difficulty with laws dealing with individual grievances was that the process of enforcing them was often arduous, time-consuming, expensive and thus generally prohibitive, especially for women who were already disadvantaged in their position in society and in the resources available to them. This was supported by the fact that between 1990 and 1993 the Labour Inspectorate in New Zealand received only one complaint under the Equal Pay Act. Wondering whether the mere publication of a manual issued by the Government was sufficient, she emphasized that a conscious effort had to be made to integrate the policy of equal pay for work of equal value at all strategic levels of decision-making. Access to information was critical in this respect and, from the comments made by the Committee of Experts, it appeared that such information was lacking and should be provided by the Government as soon as possible.

The Workers' member of the United States said that a similar experience in the United States had showed that one should examine whether there was a pattern or practice of inequity that extended beyond the experience of a single isolated individual. As was pointed out, the legislation recently enacted in New Zealand was designed for individual and not for class action complaints. Individual contracts were not an adequate substitute for collective bargaining. An isolated individual was far less likely to have the resources or knowledge of the extent of similar inequality elsewhere in the same firm, much less in the same industry or in the economy at large. In New Zealand there was substantial statistical evidence that in occupations with a large number of women, such as nurses, retail, and hotel workers, the ratio of women's pay to that of men's had declined since the new legislation was enacted. A similar philosophy in the United States – that no government was a good government – resulted in deregulation to serve that ideology, and inequality increased substantially during the decade; sweatshops and child labour, which were presumed to be historical artifacts, returned as facts of working life. For this reason he urged the Government of New Zealand to recognize that a deregulated labour market was an unequal labour market and to adjust its law and practice accordingly, so as to better conform to the Convention.

The Government member of Germany was convinced that if the Committee of Experts asked certain questions, they did so because they had the suspicion at the outset that the Convention was possibly not being implemented in the proper way. The experts were asking for an early report and their comments contained not just questions but also certain points of criticism in connection with the application of this Convention, as well as that of Convention No. 42. The Committee of Experts was asking for further information on particular measures, including arbitration procedures and the results of ongoing research and studies. The collection of such information would require time and should first be submitted to the experts for their evaluation; for that reason he considered that the position of the Government representative of New Zealand was perfectly understandable in that she could not give this Committee completely comprehensive information in respect of these points.

The Workers' member of Pakistan associated himself with the concerns expressed by other Workers' members on this vital issue of the discrimination of women, mostly in the developing countries, but also in the developed countries. The statistics invoked by the Workers' member of New Zealand showed that women were still subject to discrimination, particularly after the introduction of the new legislation. To comply with its obligations under the Convention, the Government should carry out objective appraisals of the jobs on the basis of the work performed, in consultation with the employers' and workers' organizations, in order to enforce equality in the payment of wages. Therefore, he urged the Government to take into account the observation made by the Committee of Experts in carrying out its constitutional obligation to ensure the principle of equality of treatment.

The Government member of the United Kingdom supported the comments made by the Government member of Germany. He stated that most of the information that had been given to this Committee was not included in the Committee of Experts' report. This was not the appropriate way to submit such information, as this Committee had always based its work on the report of the experts. His Government therefore considered it wrong that cases, such as this one, had been selected when there had been no explicit criticism by the experts, but only a number of requests for further information. If it was selected merely to ensure a so-called equitable, reasonable distribution of cases, his Government would suggest that the wrong criteria were being used for the selection of cases and that this could undermine the credibility of this Committee. It would be far more profitable if this Committee were to spend its valuable time either on the more serious cases of human rights abuses, which, it seemed, were being passed by for purely political purposes, or on cases of progress from which lessons could be learned. If the supervisory system was not to fall into disrepute, he hoped that this situation would not be repeated in future years, and suggested that the Committee should perhaps establish stronger criteria in future for the selection of cases.

The Workers' member of Germany, referring to the comments made by the Government members of Germany and of the United Kingdom, emphasized the significance of the discussion in this Committee on such important cases. Even if there were difficulties in providing comprehensive information, it would nevertheless have been possible for the Government representative of New Zealand to have shown the political will of the Government to fully implement Convention No. 100. She could have done this explicitly, which would have made this dialogue much more significant and relevant. He therefore considered that such cases concerning possible violations of fundamental rights should be continued to be discussed and dealt with in this Committee in the future in order to give the governments an opportunity to express a positive attitude to the supervisory machinery and to the relevant Conventions.

The Government member of the United States explained her Government's view of what kind of cases should be discussed in this Committee. When the Workers' and Employers' members decided what cases should go on the list, they considered a lot of things: which cases were serious, which cases had been cited in footnotes, which were discussed in this Committee on previous occasions and whether there had been any important new developments in those cases. They tried to develop a list that included a range of countries and a range of Conventions. She believed that this Committee should not limit the list of cases to a certain type of case and discuss only serious, flagrant abuses of human rights Conventions. There were other types of Conventions and other types of problems to be looked at. Her Government believed that when a country was asked to appear before this Committee, it was not tantamount to being on some sort of a black list. If only the most serious cases had to be looked at, then by definition it would not be possible to look at cases of progress which should also be discussed in this Committee. She was glad to note that there were more discussions in this Committee on Convention No. 100 which was an important Convention. However, she hoped that there would be no exaggeration in this Committee of a case so that it appeared that the situation was more serious than the Committee of Experts had indicated it to be. This could threaten the credibility of the supervisory system.

The Government representative of New Zealand reiterated that her Government would comply fully with the Committee of Experts' request for further information in its next report and in consultation with the social partners.

The Workers' members thanked the Government representative of New Zealand for her undertaking to provide the information requested. Concerning the remarks made in relation to the list of cases, they also thanked the Government representative of the United States for having recalled the criteria and the spirit in which the draft list of cases was prepared. The Workers' members judged it necessary to deal with this case in order to draw the attention of the Government of New Zealand to the importance of the questions raised by the experts on this matter, which were also important for a number of other countries as well. As to the content of the discussion, they considered that in fact it was not yet clear whether the new law undermined equality of remuneration between men and women. However, many Workers' members stressed that, having regard to their practical experiences, the danger of this was real and it was important that it should be monitored and that the obligations under the Convention be respected. To do this, it was necessary that effective legal machinery be established and dynamic action be undertaken by the Government. It was therefore appropriate to stress in the conclusions the need to have, as soon as possible, complete information so as to be able to assess the situation in New Zealand.

The Committee took note of the statement made by the Government representative, in particular the indication that her Government would provide further information with its next report due on this Convention. The Committee also took note of the various facts and views expressed in the course of the discussion. The Committee considered that the Government should provide the information requested by the Committee of Experts concerning a survey on bargaining structures, process and outcomes. The Committee also requested the Government to supply statistics on wages earned in sectors with a large number of female employees, such as the services sector. It further requested information on how the current machinery guaranteed, in the absence of collective bargaining, the principle of equal remuneration contained in the Convention. The Committee hoped that, on the basis of this additional information, the Committee of Experts would be in a position to further examine these issues more thoroughly.

Saudi Arabia (ratification: 1978). The Government supplied the following information:

The Government thanks the Committee of Experts for its open-mindedness, favouring dialogue. It counts on the Committee's comprehension with respect to the application of the Convention, to convince it that the principle of equality of treatment and of wages is really applied in the Kingdom, as has been demonstrated in certain examples which have been given in its last report in 1993. The Government notes that the Committee of Experts is not convinced by the explanations given and that it upholds that the national legislation should prohibit, through legislative provisions, any discrimination based on gender and reinforce equality of remuneration between men and women for work of equal value. The Government wishes to clarify the following points:

1. In Saudi Arabia, the Labour Code is applied to all workers without distinction as to gender or nationality, which implies that the Code covers all male and female workers as far as their rights and obligations, including wages, are concerned. Naturally, this equality can only be applied if the nature of the work, its conditions and its circumstances are equal. Thus, the discrimination mentioned in Chapter X of the above Code has no connection with these rights but rules on the protection of women and on the granting of additional advantages.

2. The principle of equality between male and female workers who perform equal work is based on the principles of justice. It has already been mentioned that in accordance with the Convention, the Labour Code, in its section 185, establishes the principle of equality by providing that labour and conciliation committees are bound to refer to the provisions and regulations of the Sharia and to the principles of law, custom and justice. The Sharia is the Constitution of the Kingdom whose principles prescribe the establishment of justice and of equality between all persons without discrimination on the grounds of gender, nationality or religion. The decision of the supreme conciliation commission relating to labour matters, mentioned in the previous report, may be taken as proof for the application of this principle. It is known that the Constitution represents the supreme law in every country. The Sharia – the Constitution of the Kingdom – is considered to be the supreme law as it is of divine source and its written principles are expressed in the verses of the Koran and the hadiths (sayings) of the Prophet, which proves that the modalities of application of the principle of equality in the private sector are entirely in conformity with the provisions of this Convention. However, in spite of the positive indications and in conformity with the wish of the Committee of Experts, it has been decided to take the necessary legislative measures to confirm the principle of equality of treatment and remuneration. A copy of the relevant ministerial decision will be transmitted to the ILO.

3. With reference to the other requested information, the measures taken to confirm the application of the principle of equality, as prescribed by the Convention, have been mentioned in the previous report. The Ministry has prepared a guide for professional selection in the private sector, on the basis of the provisions of the international labour Conventions, to allow employers to determine the functions and the statutes in their business. Thus, every person being taken in for a job or a specific function will receive appropriate wages which guarantees equality in case of equality of qualification, experience and conditions and circumstances of work. With respect to the inexistence of a wage scale, the Government could not imagine one single wage scale as there are thou-

sands of companies and factories that work in this sector. Section 115 of the Labour Code has empowered the Cabinet of Ministers to decide on a minimum wage if necessary. Considering that the level of wages is high in relation to the level of cost of living, there is no actual necessity to introduce minimum wages. It is known that in several countries, of which some are major industrial countries, there are no minimum wages.

In addition, a Government representative reiterated the above written information provided.

The Workers' members recalled that in 1993 the Committee had discussed a similar case with respect to Saudi Arabia concerning Convention No. 111 on Discrimination (Employment and Occupation), 1958. Like the case this year regarding the fundamental aspect of equal remuneration, it had concerned questions of equality of treatment of men and women. As the Government had sent a report this year the Committee of Experts had the possibility of making their comments. The Government should however be encouraged to continue to provide reports because the necessary dialogue can only take place if the Government concerned does not maintain the position that there is no need to take any measure in view of the conformity of the law and practice with the Convention. It should however be noted that the Committee of Experts had expressed the opposite view. The information provided this year does none the less herald a change of attitude on the part of the Government because of the fact that it had decided to adopt the necessary legal provisions to reaffirm the principle of equal treatment and remuneration between men and women. This would in its view meet the concerns of the Committee of Experts. As had been stated by the Committee of Experts in its General Survey of 1986, the practical implementation of equality of remuneration could only be ensured through the inclusion of such principle in the text of the law. Machinery for its implementation should also be developed and a dynamic process engaged. Questions of the implementation of the principle of equality are often raised in the adjudicatory bodies and with those engaged in implementing them in practice. Statistics in general revealed that gaps in remuneration of men and women existed even in industrialized countries too. However such gaps were more pronounced in countries lacking a dynamic approach at reducing these gaps as well as in countries where women did not have access to the judicial process for ensuring their rights. These questions concerned more women workers in small enterprises and the service sector as well as countries where the minimum wage was not fixed in accordance with the methods provided for in Conventions Nos. 26 and 131. This Committee should endorse the requests and suggestions of the Committee of Experts. The Government should continue to examine the situation and take appropriate measures to ensure the implementation of the Convention in practice. The Government should also be reminded of the usefulness of seeking the technical assistance of the ILO to overcome the problems of implementation of the Convention.

The Employers' members noted that this case was similar to the one discussed last year which had raised problems of dialogue with the Government. The question raised this year was whether national legislation contained appropriate provisions that anticipated and proscribed discrimination in remuneration based on sex. The Government's position that the existence in the Labour Code of a provision stating the general principle of equality of treatment sufficed to guarantee equal remuneration might in theory have been satisfactory. However, a general principle rarely suffices and the Convention required detailed provisions for its application. The Government seemed to have taken important steps in this direction in deciding to shortly adopt such provisions. The Employers' members also expressed the hope that these provisions would be implemented in practice. In addition, they recalled the Government had indicated that a Commission for Dispute Settlement dealt in practice with cases involving equality of treatment. They requested for more information from the Government representative on this question to be able to assess better the role of this Commission in the area. Even though some countries might face problems in compiling and providing appropriate statistics, they considered this should not be the case for Saudi Arabia. Finally, they considered that even in the absence of a minimum wage the legal means for establishing it should be provided for. The information provided led them to believe that the Government was making progress which warranted this Committee's encouragement.

The Government representative of Saudi Arabia, in reply to the Employers' members, stated that he possessed neither statistics nor detailed information on the workings of the Commission for Dispute Settlement. He promised to send the information when possible.

The Committee noted the written information and the oral explanations provided by the Government. It noted like the Committee of Experts had that the necessary measures for the full application of the Convention had not yet been taken by the Government. It expressed the firm hope that the Government would do its utmost to adopt the legislation to the requirements of the Convention, if necessary with the technical assistance of the International Labour Office. In this respect the Committee noted with interest the Government's decision to adopt a decree reaffirming the principle of equal treatment and remuneration between men and women, as well as the fact that a copy of this decree would be furnished to the International Labour Office. The Committee hoped that this decree would be adopted shortly in order to ensure that the law and practice fully complied with the provisions of the Convention.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Brazil (ratification: 1965). A Government representative referred to the 1993 report of the Conference Committee, in which it was stated that the Government representative of Brazil "recognized the existence in his country of discrimination in employment, whose origins stemmed from the colonial period". With regard to the allegations to the effect that employers were demanding the sterilization of women workers, the "Government recognized the existence of a problem, but pointed out that to its knowledge no complaint about this had been reported. He recalled that Bills Nos. 229/91 and 667/91 prohibited that proof of sterilization be required." (*Provisional Record*, No. 25, 1993, page 25/52). Because these statements were general in nature and imprecise, they led the Committee of Experts to suppose that discrimination in employment on the basis of sex or race was of a degree and gravity that was not in reality the case. The Committee of Experts also deduced that numerous employers required certificates attesting to the sterilization of women who sought employment or who wished to preserve their jobs. However, the legal picture and the actual facts of the situation in his country were not as represented. In Brazil the principle of non-discrimination had constitutional status. In the Part concerning fundamental rights and safeguards, Article 5 provides that "Everyone is equal before the law, without distinction of any kind ..."; and in subsection I, it stated that "men and women are equal in rights and obligations, under the provision of this Constitution". With regard to social rights, Article 7 of the Magna Carta established the following: "XXX – Prohibition against differences in wages based on functions and criteria relating to sex, colour or civil status"; and, in subsection XX, it determined that the law should establish special incentives to promote the inclusion of women in the labour market. Within the framework of ordinary legislation, Act No. 7,716, of 5 January 1989, provided for a sentence of two to five years' imprisonment for those who impeded, denied or obstructed employment directly or indirectly in the Public Administration or in private enterprises on the basis of race or colour (sections 3 and 4). The Labour Laws Consolidation (CLT) did not permit restrictions in employment for women based on marriage or pregnancy, which would also obviously render illegal the requirement of certificates attesting to sterilization in order to obtain or preserve employment. Section 391 of the CLT provided: "The marriage or pregnancy of a woman does not constitute a just cause for the termination of the employment contract. No regulation of any kind shall be permitted in collective agreements or individual employment contracts that restrict the right of women to employment on the basis of marriage or pregnancy." In addition, in order to eliminate some causes of discrimination against employment of women, Act No. 6,136 of 1974 transferred to Social Security the obligation to pay the whole salary owed to women during maternity leave – a protection which the 1988 Constitution extended to 120 days (Article 7, XVIII) and prohibited the arbitrary dismissal or dismissal without cause of pregnant employees, from the date of confirmation of pregnancy until five months after delivery (section 10 of the Act on Transitional Constitutional Provisions). Also within the field of infra-constitutional legislation, it should be pointed out that Act No. 7,855 of 1989, whose objective was to eliminate other causes of discrimination, repealed sections 374, 375, 378, 379, 380 and 387 of the CLT concerning special conditions and duration of employment for women. And more could not be done to avoid any infringement of Convention No. 89. Meanwhile, the federal Government had already submitted to the National Congress Convention No. 171 which eliminated certain restrictions on the employment of women contained in Convention No. 89. In addition, the President of the Republic proposed to the National Congress in Speech No. 345 of 22 June 1993, the withdrawal of reservations made by the Brazilian Government with regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women, ratified by Brazil on 31 March 1983. This proposal received a favourable opinion from the Congressional Committee and should soon be submitted for final vote in the Plenary. Brazil had maintained for some time a coherent policy regarding discrimination on the basis of race or sex. In addition to the constitutional and other legislative provisions cited, he pointed to the ratification by Brazil of the Convention on the Political Rights of Women (UN – 1953) and the Convention on the Elimination of Racial Discrimination (UN – 1966).

With regard to concrete measures for the effective application of constitutional international and ordinary legislation, it was appropriate to emphasize the creation in 1985 of the National Council on the Rights of Women which had been demanded by women's associations, which had broad responsibilities in connection with the Legislative, Executive and Judicial Branches. Already in 1983 some state and municipal councils had been established to act in their respective geographical areas. In 1989, the National Forum of Council Presidents was established, and since then centres providing legal advice to women, police stations specialized in dealing with offences against women, shelters for needy women and courses on the rights of women had multiplied. Another practical and important measure was the adoption of the Comprehensive Women's Health Programme formerly established in 1986 as a part of the National Social Security Institute, which had since been incorporated into the Ministry of Health. He also highlighted the creation by the current federal Government of the National Committee for the Participation of Brazil in the Fourth World Conference on Women, through the Decree of 8 December 1993. This Committee, chaired by the Ministry for Foreign Affairs, was comprised of the National Council for the Rights of Women, various Ministries, the Attorney-General of the Republic and by the Presidents of State Councils on the Rights of Women. In addition to these bodies, because of legal questions connected to the condition of women in Brazilian society, a representative of the Judicial Branch appointed by the President of the Federal Supreme Court was also included on the National Committee. At the state level, in order to combat discrimination against women, the Government of the State of São Paulo, through the State Council on Women, inspired by the UN Convention, established in 1992 the São Paulo Convention on the Elimination of All Forms of Discrimination Against Women, which established specific objectives for state and municipal action in each of the social areas (health, education, child care, employment and prevention of violence). With reference to other measures, he said that the National Bank for Economic and Social Development (BNDES), which is linked to the Ministry of Planning, had accepted a request from the National Council on the Rights of Women (CNDN) that loans be denied to enterprises that did not comply with the law on the installation or operation of nurseries. In some States women's associations worked together with the appropriate regional units of the Ministry of Labour in investigating reports of complaints regarding the employment of women. Jobs for women in police forces were rapidly increasing in many States through the creation of such positions by their respective Governments. Bill No. 229/91, referred to in the report of the Committee of Experts, was designed to make explicit that which was already implicit in the existing legal system. It prohibited employers from requiring certificates of sterility or examinations to determine whether female candidates for employment were pregnant. This Bill was already approved by the Committee on Public Service and Administration and by the Committee on the Constitution and on Justice of the Chamber of Deputies, and was now in the final stage of adoption by the National Congress. Many Bills, including those of interest to workers, had been rather slow in completing procedures in the National Congress, but it was necessary to consider that in the past two years the Legislative Branch had given full priority to the Parliamentary Investigations that resulted in the impeachment of the former President of the Republic and the loss of mandate by a number of Members of Parliament. Nevertheless, the discussion of constitutional reform was a great example for the world of the dynamic democracy that existed in Brazil. Evidently, all of these events delayed the adoption of Bills submitted to Congress.

With regard to wage inequalities, he drew a distinction between two situations: (a) inequality of wages for work of equal value, which was not legally permitted; (b) different wage levels resulting from difficulties encountered by women and Black persons in obtaining promotions and, hence, higher wages. With respect to the second case the matter was related above all to occupational training. The truth of this was evident in that Blacks and women who completed higher level or technical education were prominent in Parliament, in the judiciary, in the teaching profession and in other respected activities and also held positions of responsibility in the public administration and private enterprises. In federal departments where women, Blacks and persons of mixed race had reached a high level of cultural training, inequalities in salary were becoming less marked, although the situation remained unsatisfactory in rural areas. However, while in this macro-dimension there were wage inequalities, he emphasized that this problem did not only occur in Brazil. The ILO itself had compiled statistics and carried out studies on this subject and reached the conclusion that "the higher the employment level, the bigger the gap between men and women" (*Labour*, No. 2, 1993). Official technical schools and occupational training courses of SENAI, SENAC, SENAT and SENAR were open to men and women without distinction as to race or colour, and in order to implement article 7, XX of the Constitution, Bills Nos. 45/91 and 52/91, establishing the Fund for the Occupational Training of Women under the Minister of Labour, which will be administered by a Council with joint representation by the Public Branch and Women's Associations, were submitted to the Chamber of Deputies. With regard to the assumption that there should be equal wages for work of equal value, the CLT said: "Section 461. Where the duties performed are identical, equal wages shall be paid, irrespective of sex, nationality or age, for all work of equal value, performed for the same employer in the same locality." In Brazil observance of the rights of workers was enforced by tribunals which comprised the System of Labour Justice on the basis of complaints presented by the person in question or the trade union representing that person. This system of labour courts was part of the Judicial Branch, staffed by judges appointed for life and by representatives of employers and workers, and thus constituted tripartism within the System of Labour Justice. A few statistics were sufficient to demonstrate the scope of this system in Brazil: there were 1,094 boards of conciliation and decision making, 25 regional labour tribunals, and a Superior Labour Tribunal. These judicial bodies received 1,799,972 complaints in 1992 and 913,109 complaints in the first six months of 1993. Many of these complaints called for a judgment with regard to a matter concerning equal pay for work of equal value. It was clear that in Brazil there existed a national policy characterised by imperative legal standards and practical measures against discrimination on the basis of race or sex. This policy involved not only public institutions but also a number of private entities. The Brazilian continent, where developed regions existed side by side with developing regions and underdeveloped regions had an economically active population of 64 million, with more than 40 million workers in formal or informal employment. Of these, 35.4 per cent were women. Today, 40 per cent of the female population was economically active. This was one of the highest levels in South America. The growth in participation of women in employment between 1970 and 1990 was 180 per cent, a substantial figure, while the growth rate for men was 71 per cent. For this reason, the rare cases of discrimination must be considered in the context of these numbers. With regard to trade unionism, 25.6 per cent of the members of trade unions were women.

He clarified that in relation to the national policy mentioned above, the Brazilian Congress had established a Parliamentary Inquiry Committee made up of 30 members. Three senators and ten deputies on this Committee were women and it was chaired by a deputy from the Workers' Party, Ms. Benedita da Silva. In its second report of 1993, the above Parliamentary Committee proposed to the federal Government a coherent national policy with regard to this matter, and made concrete suggestions to various Ministries, the Federal Public Ministry and the Federal Medical Council. With respect to the Ministry of Labour, it notified the Parliamentary Committee of the creation of the Secretariat of Safety and Health in the Workplace (SST), a permanent programme for mobilization in the defence of the health and the rights of women workers. The Parliamentary Committee concluded that the sterilization of women occurred above all in relation to the activities of the Centre for Research on Comprehensive Assistance to Women and Children, and the Civil Society for the Welfare of the Family in Brazil, which "basically operated with international funding", in addition to some private national funding. However, the work of both bodies was intended to reduce the natural population growth and not to exercise any influence over the recruitment of women for employment, as their purpose was to promote family planning. In view of the above, it did not seem accurate to generalize conclusions on the basis of a very few cases which, once they had been made known and complaints had been received, were immediately investigated by the competent authorities. According to the latest report of the National Employment Inspectorate, in 1993 there were only eight complaints which made reference to discrimination against women in employment. With regard to the Ministry of Justice, only two complaints had been received referring to racial discrimination. The first cases were brought to the Labour Ministry of the States of Bahia and Parana, and an investigation was carried out. With regard to the investigation of the complaint in the latter State, submitted by the Business Employees' Trade Union of Maringa, the matter had already been concluded by the Labour Inspectorate. It concerned an advertisement published in a newspaper by the enterprise Mitsubishi Motors whose purpose was to recruit workers of Japanese extraction, but this advertisement published on 31 March 1994 was corrected by dropping the discriminatory reference on 4 April 1994, four days before the Union filed its complaint. He stressed that Brazilian trade unions, federations, confederations and workers' centrals enjoyed both unquestioned independence and a prohibition against any interference or intervention by the Government (Constitution, article 8, No. 1). If there were no more complaints than these it was because the problem of discrimination was not as extensive as had been suggested. The Brazilian Office of the Attorney-General, which was responsible for federal prosecutions as provided by law and under the Act on civil investigation and civil public action for the protection of the public and social heritage, the environment and other various and collective interests (Constitution, article 129, Nos. I and III), in the defence of public order, the democratic system and essential social and individual interests (Constitution, article 127), had acted in a manner which was entirely independent and praiseworthy in quickly investigating the complaints on this subject. Between 1990 and 1991, the Regional Labour Prosecutor's Office of the second region (São Paulo), instituted a civil public investigation following newspaper reports of a requirement concerning 12 enterprises in the State of São Paulo that had required certificates of sterility as a condition of employment of women. These included a number of multinational enterprises of Swedish, Dutch and US origin. The prosecutor responsible for the investigation reached the conclusion that the enterprises investigated did hire women of child-bearing age, with no condition for employment dependent upon this requirement or a certificate stating that the woman was not pregnant. The table attached to the report of the Prosecutor of the Public Ministry of Labour showed that the enterprises that were investigated employed a great number of women of child-bearing age, many of whom were married in the two years preceding the investigation. Many employers, directly or through trade union organizations, quite far from discriminating against women in employment, had reached agreements or collective accords with the appropriate workers' trade unions, extending the employment security of pregnant women to six months following the end of maternity leave, and also guaranteeing the employment of the father until 90 days following delivery of the child, with the right to maternity leave extended to adoptive mothers, and the right to nursing breaks during the working day extended to nine months. No country was exempt from the risk that there might occur illegal or criminal acts. It was essential that state institutions be capable of prosecuting those who breached ratified agreements and national laws and that there be national campaigns with citizen participation to ensure respect for fundamental human rights. The Government representative concluded by pointing out that the Government had wished to respond to all of the comments of the Committee of Experts in a concrete manner.

The Workers' members said they were bothered by the approach used by the Government representative and stated that the Government representative was deliberately distracting this Committee with a great deal of lengthy information, while the questions in the observation remained unanswered in the terms raised. In addition, the information provided was to the effect that no discrimination presently existed nor had existed at any previous time, which was not the position of the Government before this Committee last year. Whereas last year a Workers' member of Brazil had confirmed before this Committee that many employers in that country were requiring women to present them with certificates of sterilization or to submit to gynaecological examinations as a condition for employment, this year the Government representative insisted that this was not occurring, and that if it were, such conduct would be contrary to the Constitution. With regard to legislation before Parliament prohibiting such requirements by employers, they were sceptical that it would ever be adopted, in view of the lengthy delays that had occurred. Moreover, they emphasized that a lack of complaints and prosecutions under legislation prohibiting discrimination in employment matters did not mean that such discrimination was not occurring. Despite the large amount of information provided by the Government representative, they were singularly unconvinced that the problems addressed by the Committee of Experts in its observation had been resolved. In particular, they asked for information in the next report on measures taken to promote the employment of women at all levels and to remedy differences in the wages of men and women workers. They also asked that every possible effort be made to adopt the Bill making it explicitly illegal for employers to require that women produce certificates of sterilization, or submit to gynaecological examinations as a condition of employment, and that a detailed report be supplied responding in particular to the request in the observation of the Committee of Experts for specific comments on the communications from the Trade Union of Bank Employees of Florianopolis and Regiao and by the Unique Workers' Central with regard to discrimination on the basis of race and racial inequalities in the labour market and in employment.

The Employers' members were surprised at the contrast between the declarations made by Government representatives before this Committee during the past two years. Last year this Committee was informed about the impending adoption of legislation such as that prohibiting employers from requiring proof of sterilization of women employees and discrimination with regard to wages on the basis of sex. This year the basic thrust of the declaration of the Government representative was that the Constitution prohibited most of the discrimination referred to in the observation of the Committee of Experts, while many labour and employment laws applied these and other related matters. They were not in a position to assess whether this was correct, as it was more properly the role of the Committee of Experts to analyse the legislation to determine whether it complied with the Convention. Another apparent contradiction was that it had appeared that there was no effective system to enforce the application of laws against discrimination in employment, and yet now it was indicated to this Committee, perhaps because of problems of interpretation, that in this country of 40,000,000 workers there were 900,000 complaints before the tribunals regarding employment discrimination matters. In view of the difference between the observation of the Committee of Experts and the information provided by the Government representative before this Committee this year, they suggested that the Government should ask the ILO for technical assistance so that a clear picture of the situation could be obtained. They also noted that under the Convention, there must be no discrimination against women who apply for higher-paying jobs so that they must resort to lower-paying jobs. A national policy promoting equal opportunities and treatment in employment was needed to address such problems. They concluded by joining in the request of the Workers' members that legislation be adopted in compliance with all provisions of the Convention.

The Government member of the United States of America stated that she was particularly concerned about the sterilization of women required by employers as referred to in the observation of the Committee of Experts. She noted that in the past a Government representative had recognized that this problem did exist, but she was not surprised at the lack of complaints made by women regarding sterilization requirements by employers, because to raise such an intensely personal matter publicly would be humiliating, and reprisals might be feared. She stressed that the Government should take active measures to pass legislation prohibiting this practice, ensure appropriate sanctions and enforcement, and provide information and education on a large scale to counteract entrenched discriminatory attitudes. In order for the legislation and practice to be brought into compliance with the Convention, she proposed that the Government request the technical assistance of the ILO to supplement all of the existing mechanisms described by the Government representative in his declaration.

The Government representative, responding to previous speakers, reiterated that the statement of the Government representative of Brazil in 1993 had been in general terms and imprecise, referring to discrimination in employment whose origins went as far back as the colonial era and to the existence of the problem, but also recognizing that he was not aware of complaints. He regretted that based on these inferences, statements had been made that did not correspond to reality, as could be proven by the information which he had given in his first statement and that were contained in the annexes made available to the Office. He stated that when there had been complaints with regard to problems concerning sterilization and other problems raised by the Committee, the labour inspectorate of the Public Ministry had begun the appropriate investigation; there were prosecutions under way and others which had not finished. The system functioned effectively to the extent that there were complaints which were instigated. For instance, as he had already pointed out, according to investigations made by the Regional Public Prosecutor of Labour in cases concerning some enterprises in São Paulo, measures that were applied concerned family planning; but at no time were sterility certificates required for employment. In this respect, the legislation in force prohibited discrimination in employment based on sex or on maternity, which covered the problems concerning sterilization that had been raised, which also was covered by the Penal Code. Therefore, the draft legislation referred to by the Committee of Experts, which in particular provided for penalties to be imposed on those employers who required sterilization certificates, was not indispensable although the Government agreed to make changes to the law. In effect, the Government supported the Bill and the interest and support of Congress in approving it could be appreciated, in that it had already been approved by two Parliamentary Committees. However, the Government representative explained that based on the principle of separation of powers and the independence of Congress, as a Government representative he could not guarantee the adoption of the Bill on a specific date. In this regard he pointed out that recently Congress had concentrated on the impeachment procedure against the previous President of the Republic, and that this procedure paralysed the activities of the Legislative Branch which in addition previously had to carry out other investigations against Senators and deputies (these gave rise to prosecutions which in turn gave rise to loss of mandate and even criminal prosecutions). This explained delays in the adoption of Bills before the National Congress. The Government representative stated that he hoped that the Bill referred to by the Committee of Experts would become law next year. Responding to one of the questions of the Employers' members on statistics, the Government representative specified that the number of cases submitted to the Labour Tribunals (which in Brazil had employer and worker representation) did not refer only to women but to all prosecutions. With regard to Convention No. 100, the Government representative indicated that the Labour Court system applied it as section 461 of the CLT reproduced the contents of the Convention; however, he indicated that he did not have statistics on wage differentials between male and female employment, but that he would ensure that the Government in its next report would provide this information to the Committee of Experts. Finally, the Government representative specified that on 19 and 20 May 1994, the Labour Ministry received an ILO technical mission which offered its assistance and that this was accepted by the Ministry in order to improve as much as possible national legislation concerning the matters covered by Convention No. 111.

The Committee noted the detailed information and explanations furnished by the Government representatives and the discussion which took place. It noted, like the Committee of Experts, that serious discrepancies still existed in law and in practice with the requirements of the Convention. The Committee noted that legislative measures were in the process of being prepared, and expressed the firm hope that they would be adopted and implemented in the very near future. However, the Committee keenly regretted that Bill No. 229 of 1991 prohibiting employers from requiring a sterilization certificate or a medical certificate attesting absence of pregnancy had still not been adopted. The Committee trusted that this Bill would be adopted and implemented in the near future. It accordingly urged the Government to take the necessary decisions to this effect. Furthermore, the Committee noted that important differences in wages continued to exist to the detriment of women and Blacks particularly in the rural sectors. It requested the Government to take all the necessary measures to ensure the full implementation of the provisions of the Convention. The Committee hoped that its next report would furnish comprehensive and detailed information so that it might be able to conclude in the very near future that substantial progress had been made in law and in practice. It recalled the possibility of having recourse to the technical assistance of the International Labour Office.

The Government representative stated that he did not agree with the phrase "serious discrepancies between legislation and practice and the requirements of the Convention" in the conclusions of this Committee, as this was not certain, as demonstrated by his previous declarations. He added that he did not agree that this Committee take note in its conclusions of significant differences in wages for women and Blacks as these differences resulted from different occupational training. Equal wages were guaranteed for equal work. The situation should not be prejudged before the Committee of Experts had examined this case in all its aspects. He considered that the conclusions did not correspond to the real situation in Brazil nor did they emerge from the discussion which had taken place. In this regard, he considered that he had been speaking in the wilderness.

The Committee took note of the statements of the Government representative.

Cuba (ratification: 1965). The Government has communicated the following information:

The Government considers that the Committee of Experts should evaluate the present information in the wider context of changes in the structure and the functioning of the central administrative bodies of the State, in the framework of the reforms introduced to the Constitution of the Republic. On 21.04.1994, Decree-Law No. 147 was adopted which provides for the reorganization of the central bodies of the State, to adapt them to the conditions of the present special period, as well as to the international exchange and collaboration which the country is developing in the actual international circumstances. According to the above Decree-Law, a great number of central administrative bodies of the State will disappear and their functions will be transferred to others. The heads of these bodies shall present, within 90 days, proposals to a committee created within the Council of Ministers, dealing with the organization and functions of the new bodies. This committee shall take the necessary decisions not more than one year later. This process of institutional and economic reorganization of the country, of simplification and rationalization of the State apparatus, including the decentralization of the foreign trade and the increased financial and operative autonomy of the enterprises passes into the economic plan through an ensemble of measures which will be adopted at the same time in a gradual and cautious manner.

With respect to the different paragraphs of the observation, the Government provides the following indications:

1. An example of the new form for the students' accumulated records is appended; it is being printed and will be used from the next school course onwards. The actual forms have been modified according to a circular letter of the Ministry of Education, dated 06.02.1993, to eliminate the data that were irrelevant to the educational process and which were the subject of the Committee of Experts' observations. These data have also been eliminated from the new form.

2. Resolution No. 590 of 1980 has been repealed completely by Resolution No. 1 of 1993 which provides for the withdrawal from the workers' records of the information required by Resolution No. 590. Section 3 of Resolution No. 1 of 1993, while mentioning that the procedure to follow for the recognition of a praiseworthy attitude of a worker will continue to be the responsibility of the trade union movement if it deems it useful and in accordance with its working methods, refers to production or branch assemblies which are periodically summoned by the trade unions in every work unit. In the Cuban system of labour relations the trade unions participate in the control and the evaluation of the fulfilment of the work plan of the work unit, according to its structural organization, whether at the level of the departments, workshops, etc. In these assemblies, on the basis of the report which the administration presents on the state of fulfilment of the previously agreed workplan, those workers will be mentioned who have distinguished themselves for their efficiency, punctuality and the quality of their work results in relation to the individual and collective performance. This is a trade union activity where the Cuban workers have an opportunity to express themselves and which relates to a public recognition that stimulates a good worker and has no relationship with the provisions of this Convention. Furthermore, the Government assures that since Resolution 590 has been repealed, which was the subject of comments of the Committee of Experts, no control on the elements that have been the subject of the observation has been exercised in the workers' records. A new form of the work records is appended.

3. With respect to the dismissal of 14 university professors some years ago, Decree-Law No. 34 of 1980 has been applied which provides that dismissal from the duties of a teacher in higher education may be decided by university deans and may be challenged before the Ministry of Higher Education. In the present case the concerned teachers had, at that time, lost their status of university teachers, but not their work relationship with the Ministry of Higher Education. They have all been offered new jobs and they have voluntarily decided not to accept them.

4. As far as the regulation of the system of inspection of the Ministry of Education is concerned, the Government has indicated that the entire school inspection system is in a process of change and has to adjust to the provisions of Decree-Law No. 147 of 1994, respecting the reorganization of the bodies of the central State administration. The inspectorate of the Ministry of Education will give advice, direct the methodological orientation and the general and special State supervision, through systematic exchanges with the different departments and centres of education. The political elements mentioned in these paragraphs refer to the policy of the educational system and not to the elements prohibited in the Convention. Decree-Law No. 34 of 1980 is also being revised and modified according to the terms of the provisions of Decree-Law No. 147 of 1994, respecting the reorganization of the bodies of the central State administration. Resolution No. 2 of 1989, respecting the rehabilitation of workers to whom Decree-Law No. 34 has been applied, provides for the possibility of reducing the term to a period of less than five years for such rehabilitation.

Evaluation of workers

5. Resolution No. 50 of 1987 has been repealed by Resolution No. 17 of 1993, which has eliminated the elements which were considered incompatible with the Convention. The text of Resolution No. 17 of 1993 will be transmitted with the next report.

Access to training

6. As admitted by the Committee of Experts, the criteria for admission to higher education depend on the qualifications that the candidates have demonstrated in evaluation tests, based on the academic index of the student, which is in turn determined by examinations. Consultation of the above and of the students' collective has no connection with the criteria prohibited under the Convention. It is part of a work style of wide participation in the teaching institutions, to guarantee the functioning of the teaching institution, to analyse the success and defects of the organization

and of the school management with respect to the execution of school programmes.

Access to employment

7. Revision of internal regulations of some enterprises has been concluded and, as pointed out in a previous report, some cases indicated by the Committee of Experts had already been modified before the revision was undertaken. In pursuing the revision, the labour inspectorate has suggested not to include in future regulations elements which might lead to erroneous interpretations or which would lead away from the principle of equality in employment, as provided for in section 3 of the Labour Code which directs the employment policy of the country and says literally: "Every citizen able to work has, without distinction as to race, colour, sex, religion, political opinion or national or social origin, the opportunity to obtain an employment through which he may contribute to the ends of society and to the satisfaction of his necessities".

8. The content of the workers' records has been modified factually and in law, with respect to the provisions of Resolution No. 1 of 1993 repealing Resolution No. 590 which was the subject of comments of the Committee of Experts. The new Resolution provides that the forms in which the merits of workers are inscribed have to be withdrawn. The new form of workers' record, appended hereto, does not contain any element in contradiction with the Convention.

9. The posts of the State administration correspond with the criteria expressed by the Committee of Experts in its General Survey, referring to high-level posts related to Government policy. The Government notes the paragraph mentioned in the General Survey of the Committee of Experts.

In addition, a Government representative added some general remarks to supplement the written information furnished to the Committee. She noted that since 1991, when this case was first discussed at the Committee, important modifications to the legislation and to the practice took place with regard to the application of the Convention. She referred to the repeal of Resolution No. 590, which had been noted as a case of progress in paragraph 135 of the general report of the Committee of Experts with regard to Convention No. 29, and considered that this should be seen in the same manner with regard to Convention No. 111, since an important change had been introduced to the contents of the labour records following a request of the Committee of Experts; in the new labour records, the elements recorded under Resolution No. 590 were eliminated. She also indicated that, in the new form for the student's accumulated school record, information that was unnecessary to the educational process was eliminated and that the repeal of Resolution No. 50 of 1987 regarding the evaluation of the work of journalists, together with the adoption of new provisions, complied with the request of the Committee of Experts. The speaker further indicated that other measures had been carried out, relating to labour inspection in the plan of investigations and to a correct application of the provisions that had a bearing on the Convention, so as to avoid erroneous interpretations that did not correspond to the principles of equality expressed in the Constitution of the Republic and in the Labour Code. The labour legislation should be adapted to the changes in the structure and the functioning of the organisms of the State Central Administration.

She concluded by confirming the Government's willingness, already expressed on different occasions, to modify the legislation, according to the necessities and to the particularities of social and economic transformations, taking account of ratified international Conventions.

The Workers' members thanked the Government representative for providing very detailed oral and written information. The written information made the point that the Committee of Experts needed to evaluate the present information in the context of changes taking place. On 21 April 1994, Decree Law No. 147 was adopted which provided for the reorganization of virtually all central bodies to adapt them to present social conditions. To the extent that the changes affected the application of any Convention that has been ratified by Cuba, the Government should transmit details of how they are affected to the Committee of Experts. Resolution No. 590 of 1980, which established merits and demerits on workers' records based on political views, has been repealed by Resolution No. 1 of 1993. Since this was the concern of the Committee of Experts and since it has been done away with, the Conference Committee need not concern itself with this. The dismissal of the 14 university professors was quite serious. It was alleged that the professors were dismissed because of their political views. The Government has maintained that the grounds for dismissal were different, but the Committee of Experts has not been given information on the reasons. In addition, there was no provision in national legislation to provide for tribunals or access to law for the professors to appeal. More information should be given by the Government concerning this in their next report. The Government has indicated that the entire school inspection system was in the process of change and must be adjusted to the provisions of Decree Law No. 147 of 1994. The Committee of Experts required detailed information on this. The Government informed the Committee of Experts that it intended to make amendments to bring the texts into line with the changed circumstances, and the Committee of Experts' comments would be taken into account. Concerning access to training, the Committee of Experts was satisfied that candidates were now being evaluated entirely on the basis of their academic record. The Committee of Experts was also concerned about the students' collective and trade union involvement and the Workers' members requested more information about this in the next report. Concerning access to employment, they noted that the revision of the internal regulations had been concluded. In carrying this out, labour inspectors suggested not to include in future regulations elements which might lead to erroneous interpretations or which led away from the principle of equality in employment as provided for in section 3 of the Labour Code. They requested the Committee of Experts to investigate this in detail. The point about the journalists had been cleared up, and this too could be examined by the Committee of Experts. Also, the new form for workers' records did not contain anything in contradiction with the Convention. A final point concerned posts in the state administration. If these were very senior posts, very top level posts like government advisors, in which a person must hold certain political views, then it may be acceptable. But if this requirement continued right down through the state administration, it was unacceptable. The Workers' members felt paragraph 9 of the written information did not offer any useful information. It stated that posts in the state administration corresponded to the criteria expressed by the Committee of Experts in its General Survey. The paragraph gave no indication as to whether the Government was taking account of those comments. They concluded by expressing the feeling that much progress had been made, but that not everything had been resolved. The points must be examined by the Committee of Experts and, in particular, the changes to be introduced consequent to Decree Law No. 147.

The Employers' members, while welcoming the positive indications in the report, were more concerned and more critical than the Workers' members. It was useful to define exactly what was at issue. This case concerned a number of different legislative and regulatory practices that resulted in discrimination based on political opinion which was contrary to Convention No. 111. The Committee of Experts noted that guidelines for the use of student records for teachers were a positive development. The Employers' members were concerned that, while much has occurred, it was not clear that the measure would result in meaningful concrete changes relating to full implementation of and compliance with Convention No. 111. Decree Law No. 147 provided for a general reorganization of administrative bodies and law in practice but it was unclear how this would deal specifically with the issue of political opinion discrimination. The first point in the document related to the students' accumulated records and certain data being eliminated from the new form. They suggested that the Committee of Experts review this. Point 2, concerning merits and demerits, on the surface it appears that the changes will make this operate better. However, the Employers' members had some doubts given that the Conference Committee had dealt for a number of years with the issue of trade union monopoly in Cuba. This may simply be another way of avoiding compliance with Convention No. 111. Point 3 dealt with the dismissal of the 14 university professors, and the last sentence noted that they had been offered new jobs which they refused. The important point is that the professors had no opportunity to appeal the dismissal in front of an administrative or judicial body. The Employers' members felt much more needed to be done on this point. Point 4 dealt with the school inspection system. The Government noted this was in a process of change, and the political elements mentioned referred to the policy of the educational system. This appeared to be an improvement but it must continue to be monitored. They pointed out that there were a number of other issues they wished to address, but there was simply not enough information on, for example, workers' access to training and to employment. It was hoped that the Committee of Experts would provide a helpful analysis. The Employers' members concluded by stating that the central concerns of the Conference Committee – the moral requirements that must be taken into account in a whole variety of employment circumstances – still remain in play. They requested the Committee of Experts to examine the information supplied by the Government in detail and to indicate whether the legal and practical situation in Cuba was demonstrating better compliance with the Convention. They urged that the conclusions be firmer than those of 1992. While they recognized there had been some progress, the Government had much more to do to bring its law and practice into line with the requirements of Convention No. 111.

A Workers' member of Colombia appealed to the Cuban Government to intensify the work to improve the rights of Cuban workers in every sense, above all as regards the right to non-discrimination based on ideology and party membership in which they believed, according to the Committee of Experts.

The Government representative stated that she had taken note of all the concerns expressed which would be duly taken into account by her Government in future reports. Referring to the intervention of the Workers' members, she stated that the posts in the administration of the State, to which the Committee of Experts referred in paragraph 9 of its observation, did not include all posts but were limited to certain posts, such as President, Vice-President, minister, deputy minister and certain executive posts.

The Committee took note of the written information provided by the Government, as well as of the discussion which took place. With regard to conditions of employment, the Committee noted the measures taken by the Government, in particular new legislation announced in the written information. It hoped that the Government would do everything in its power to continue to harmonize the legislation with the Convention. With regard to the evaluation of workers, the Committee noted with interest the repeal of Resolution No. 50 of 1987, and it asked the Government to provide a copy of this decision with its next report and expressed the hope that all necessary measures would be taken to guarantee, in law and in practice, the full application of the Convention. With regard to access to training and employment, the Committee expressed the strong hope that the Government would be able to indicate in its next report considerable progress in the application of the Convention. In general, the Committee would like the Government to continue to provide complete and detailed information on all the questions raised by the Committee of Experts in order to allow it to assess the constant evolution of the situation in law and in practice.

Romania (ratification: 1973). The Government supplied the following information:

Discrimination based on national ancestry, race or social origin. A draft Act respecting the protection of national minorities which was recently submitted to Parliament will regulate the status of minorities on the basis of the constitution. Furthermore, the Government has sent the text of Government Decision No. 461 and a publication of the Council for Minorities entitled *The Legislative and Institutional Framework for the National Minorities of Rumania.* With respect to article 2 of Decision No. 136 (and not 137, as erroneously quoted in the Direct Request) of 6 April 1993, the representatives of the Democratic Magyar Union of Romania, of the Democratic Forum of Germans of Romania, the Democratic Union of the Roma, as well as the representatives of nine other organizations of minorities (Armenians, Bulgarians, Greeks, etc.) are part of the Council. Over 1.1 billion Lei are earmarked to subsidize the activities of the Council of Minorities.

The actions before the judicial instances, taken by persons who have suffered from imprisonment or from prosecution for political reasons have been resolved through decisions of the Supreme Court of Justice. Decisions No. 1048 to 1059, respecting the cases of Micu Stefan, Boeriu Petru Marius, Stefanescu Ion, Anghel Darie, Nicuta Paraschiv, Cojocea Nicusor, Puscasu Enea, Broasca Dumitru, Dascalu Petrica, Muresan Vasile, Vitos Lodovic and Vieru Angelica who had been accused of "public acts of indecency" during the incidents directed against the political régime that occurred in the town of Brasov in 1987 provide for material and moral compensation. These decisions have been executed in conformity with Act No. 118/1990. The issuing of titles for landed property to the former owners is continuing according to Act No. 18/1991, without any discrimination. The process is rather slow because of numerous problems concerning heirs and successions. At the end of May of this year, out of a total of an estimated 4,416,692 cases, only 970,737 (22 per cent) of the property titles had been delivered. Since the last report, no complaint has been lodged with the authorities alleging any infringement of recommendations Nos. 4, 6 and 7 of the Commission of Inquiry or of Act No. 118/1990 respecting the granting of rights to persons who have been prosecuted for political reasons. In 1993 the Government has, as it had announced to the Committee of Experts in May 1993, distributed the text of the report of the Commission of Inquiry to the national organizations of workers and employers. This year, it has been distributed to the National Public Prosecutor of Romania, to the Ministry of Justice and the Ministry of Tuition.

Situation of female workers. The unemployment rate has risen from 9.3 per cent (May 1993) to 11 per cent (May 1994); it stands at 13 per cent for women, compared with 9 per cent for men. One third of secondary-school graduates and 50 per cent of university graduates are jobless. 67.4 per cent of female unemployed are between 15 and 24 years of age. 59 per cent of long term unemployed are women. The branches of the economy in which women are most vulnerable are construction and the mechanical, chemical and electrical engineering industries. The authorities did not have to deal with any cases of discrimination, based on sex, in the access to programmes of occupational training. The restructuring of the economy continues to have a negative effect on the level to which job requests can be satisfied (only 30 per cent). Actually, the Government is developing part-time work to the widest possible extent (flexible hours, job sharing, etc.), especially with regard to women. A national committee has been set up to prepare the participation of the Romanian delegation in the Fourth World Conference on the Status of Women which will be held in Beijing next year. One of the major objectives of this committee is the setting up of a government structure to elaborate training programmes for women and special promotional measures for women. At the beginning of this year, UNDP and the Ministry of Labour have initiated a common project concerning "The Participation of Women in Development", which is aimed at: sensitizing public opinion to the factors that influence the situation of women; promoting strategies of equality of chances between women and men; establishing programmes for the creation of new jobs, especially in small and medium scale enterprises; developing training courses, including in the management field.

In addition, a Government representative of Romania recalled that the promotion of human rights, the cornerstone of a democratic society, had become an essential element of Romanian policy since 1989. As concerned point 8 of the observation of the Committee of Experts, although it was not possible to give specific information as to the number of persons having benefited from the provisions of Decree No. 118 of 9 April 1990 which entitled persons, who had been unable to work due to incarceration or persecution for political reasons from 6 March 1945 onwards, to be compensated in terms of years of seniority for purposes of calculating pension and other benefits, it was appropriate to state that the new legislation had been applied automatically to all persons concerned. In order to facilitate the Government's task it was desirable that the Committee of Experts mentioned the cases where a claim for compensation had not been followed up. As concerned the restitution of titles for landed property, many clarifications needed to be made. First of all when they had furnished proof of their ownership rights former owners and their heirs had their land restored to them. However, to the extent that this restitution had to be preceded by numerous measures, such as the determination of the exact size of the parcel of land and the identification of the true owners, the issuance of titles for property was a complex process. Furthermore, in the event of a dispute the case was taken to the courts and the Government could not intervene to accelerate the process. Finally, the restitution of land had to be carried out in conformity with laws respecting landed property. Concerning point 9 of the observation, it was appropriate to recall that by virtue of Decree No. 118, the persons mentioned in Recommendation No. 6 of the Commission of Inquiry, including the strikers who had been reinstated by the courts, had undergone medical examination and had received subsidies from the State. With regard to Recommendation No. 7 concerning the reinstatement of workers who had lost their jobs as a result of being arrested for the June 1990 demonstrations, the Committee of Experts should draw to the Government's attention cases where the persons concerned had been refused reinstatement. In this respect it was appropriate to clarify that the employers decision to break the employment contract could not be taken until after 60 days of incarceration, in conformity with section 130 of the Labour Code. With regard to point 10 of the observation of the Committee of Experts, the speaker referred to the written information provided. In conclusion, the speaker emphasized that one had to be conscious of the difficulties resulting from the current period of economic transition.

The Workers' members recalled that the discussion on points 8, 9 and 10 of the report of the Committee of Experts had to be seen in the context of the follow-up to the recommendations of the Commission of Inquiry set up under article 26 of the ILO Constitution. This Committee had insisted on the need to take specific and effective measures and to furnish detailed information to the Committee of Experts especially with respect to compensation measures. It was to be noted that the recommendations of the Commission of Inquiry were taken into consideration during the constitutional and legislative reforms. However, the principal problem concerned the practical effects of the measures adopted. With regard to point 8 of the observation concerning compensation, to mention a decree and to affirm that the problems were resolved was not sufficient. What was important was to have specific and detailed information on the results achieved regarding reparations as requested by the Committee of Experts. Concerning point 9 of the observation, if one referred to the written information provided, it would appear that no claim had been lodged before the authorities for infringements of Recommendations

Nos. 4, 6 and 7 of the Commission of Inquiry. However, during last year's meeting, the Workers' member of Romania had underlined that cases of discrimination still remained notably due to the attitude of the management of enterprises who still adhered to practices and concepts of the old regime and that procedures concerning discrimination were extremely slow. It was to be wondered whether the length of the procedures and the lack of access to the courts were not at the origin of the statement that there were no complaints. If the written information supplied by the Government were to be referred to, it would appear that the text of the report of the Commission of Inquiry had been transmitted to international organizations of workers and employers. However, the question remained as to whether this information had been distributed on a sufficiently wide basis. Finally, the Workers' members wished to insist that there should be follow-up measures to the recommendations of the Commission of Inquiry, that effective measures should be taken to grant compensation to victims of discrimination for political reasons and that information that was as complete as possible should be at the disposal of the Committee of Experts so that they could assess the effects in practice.

The Employers' members stated that this case had been dealt with since 1989. They felt that Law Decree No. 118 of 1990 provided a good basis for progress but that it really was a question of seeing how it was implemented in practice. In this respect, the Government representative had stated that he had no precise information but it was this information which the Committee of Experts and this Committee required. The Employers' members wanted to know how much compensation had been granted to those who were persecuted for political and other reasons and those who were deprived of their property unjustly. As concerned the issuing of titles for landed property to former owners, the Government representative pointed out that forced confiscation of land only took place during the last 11 years of the communist regime. While acknowledging the difficulties involved in restoring land and property to the original owners, the Employers' members considered that compensation should be easier to carry out here since the titles had been missing only for a period of 11 years. It seemed to them therefore that the restitution of the property titles as indicated in the written reply of the Government (22 per cent) was taking place at a rather slow pace. They felt that it should be possible to accelerate these procedures to a certain extent so that compensation was granted at a higher level than 22 per cent. Moreover, the Government representative had stated, in respect of paragraph 9 of the observation, that the Committee of Experts should inform him about specific cases which had not been remedied and that the Government would then do something about it. They considered that it was up to the Government to know where the wrong had been done and therefore how something had to be remedied. Referring to paragraph 10 of the observation which dealt with the question of the distribution of the copies of the report of the Commission of Inquiry, the Employers' members pointed out that although the Government representative had stated that the text had been distributed, he had not specified whether it had been distributed in the Romanian language. However, the Committee of Experts wanted this report to be distributed in Romanian and possibly in the languages of the ethnic minorities as well so that there was wider awareness in Romania itself on this matter. The Employers' members concluded that this discussion had shown once again that there was a long way to go in order to right the wrongs committed by the previous regime. Therefore, this case should be left open and pressure should be put on the Government once again to do everything possible to reach the results required by the Commission of Inquiry in its report.

The Workers' member of Romania, recalling that numerous cases of violations of trade union rights still existed, stated that legislation in her country on human rights including freedom of association had been adopted but shared the point of view of the Employers' and Workers' members that its implementation was difficult.

The Government representative maintained that a distinction had to be made between the problems of the past and those that followed the 1989 revolution. Regarding the past, all compensation measures had been implemented but problems of a technical nature made it difficult to obtain precise information. However, it was appropriate to specify that Romania was in the process of modernizing the administrative structure which would allow it to evaluate correctly the exact number of persons who were compensated. Concerning the future and more specifically the problem of the slowness of the procedures, proposals have been introduced in Parliament to remedy these problems. In this respect, within the framework of tripartite discussions, a reform of labour legislation and in particular, Act No. 54 of 1991 respecting trade unions was being undertaken. Finally, the speaker wished to emphasize that a book on national minorities of Romania containing vast statistical, legal and other information was at the disposal of the Committee of Experts in English and French to allow it to better assess the situation.

The Committee took note of the written information and the oral explanations provided by the Government representative, as well as the discussion that took place in the Committee. It noted the fact that a certain number of legislative measures had been adopted to ensure the application of the Convention, but nevertheless observed that the Committee of Experts had not received the information requested earlier. The Committee wished that the Government would, in the near future, adopt all necessary additional measures to implement the recommendations of the Commission of Inquiry and to continue its efforts to bring law and practice into full compliance with the provisions of the Convention. It urged the Government to provide, as soon as possible, all the precise and detailed information requested by the supervisory bodies of the ILO, so that the latter could assess the situation in full knowledge of the facts and note the specific progress that had been made.

Convention No. 118: Equality of Treatment (Social Security), 1962

Iraq (ratification: 1978). A Government representative stated, with reference to the observation of the Committee of Experts, that section 38 of Act No. 39 of 1971 on Pensions and Social Security guaranteed to all those insured (Iraqis, Arabs, foreigners and residents living abroad) the payment of social security pensions and the right to benefits in the event of occupational accidents in accordance with the following rules: with regard to the Iraqis, the benefits referred to were paid if the departure from the country was legal; with regard to Arab foreigners the benefits were paid when they returned to their country once the work period had ended if they did not have heirs in Iraq; in respect of other foreigners, the benefits referred to [illegible] according to reciprocity or the provisions of international agreements, and in the best interests of the worker. These were rules of procedure applied for organizational reasons which were not in contravention with the Convention, since his country was careful to guarantee the application of the Convention in legislation and in practice. With regard to benefits owing to the workers that left Iraq in 1990, Iraq was ready to pay the benefits to the Egyptian workers as well as to other workers in the same position, once the embargo against Iraq was raised and it could export oil. The benefits in question would be paid in the context of the provisions of national legislation and international agreements: 250,000 Egyptian workers remained in Iraq as well as a large number of farm workers, and all of them enjoyed the same rights as the Iraqis, under labour legislation and international agreements.

The Employers' members recalled that this case had been dealt with last year and that the statements made by the Government were very similar to those made last year. The problem was very clear and consisted of guaranteeing equality of treatment for Iraqi nationals and foreigners with regard to social security. It was a matter of paying pensions to foreigners once they had left the country. This problem affected most of all those Egyptian workers who had abandoned Iraq in circumstances of war in 1990. The Government stated that the legislation was not contrary to the Convention, but said that the payment of the pensions would only be made if the economic and financial situation changed. Given that the State must pay the pensions, the present situation was not in conformity with the Convention. The economic embargo against Iraq could not be used as a response to the complaints of the workers, who had made contributions often for many years of work in the country. The political arguments made as a defence could not be accepted. In view of the fact that the Government representative had not given concrete answers with regard to the approach of his country in the future, that his declaration was very general and that this case was dealt with last year, the Committee should urge the Government to act so that a solution to the problem could be found as quickly as possible.

The Workers' members remembered that this case had been discussed at length last year with regard to the conformity of Act No. 39 of 1971 and of Order No. 2 of 1978 with the Convention. Last year the Government stated that it was studying the provisions in question and anxious to determine how they could best be brought into conformity with the Convention. They asked the Government if it still intended to proceed with an examination of the legislation with a view to its revision. With regard to the payment of pensions to Egyptian workers and possibly also to those of other countries, the argument could not be accepted that the delay was due to the war, to economic difficulties or to the international embargo. If the Government had the political will to comply with the Convention, it could begin negotiations so that money frozen in foreign countries could be directed towards the payment of pensions for the workers concerned. This was a worrisome situation because it affected a large number of Egyptian workers who had no resources and who had the right to their benefits. They asked that detailed information on when they would pay the pensions to the workers in question who in many cases were older persons waiting for their retirement pension.

The Government representative reiterated that his Government was prepared to pay all the social security benefits owing but the difficult economic situation caused by the economic embargo of his country and the freezing of Iraqi funds abroad made it impossible to set a date for the payment of such benefits. This economic situation did not even permit the acquisition by his country of medical supplies. However, Iraq fulfilled the obligations imposed by the United Nations Security Council, and other countries of this body had also noted the significant progress made by Iraq.

The Workers' member of Kuwait wished to answer the Government representative who had stated that the payments in question would be made as soon as the embargo was lifted and when oil sales resumed. In his view it was factually incorrect to claim that the United States was preventing such payments. This would be tantamount to questioning the legitimacy of the decisions of the international community regarding Iraq. This problem which involved Egyptian workers as well as citizens of other countries which may be Arab or not, was independent of UN resolutions and it would be inconceivable to withdraw in order to address this problem. This Committee should show firmness in order to obtain a solution as the Government has been making the same argument for many years now. Given the manner in which this Government treats its own citizens, it was not so surprising that it was refusing to pay these workers what was due to them.

The Government member of Kuwait noted the falsity of the statement made by the Government representative that his Government would respect the UN Security Council resolutions.

The Government representative of Iraq protested against this assertion dealing with matters completely outside the work of the Committee.

The Workers' member of Italy stated his belief that the United Nations embargo permitted some exceptions for food and medical supplies. In his view, the Government of Iraq could request the Security Council to partially lift and supervise the embargo to permit such payments which were required by the Convention.

The Government representative said his Government fully recognized the rights of the Egyptian workers to such payments and would be ready to make these payments as soon as the embargo was lifted and the situation in the country improved.

The Employers' members expressed their regret at not finding anything new in the statement of the Government representative which they considered to be less responsive than the ones presented to the Committee in 1992 and 1993. The Government, which had not provided a report at the time, had expressed its readiness to conform with the requests of the Committee while all along making the same reservations as today. The Committee of Experts noted in its report the Government's statement that even though the existing legislation was not contrary to the Convention, it was ready to adopt certain amendments to this effect. However, by making the right of workers regarding their payments abroad conditional on the lifting of the embargo, the Government's attitude resembled the taking of hostages because the workers' rights had nothing to do with the freezing of assets abroad. In his view this Committee should firmly condemn such behaviour.

The Workers' members noted that the Workers' member of Kuwait was justified in raising the question of sanctions imposed by the United Nations to the extent that it was the Government representative of Iraq himself who had initially raised it. In addition, as was recalled by the Workers' member from Kuwait, the origin of the problem went back to 1988, long before the imposition of sanctions. It was for this reason the Employers' members were considering this situation to be similar to hostage-taking. In its conclusions adopted last year the Committee had requested the Government to provide information that would allow the verification of Iraq's full compliance with the Convention. All the information obtained from the report of the Committee of Experts and these discussions indicated clearly that the Government was not implementing the Convention. The Committee should adopt conclusions firmly requiring the Government to fully apply the Convention by taking measures to make the said payments to the Egyptian and other workers as well as by making an undertaking to amend the legislation to put it in full conformity with the Convention.

The Committee noted the information provided by the Government representative as well as the discussion that took place in its meetings. The Committee recalled that it had discussed this problem over the last few years and regretted that this year no concrete measures had been taken to ensure that the law and practice fully applied the Convention especially as regards equal treatment in payments made abroad. The Committee expressed the very firm hope that the Government will, in the very near future, take all the concrete measures necessary to make the payments due and thus ensure the full conformity of the law and practice with the Convention it undertook to implement.

Convention No. 122: Employment Policy, 1964

Peru (ratification: 1967). The Government supplied the following information:

In its 1994 observation, the Committee of Experts on the Application of Conventions and Recommendations requested the following:

1. *Detailed information on programmes implemented under the new legislation, and on the results obtained, particularly taking into account that, as the Government recognizes, these measures were limited for the time being because of the economic recession.*

A. The youth labour training programme

The objective of this programme is to provide theoretical and practical knowledge of work to youths between the ages of 16-21, for the purpose of integrating them into economic activity in a specific occupation. In this way, enterprises or firms whose workers are in the private sector labour system are able to enter into Youth Labour Training agreements, which have a duration of no more than 18 months, and are not subject to the labour stability law; they also receive a financial subsidy of no less than the minimum living wage, and their numbers cannot exceed 15 per cent of the total personnel of the enterprise, including permanent employees or those under any type of contract.

The youth labour training agreement is in writing and contains the following information:

(a) name or name of firm of the individual or legal entity which sponsors the labour training;
(b) name, age and other personal information concerning the youth receiving the training;
(c) occupation that is the subject of the specific training;
(d) monthly financial subsidy amounting to no less than the minimum living wage;
(e) reasons for the amendment, suspension or termination of the agreement.

Youths that are subject to the labour training programme shall be registered in a special register, for which the enterprise is responsible, and authorized by the competent office of the Ministry of Labour and Social Development. Since its creation in October of 1990, there have been 3,596 such agreements.

B. Preoccupational internship programme

The purpose of this programme is to provide guidance and technical and occupational training to students and graduates of any age of universities and higher level institutes, either public or private, which provide specialized or higher level training in the areas corresponding to their academic training. Preoccupational internships are carried out under an occupational training agreement between the enterprise or firms whose workers are subject to the private sector labour system and the student, with the authorization of the teaching institution to which he or she belongs. The preoccupational internship agreement is in writing and made known to the competent office of the Ministry of Labour and Social Development, and the institution which is training the trainee. Similar to the youth labour training programme, the preoccupational internship programme does not establish an employment relationship, the subsidy which the enterprise grants to the trainee is not less than the minimum living wage, and as it is not remunerative in nature, it is not subject to deductions nor to any payment by the enterprise on behalf of the beneficiary for contributions to the Peruvian Social Security Institute, FONAVI, SENATI or any similar body. Since its creation in October of 1990, there have been 18,916 such agreements.

Metropolitan Lima: Youth labour training programme and preoccupational internship programme, October 1990-March 1994

Programmes	No. of firms registered	No. of agreements received	No. of agreements concluded
Youth labour training	85	3 596	1 967
Preoccupational internships	502	18 916	1 635
Both agreements	276	–	–
Total	863	22 512	3 602

Source: Ministry of Labour and Social Development, National Employment and Youth Labour Training Administration.

C. *Independent employment and micro-enterprise programme "PRODAME"*

Through this programme substantial and adequate support is granted to micro and small enterprises, as it is a sector that potentially can reactivate labour.

The objectives of the programme are:

- to stimulate the creation of sources of employment for people who are unemployed or underemployed through the formation of micro and small enterprises;
- to formalize and legalize micro and small enterprises so that they have access to economic and financial means of the formal system;
- to reduce the time for and cost of forming micro and small enterprises, by simplifying administrative procedures and the signing of Inter-Institutional Cooperation Agreements;

The following benefits are granted by the programme:

- legal advice for the formation of the micro or small enterprises;
- preparation of the constitutive document and lawyer's signature at no cost;
- 50 per cent discount of the notary's tariff, under an agreement with the College of Notaries;
- advice on obtaining its unified registration;

Since its creation in November 1990, PRODAME succeeded in forming 3,371 new economic entities, 41.2 per cent in the commercial sector, 33.6 per cent in the service sector and 25.2 per cent in industrial activities.

2. *Information on measures taken to collect statistical data on not only the urban but also the rural and national labour markets, which are necessary, as Recommendation No. 122 recalls, as a basis for the general and specific measures to be taken in the framework of employment policy.*

Statistical data on the labour market is obtained through inquiries carried out by the Minister of Labour and Social Development which include the following: domestic inquiry, wages and salaries inquiry, and monthly variation in employment inquiry.

Domestic inquiry

The objective of this inquiry is to gain information on developments and trends regarding the labour force through basic characteristics such as: levels of employment, income, occupational groups and categories, areas of economic activity, education, migration, principal characteristics of the urban informal sector, information on the structure of the economically active population by areas of residence, and other information referred to on the use of labour. This inquiry is carried out at the level of Metropolitan Lima in a sampling of approximately 2,000 homes, involving interviews with about 6,000 persons aged over 14. Geographic coverage includes the area of Metropolitan Lima, whose framework for sampling includes 48 districts constituting the Province of Lima and the Constitutional Province of Callao. The fulfilment of the domestic inquiry has been programmed for the national level, as the first phase has already been carried out at the level of the 13 principal cities of the country, comprising the "Updating of the Sampling Framework".

Monthly variation inquiry

The purpose of this inquiry is to determine trends in changes in the demand for labour in three sectors of the economy: industry, commerce, and services, and to determine the causes of increases or decreases in the number of workers as well as the effect of specific legal provisions relating to employment. This study comprises a survey of all enterprises employing more than 100 workers in the manufacturing, commercial and services sectors of Metropolitan Lima: it is carried out on a monthly basis by sending inquiry forms to the enterprises through the Postal Service.

Salaries and wages inquiry

This inquiry obtains information about trends in nominal and actual salaries and wages, to determine the purchasing power of remuneration, the trends and distribution in respect of occupational groups and categories, the extent to which workers are subject to collective bargaining, shift work and hours of work, as well as the characteristics of workers. This study is carried out on a bi-monthly basis and involves about 550 enterprises, with information collected from approximately 5,000 workers, including executives, employees and labourers. The coverage of the sampling framework for enterprises includes all private enterprises employing ten or more workers who annually submit their payrolls to the Ministry of Labour and Social Development, at the level of Metropolitan Lima.

3. *Information on regional, social and economic plans and programmes to promote employment as well as on the situation, levels and trends in employment in the other departments of the Republic.*

With regard to regional socio-economic plans and programmes for employment promotion, a "public employment service programme" has been prepared. This programme was prepared to decentralize intermediary labour market programmes at the level of the principal cities of the country, under programmes to increase employment and as part of the labour market regulation policy.

Some of the principal objectives are:

- to implement a quick computerized system for managing employment in the Regional Labour and Social Development Administrations, through the "Integrated Employment Management System of Peru";
- to establish an integrated system to act as an intermediary in the labour market at the national level, seeking to maximise the hiring of workers through interrelationships among the placement offices at the national level;
- to provide an intermediary service for offering and requesting employment in order to place the worker requiring a job suited to his aptitude, ability and knowledge with employers requiring such workers in order to fill given vacancies;
- to provide guidance to future and present workers in order to achieve the best use of their aptitudes and abilities in an occupation;
- to study the structures and characteristics of the labour market, for the purpose of using this information for the guidance and better employment of the labour force.

With reference to the circumstances, levels and trends in employment in the remaining departments of the Republic, it is to be noted that information on this matter will be obtained through the domestic inquiry at the national level in 1994, as this had not been carried out in previous years because of budgetary restrictions.

4. *Information on how representatives of the persons affected, particularly representatives of employers and workers, are consulted on employment policy, indicating, in particular, whether such consultations are extended to representatives of other sectors of the economically active population, such as the rural and informal sectors.*

Within the framework of employment policy, an evaluation is being carried out of programmes that have been developed, taking into account the opinions of the beneficiaries of the programmes, for the purpose of proposing necessary measures.

In addition, a Government representative stated that, for well-known reasons of terrorism and drug trafficking, which forced many farmers to move to safer areas, it had not been possible to compile more complete information on the rural sector, notwithstanding the fact that in October 1993 all the regions of the Republic were sent directives on promotion of employment and vocational education, as well as forms for the compilation of statistical data so that the central Government could centralize and analyse this information and subsequently take the most suitable decisions for each region. Some regional governments in their internal organizational structure in the labour and welfare sector had omitted to include offices of employment and vocational training, while in other regions, such as Loreto, they did not become operational. In March 1994 national restructuring and rationalization of the regional labour directorates was undertaken with special emphasis being placed on the creation and/or setting into operation of employment and vocational training offices, which covered until now the regions of Andrés Avelino Cácares, Grau, La Libertad, Chavin and Nor-Oriental del Marañon. In the current month such regions as Inka and José Carlos Mariátegui also would be covered. In the restructured regions it was decided to establish Regional Commissions for Employment Promotion which should include representatives of employers' organizations, professional bodies, the Ministry of Labour and trade unions. So far such commissions had been set up in Grau and La Libertad, but no central trade union organization at the federal level had yet applied for membership; it would appear that they were either not represented or only very slightly represented at the regional level.

With regard to Article 3 of the Convention, he stated that the Government was complying with its requirements at the sectoral level. Given the difficult situation in his country, the problem of unemployment and underemployment had reached an alarming level. The relevant sectors of the central Government were continually meeting with the trade unions to coordinate policies which would suit their interests. The Ministry of Labour and Social Welfare in this connection played the role of coordinator between trade unions and other involved Ministries of the central Government. At the moment such meetings were organized between the Federation of Construction Workers and the Ministries of the Executive, Transport, Communications, Housing and Construction, as well as between the Federation of Bank Employees and the Ministry of Economy and Finance.

The Workers' members referred to the Government's report on the Convention, which was dealt with in the report of the Committee of Experts, and they appreciated the additional written information submitted by the Government representative. They considered that the situation concerning employment and social protection as well as the conditions of work and social dialogue were troubling. In previous years, the Committee of Experts formulated observations concerning this matter on the application of Convention No. 88. The Workers' members also based their considerations on an assessment of employment policy in Peru. It was worrisome that the Government did not recognize the role of social dialogue in this area. They considered tripartism to be a handicap, while the experts had emphasized for many years the value of a social dialogue that was as broad as possible, including consultations with representatives from the informal and rural sectors. It must be borne in mind that 75 per cent of the people were underemployed. The written information submitted by the Government was insufficient, as there was no concrete information concerning the labour market situation and the survey could not be considered a true organized social dialogue. Structural adjustment programmes should not be applied to the detriment only of the poorest people. The costs and social advantages of this process must be equitably distributed. Pursuing these objectives must be a priority not only for the Government but also for other international organizations such as the International Monetary Fund and the World Bank. The employment programmes were insufficient. The objectives of full employment and of social protection were not contradictory. The latter reinforced the social and economic fabric and permitted a stimulation of demand and therefore growth. It consolidated social stability and cohesion of the country. However, the Government only considered it to be a significant obstacle to its employment policy. Whatever the economic problems faced by the country, employment policies must not consider social protection to be a major obstacle. The costs of structural adjustment must be equitably distributed, and a social dialogue must be promoted.

The Employers' members stressed that, in examining the application of this Convention, this Committee must recognize that full employment did not exist in any country. The problems in Peru were serious, as indicated by the report of the Committee of Experts and the information provided by the Government representative. The Government representative admitted that underemployment and unemployment had now attained worrisome proportions and called attention to the Employment Promotion Law of 1990. The experts recognized that this Act had introduced a range of positive measures, in particular the promotion of vocational training, especially for young people. Employment programmes had been established but they could not be implemented due to a lack of funds. Like other countries, Peru had very few statistics. However, such information was important not only to assess the situation but also for the development of policies and programmes. With full awareness of the facts, according to the Government representative, these problems had arisen because until very recently individual provinces had a greater degree of administrative independence but, in the future, it should be easier to obtain good information, although probably not from the rural areas. The Government representative also mentioned the problem of terrorism in his country, which was only getting worse. The Employers' members considered that one could not have an isolated employment policy but rather an overall economic policy which took account of the many interactions in the economy. Employment policy could only be successful if overall economic policy was successful. Consultation with the various social partners was absolutely necessary. This was not just a requirement of the Convention, but it had always been considered a sensible and useful approach. Successful policies required that the Government reached a consensus with all parties concerned. Such consultations with the informal sector amounted to a significant problem. They had difficulty imagining how such consultation could be carried out with such workers. They felt that the Conference Committee should encourage the Government to make every effort to comply with the Convention in full and take all necessary measures to implement sound employment policy.

The Workers' member of Peru referred to the Government's statement that its youth training scheme was intended to provide theoretical and practical training for young people between 18 and 21 years of age. She stressed that, from the point of view of the Peruvian workers, the Employment Promotion Act had only served to increase unemployment and badly paid underemployment. In Peru the age of majority was 18 and the work done by the young people who participated in this programme mainly had permanent jobs pertaining to the principal activities of major companies. This Act made it possible for these companies to fill vacant posts without making contributions to social security, the housing fund and other benefits which the employers called "anti-technical", and left the workers hired under this system with no occupational accident benefits. She insisted that this system did not create employment, but allowed companies to hire workers cheaply to fill permanent posts without offering them any employment stability and leaving them totally unprotected. She added that this Act was passed only in consultation with the employers because tripartism did not function in her country. She concluded by requesting that the conclusions mention that the workers wished to be consulted on matters relating to employment policy in her country.

The Government representative of Germany wished to refer to a specific problem with the observation of the Committee of Experts: "with regard to the measures to make the labour market more flexible, which constitute a large section of the measures set out in the Employment Promotion Act (and which the CGTP criticizes in the above-mentioned communication), the Committee would like to draw the Government's attention to certain provisions of related international labour instruments that provide for the protection of workers against the use of contracts which aim to avoid the protection prescribed by the legislation (see Article 2, paragraph 3, of Convention No. 158 and Paragraph 3 of Recommendation No. 166, concerning termination of employment, 1982) – both of which are referred to in the 1991 presentation of the objectives of the Employment Promotion Act". The speaker said the situation was similar to that discussed by this Committee in connection with Spain under Convention No. 158. In dealing with this case, the Committee of Experts referred to Convention No. 122 when they were interpreting other Conventions. In the passage quoted above, they seemed to interpret Convention No. 122 on the basis of Convention No. 158. The problem was that Peru had not ratified Convention No. 158, which appeared to be an attempt to compel Peru to abide by the obligations of a Convention which it had not ratified. The speaker expressed serious reservations concerning this procedure.

The Government representative stated that he had taken due note of the comments made in different declarations and assured this Committee that the concerns expressed would be communicated to the authorities of his country, which could then provide, as soon as possible, the relevant responses to the ILO.

The Committee took note of the written and oral information provided by the Government representative and of the report of the Committee of Experts. The Committee noted, as did the Committee of Experts, that a certain number of legislative measures have been promulgated which should make it possible to ensure the application of the Convention. The Committee emphasized the crucial importance of consultations with the national organizations of employers and workers in order to counter economic and social problems as well as to formulate and to implement an active employment policy as a major goal in the framework of a coordinated economic and social policy. The Committee expressed the hope that the Government would take all the necessary steps in the near future in order to bring legislation, and above all practice, into conformity with the Convention, and that it would be able to provide complete and detailed information on the progress achieved.

Convention No. 136: Benzene, 1971

Côte d'Ivoire (ratification: 1972). A Government representative indicated that his Government was called to supply information on the inadequacy of the national legislation in respect of benzene in the observations made in respect of his country on the Convention. In this respect he pointed out that a new Labour Code, elaborated with the technical assistance of the Office, was at present with the National Assembly and might be adopted at its next session. The particular feature of this new Code was the reinforcement of the provisions on the safety and health of the workers. The regulations prepared for its implementation were in full conformity with the ILO Conventions. If the Government in its report did not mention the decree referred to since 1984, it was because this decree could not be adopted due to changes which occurred in November 1990 and January 1994 in the Ministry of Employment and Public Service and because of the new law which would necessarily repeal a certain number of regulations. He added, however, that this Committee could be sure that his Government would soon take the measures necessary for the adoption of the implementing texts, in conformity with Articles 1, 2, 4, 6, 8 and 11 of the Convention, in order to ensure the individual and collective protection of workers exposed to benzene.

The Employers' members stated that while those countries who had ratified this technical Convention faced some quite tough requirements, it was necessary because working with benzene could be extremely dangerous and harmful to health. With respect to the Côte d'Ivoire, the experts have been making observations since the ratification of the Convention by that country in 1972 for the simple reason that the law of 1967 was considerably at variance with the requirements of the Convention. These requirements were quite clear and unambiguous and it should therefore be perfectly possible for the Government to include them in the draft legislation. According to the Government representative, this draft legislation, prepared with the assistance of the Office, was now before the Parliament, and the Employers' members hoped that it would in fact be adopted in the course of the next parliamentary session and later on be implemented. They requested the Government to send a copy of this draft legislation to the International Labour Office as soon as possible so that it could be examined once again. They also urged the Government to expedite the parliamentary adoption of this Bill, so that the Committee would finally be able to take note that Côte d'Ivoire was fulfilling its obligations under the Convention.

The Workers' members emphasized the importance of this Convention. For nearly 20 years, the Committee of Experts had noted the non-application of a number of the provisions of the Convention and that, since 1984, the Government had referred to a draft decree to rectify the situation. However, until now nothing had been approved or done to resolve these difficulties. The Workers' members considered that a period of ten years was too long to reply to the comments and to take the necessary measures, taking into account that in other cases concerning other Conventions the Committee of Experts was also obliged to note unfulfilled promises on the part of the Government and the same difficulties, as on Convention No. 52. There was a certain lack of will on the part of the Government to cooperate and to take into account the conclusions and the supervisory bodies. In view of the gravity of the problem and the fact that it presented real dangers for the health and even for the life of workers, the Workers' members believed that the Committee should urge the Government to take the comments of the Committee of Experts seriously, to speed up the adoption of new regulations and to furnish all the information on the measures taken in this field. They hoped that real progress could be registered next year.

The Government representative stated that he had taken due note of the suggestions made by the Employers' and by the Workers' members and assured the Committee that provisions would be taken in line with the recommendations made. He hoped that the texts necessary for the application of the Convention would be adopted in the near future.

The Committee noted the information supplied by the Government representative. It noted with concern, as had the Committee of Experts, that serious discrepancies had existed for many years between certain specific provisions of the Convention and the national legislation and practice, without any real progress having been registered. The Committee expressed the firm hope that the Government would, in the very near future, take all the necessary measures to ensure full application of the Convention, in legislation as well as in practice. The Committee requested the Government to supply, as soon as possible, the draft decree to the Committee of Experts and hoped that it would at last be able to note some real progress in the Government's next report.

Convention No. 158: Termination of Employment, 1982

Spain (ratification: 1985). A Government representative recalled that the Convention had been ratified by Spain in 1985. This Convention had been ratified to date by only 20 countries. This fact led one to consider it as one of those more recent instruments providing for valid but very complex and detailed protection which did not always correspond to existing national schemes providing for the same protection in a different manner, and this might constitute an obstacle to ratification. Studies made in Spain with a view to ratifying this Convention had revealed at the time that Spanish legislation ensured protection of workers in the case of termination of employment that corresponded to and sometimes exceeded that provided for by the Convention. This legislation was criticized by Employers who considered it too rigid and requested a reduction of the procedures required by such a system. There might have been some doubts regarding minor points which could have been dispelled by means of a stricter interpretation of the Convention. The Committee of Experts had not made any significant comments until two Spanish trade unions, basing themselves on a literal reading of the Convention, made comments that disregarded the fact that, on the whole, the protection provided for by Spanish legislation was in conformity with and sometimes even better than that provided by the Convention. As a result of the comments of the trade unions, the Committee made its observation on two points; the first concerning Article 2, paragraph 3 and the second with regard to Article 7 of the Convention.

With regard to Article 2, paragraph 3, the question of the use by enterprises of temporary contracts and their consequences on the stability of employment relations had preoccupied Spanish trade unions as well as the Administration to some extent. This question concerned employment policy and should have been examined in the context of the application of the Employment Policy Convention, 1964 (No. 122), to verify if the laws in this area adequately address the objective of the fight against unemployment. Respect of this objective was in practice ensured by the control made by the Workers' representatives, the trade unions and by the labour inspectorate. It was in this sense that section 15(4) of the Workers' Charter required employers to notify the legal representatives of workers about fixed-term contracts. The Ministerial Order, No. 2/1991 of 17 January 1991, which was the result of an agreement between the Government and the trade unions, gave workers' representatives the right of access to information with respect to the engagement of workers in order that they had the necessary information to reveal any abuses in recruitment. This Ministerial Order provides for organized consultations with the most representative organizations of employers and workers with a view to creating programmes of action of labour inspection so as to improve recruitment. It was by virtue of this Decree that in 1991 the results of labour inspection activities for 1990 and 1991 and the objectives for 1992 were presented to the social partners. The employers' and workers' organizations had provided their suggestions which were taken account of in the elaboration of the plans for labour inspection for 1992 and 1993. Similarly, the suggestions of the Trade Union Federation of Workers' Commissions (CC.OO) had been integrated into the plans for 1994. Details of the results of inspection activities were at the disposal of this Committee if they were so required. This information should nonetheless be supplemented by describing the guarantees provided to prevent the abuse of the use of temporary contracts. A temporary contract should meet certain objective requirements. It should be in writing and, in the event that it did not meet such requirements, it would legally be considered a contract of unlimited duration. Temporary contracts meant to encourage recruitment and aimed at employment promotion were strictly regulated in Spain. Without going into detail about the rules applicable to them and the statistics on the results achieved which were all provided to the Committee of Experts, it should be stated that Act No. 22/1992 of 30 July 1992 encouraged by means of subsidies the conversion of temporary contracts into contracts of unlimited duration, which addressed the concern of the trade unions about the excessive use of temporary recruitment. To sum up, the legal and information framework provided to control and inspect this question was as developed as possible to prevent abuse of temporary contracts and ensure the objective of Article 2, paragraph 3, of the Convention. All the other related issues raised concerned, in his view, employment policy and Convention No. 122.

The second point of the observation that should be addressed was mainly a legal question. The requirements of Article 7 of the Convention were the only ones that had posed a slight problem at the time of ratification. This Article had three legal requirements. In the first place the termination of the employment contract should relate to the worker's conduct or performance. In this regard the legal services of the Ministry of Labour and in general legal doctrine and jurisprudence considered such termination to be final only after all the claims against this worker were dealt with as a whole. Considering that the trade unions and the Committee of Experts took a literal reading of Article 7, it should be stated that the Spanish text of this Article of the Convention *(DNo deberá darse por terminada la relación de trabajo ...")* was intended to cover a firm and final termination of employment relations which, in Spanish law, does not result from the simple dispatch of a letter of termination. The second legal requirement of Article 7 consisted of giving workers the right to defend themselves against the allegations before their employment is terminated. Spanish legislation did provide for this but in accordance with procedures destined to have practical impact. This law notably provided for an administrative conciliation procedure before an independent conciliator outside the enterprise. This procedure which was outside other available legal remedies is intended to arrive at an agreement, if possible, including eventually the amount of compensation which would avoid litigation. This was a requirement in all cases to obtain unemployment benefit, and went beyond the requirements of Article 7 by providing protection to the worker even when the employment relationship had not been terminated definitively. These conciliation procedures were not only strict in a legal sense, but were also humane and permitted the verification by the tribunals of the reasons given for termination. The third point dealt with the possibility given to the employer to consider the timeliness and suitability of providing a hearing to the worker. Article 55, paragraph 1, of the Workers' Charter provided for new procedures to be established by collective negotiations. The speaker said he could cite numerous examples of collective agreements that provide for this aspect of the question of termination. The question of termination of employment was very sensitive and traditionally controversial among employers and workers in Spain. In preparing draft laws and during negotiations with the social partners, the labour administration service endeavoured to take account of the demands of both parties.

The Employers' members first noted that the Committee of Experts had stopped referring to Article 11 of the Convention which indicated that the problems relating to it had been resolved. This left the two questions on which the Government representative had provided detailed explanations. The first question referred to whether an excessive use of temporary employment constituted a violation of the Convention. The internal logic of the Convention consisted, on the one hand, of the possibility of excluding from its scope temporary contracts, and on the other hand of requiring safeguards to be provided to prevent recourse being had to such contracts to avoid the protection resulting from this Convention. It was evidently difficult to determine how many such temporary contracts would constitute a violation of the Convention. All it required was that there be no abuse in the use of such contracts in order to avoid the protection provided against the termination of employment. This preoccupation was understandable but difficult to assess and elaborate on. The frequent use of temporary contracts seemed necessary in view of the changes noted in national economies in Europe. The Committee of Experts itself had not provided for specific levels beyond which the use of such contracts would constitute an abuse. In their view the legal context and requirements concerning the use of such contracts as the Government representative had described should be "adequate safeguards" required by the Convention. They wished to express criticism regarding the observation of the Committee of Experts when it referred to Convention No. 122 in order to interpret provisions of Convention No. 158. It was surprising that in order to interpret a technical and legally complicated instrument such as Convention No. 158, that a typically promotional instrument such as Convention No. 122 was used. This presented the risk of creating confusion. It would be inappropriate to prohibit or limit temporary contracts of employment on the basis of the provisions of Convention No. 122, as these types of contracts had a role to play in the context of an employment policy aimed at fighting unemployment. It would therefore be useful for the Committee of Experts to re-examine this question in light of the explanations furnished by the Government representative. The second remark they wished to make concerned Article 7 of the Convention which required that a possibility be given to the worker to make a defence against the allegations made before the termination of employment. The Committee of Experts had indicated that Spanish law permitted recourse to the competent courts against the termination of employment only after a decision had been taken regarding such termination. This was considered by the Committee to be contrary to the Convention. The detailed explanations given by the Government representative appeared to show in reality that the employment relationship was not terminated when the letter of termination was received. The subtle legal analysis that he provided should, as usual, be communicated to the Committee of Experts. To this effect the Government of Spain should submit in writing the oral information it provided to this meeting to enable the Committee of Experts to re-examine the question which could then be seen by this Committee if necessary.

The Workers' members wished to make two remarks regarding the statement made by the Government representative that Convention No. 158 was too detailed and required revision. In the first place it should be stated that Spain had ratified the Convention as it is and it was the duty of this Committee to examine if its legislation and practice were in conformity with the Convention. Secondly, it was not on detail but on the core of the protection provided by the Convention that questions were being raised. The two points raised by the Committee of Experts in its report this year had also been raised in 1992. Since then the Government had undertaken a series of reforms in the areas of recruitment, use of temporary contracts and the right to terminate the employment relationship. In 1992 the Committee of Experts had expressed the hope that the measures taken by the Government would provide better safeguards against the misuse of fixed-term contracts. This was an important question in view of the fact that Spain had a very high number of temporary contracts representing a third of total employment. This could be as a result of many causes, as stated by the Employers' members, but in their view special attention should be paid to the existence of safeguards against the abuse of this type of contract. Despite the explanations and replies provided by the Government in response to the observation of 1992 and despite the statement given by the Government representative that all this information had already been communicated to the Committee of Experts, the experts had once again this year expressed the hope that adequate safeguards would be provided in the near future. With regard to the reference to Convention No. 122 made by the Committee of Experts, they underlined the importance that Committee attached to preventing employment policies from generating precarious contracts that have negative consequences on people and enterprises resulting from the frequent turnover of workers. The Government should rapidly make efforts to decrease to normal levels the number of temporary contracts. The detailed information promised in this respect should be communicated to the Committee of Experts. With regard to Article 7 of the Convention, the Committee of Experts was quite clear in concluding that the legislation was not in conformity with the Convention in that the great majority of workers did not have access to the procedures that would permit them to defend themselves. It was necessary that the Government should take the appropriate measures to give full effect to this Article of the Convention and furnish full details in this respect.

The Workers' member of Spain stated that Convention No. 158 on termination of employment in its Articles 7, 8 and 9 provides for rights and guarantees to workers in case of dismissal. This Convention which is very flexible provides in its Article 2 for various exceptions and possible exclusions to its coverage. The major exception referred to contracts of employment for a specified period of time. However flexible this Convention might be, it did not permit abuse of such temporary contracts avoiding fulfilling the guarantees required by Articles 7, 8 and 9 of the Convention. The law should provide for such abuses and the Spanish Civil Code contained stipulations in this regard. Article 2, paragraph 3, provided for guarantees against abuses of fixed-term contracts. Unemployment in Spain stood at 24 per cent of the population which was double that of the European Community and 35 per cent of the employed held precarious employment. A law that had recently come into force in Spain provided that workers employed in certain circumstances under part-time or fixed-term contracts would not have social security, unemployment and pension benefits. It was therefore reasonable for the Committee of Experts in the second paragraph of its observation to require the Government to continue to inform the ILO of developments in this sphere. The major points related however to Articles 7 and 8. Article 7 provided for an essential right not only for workers but for all citizens. This was the right to be heard before the application of any sanction. This was in his view a fundamental right of any citizen which was provided for in a flexible way in Article 7. Article 8 provided for the right of any citizen to have recourse to labour courts or arbitration tribunals when faced with unjustified termination of the employment relationship. His country implemented Article 8 because the Constitution guaranteed the right of recourse to the courts as fundamental. Article 7 on the contrary was not being applied nor had it ever been guaranteed in the history of Spain. He hoped that it would be applied soon. He recalled that the Committee of Experts clearly distinguished between the right provided for in Articles 7 and 8. He expressed his surprise that a developed European country like Spain would find it difficult to comply with this Convention on a reasonable point that did not affect the national interest, by ensuring to a worker the right to a hearing prior to dismissal by an employer. Compliance with this provision of the Convention was easy and did not require adoption of a text of law. All it required was political will. It was of concern that a Government with the capacity of compliance was not doing so simply because it lacked the political will. He therefore considered that the Government should be urged to take account of this and comply with Article 7 of the Convention.

The Workers' member of Italy stated that, given the importance of the number of temporary contracts in the employment market and because of the unfavourable conditions imposed on workers by such contracts, this constituted an important matter that necessitated safeguarding individual workers' rights. The requirements of Article 7 were essential in establishing a balance between the rights of the parties to the contract.

The Government member of Germany wished to make a general remark before posing two questions concerning Article 2 of the Convention. His general remark concerned the surprising link established by the experts between this Convention and Convention No. 122. Temporary work could, depending on the case, be useful or harmful to employment policy. The question should, therefore, be examined in the context of Convention No. 122 without the need to inject these sort of considerations under Article 2 of Convention No. 158. Temporary contracts that might be criticized for their repercussions on employment could conceivably offer safeguards required by Article 2. The first of the two questions was addressed to the Government representative. It appeared that the parts of the observation of the Committee of Experts relating to Article 2 were based essentially on the comments made by the trade unions and attached to the government report without the Government apparently making use of the possibility to comment on the views of the trade unions. The only indication given by the Government related to preparatory work on a social pact and a wish expressed on this occasion to modify the regulations dealing with fixed-term contracts. The Government representative had, however, presented to this Committee a body of information that should have been submitted to the Committee of

Experts. In the absence of the Chairman of the Committee of Experts at this part of the Committee's work, the second question was addressed to the Secretariat. One could read in the same passage of the Committee's observation that the Committee "... would suggest reference in this connection to Paragraph 3 of the Termination of Employment Recommendation, 1982 (No. 166). The Committee asks the Government to keep the ILO informed of the developments in this sphere". He considered it surprising that information was requested on the implementation of a provision of a Recommendation outside article 19 of the Constitution.

The Government representative of Spain stated that the question of temporary contracts related to employment policy and should be dealt with under Convention No. 122. He affirmed that Spain implemented Article 7 of Convention No. 158 as stated in his earlier intervention. He hoped discussion on this subtle legal question would be done away with when all the information provided to the experts had permitted them to make a definitive assessment. With respect to the statement of the Workers' members he wished to state that he never suggested that Convention No. 158 needed to be revised and amended. All he had said was that this Convention was a detailed and technical one with only 20 ratifications to date. He had the impression, perhaps wrongly, that more weight was given to the information provided by the trade unions rather than by governments, as the legislative provisions he referred to, which were proof of implementation of the Convention, had obviously not been taken account. Even though it was true that there were a very large number of fixed-term contracts and very high unemployment in his country, the first priority of his Government was the promotion of employment policy. It was better for people to be employed temporarily rather than unemployed. While it was true that the number of legally authorized temporary contracts had increased with no fraud involved, temporary contracts had been subsidized and converted into contracts of employment for unlimited duration. He further stated that in his country temporary contracts to which the Workers' member of Spain had referred were apprenticeship contracts with some social security protection such as protection against accidents at work. He stressed that Spanish employers were not more demanding than others and if a worker was dismissed for serious reasons it was only after having been given due warning. Furthermore, employers generally respected the various steps that need to be taken before proceedings to terminate an employment relationship. He expressed his surprise, like the Government representative of Germany, at the reference made to Recommendation No. 166. Finally, he reiterated the fact that his Government had furnished all the information requested so that the question could be examined in depth.

The Workers' member of Spain stated that it was completely wrong to assert, as did the Government representative of Spain, that the Committee of Experts followed the directives and opinions of trade unions. In his view the problem was that what had been orally stated by the Government representative and sent in writing many times to the Committee of Experts, according to the Government representative, was not convincing the experts. He asked the Government representatives to cite him the provision of Spanish law that implements Article 7 of the Convention. He urged the Spanish Government to show its good faith once and for all by implementing Article 7 of the Convention. He pointed out that while in practice most Spanish employers respected this requirement of the Convention there were none the less violations as well.

The Workers' member of Uruguay stated that at first sight the Employers' and Governments' questions were bordering on play. Temporary employment was a result of economic policy decisions whether we liked it or not, but resulted in personal, family and social instability which ended up in a social jungle or everyone out for himself. It was not surprising if employers were attempting to manipulate the law but the fact that a government failed to provide a balance was unacceptable. Finally, he expressed the impression he had that the Government was playing the role of employers.

The Committee noted the detailed information and explanation provided by the Government representative as well as the discussion that followed it. It further noted that some discrepancies seemed to continue to exist, both in law and and in practice, in respect of the requirements of two Articles of the Convention. The Committee expressed the hope that the Government would take all the necessary measures to ensure in the near future the full implementation of the Convention both in law and, and of course, in practice. It hoped to note real progress in the next report due from the Government. In this respect it expressed the hope that the detailed information provided by the Government representative would be communicated to the Committee of Experts.

The representative of the Secretary-General wished to indicate that the next General Survey would be devoted to Convention No. 158 and its complementary Recommendation No. 166. This Survey would undoubtedly address the question posed by the Government member of Germany and the Employers' members on the subject of the relations between the two instruments. He added that, with regard to the information coming from governments and organizations of employers and workers, the Committee of Experts had never favoured one or the other as a source and that it was only concerned with the substance of such information.

C. Detailed reports on ratified conventions (State Members)

(Article 22 of the Constitution)

Reports received and not received as at 24 June 1994

The table published in the Report of the Committee of Experts, page 500, should be brought up to date in the following manner:

State Members	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Grand total	1 473		433		1 906
Afghanistan [1,3]	9	41, 45, 95, 100, 111, 137, 139, 140, 141	0		9
Algeria [1,3]	13	6, 17, 29, 42, 62, 81, 88, 89, 92, 98, 100, 108, 127	0		13
Argentina	18	2, 12, 17, 29, 41, 42, 45, 68, 79, 81, 88, 90, 98, 100, 129, 151, 156, 159	1	34	19
Bahamas [1,3]	9	17, 26, 29, 42, 81, 88, 94, 105, 117	10	5, 7, 10, 11, 12, 19, 45, 97, 98, 144	19
Belize [1,3]	13	11, 12, 26, 29, 42, 58, 81, 87, 88, 97, 98, 99, 108	1	89	14
Cameroon [1,2,3]	21	3, 9, 11, 29, 45, 81, 87, 89, 90, 97, 98, 100, 106, 108, 111, 122, 131, 143, 146, 158, 162	0		21
Comoros [1,3]	10	6, 12, 17, 19, 29, 42, 81, 89, 98, 100	0		10
Congo [1,3]	5	6, 29, 89, 149, 152	0		5
Côte d'Ivoire [2]	13	6, 18, 19, 29, 41, 45, 81, 96, 98, 100, 129, 133, 144	0		13
Denmark	17	6, 12, 29, 42, 81, 88, 98, 100, 108, 129, 147, 148, 149, 151, 152, 159, 160	0		17
Ecuador	16	29, 45, 81, 88, 98, 100, 121, 127, 131, 144, 148, 149, 152, 153, 159, 162	7	101, 110, 111, 119, 120, 122, 128	23
El Salvador [1]	3	12, 159, 160	0		3
France [2]	30	12, 13, 17, 29, 42, 44, 45, 53, 69, 74, 90, 92, 95, 98, 100, 108, 111, 120, 122, 125, 126, 131, 133, 136, 141, 147, 148, 149, 156, 158	11	27, 81, 82, 88, 94, 96, 127, 129, 137, 152, 159	41
Germany	16	12, 29, 45, 53, 81, 88, 98, 100, 111, 121, 125, 128, 129, 147, 159, 160	0		16
Ghana	8	26, 29, 30, 87, 98, 119, 120, 148	15	1, 11, 45, 50, 58, 64, 81, 88, 89, 90, 92, 100, 108, 149, 151	23
Grenada [1,3]	6	12, 26, 58, 98, 99, 108	3	29, 81, 105	9
Guatemala [1,3]	22	13, 16, 29, 45, 50, 59, 64, 79, 81, 88, 89, 90, 98, 100, 104, 108, 117, 124, 127, 161, 162, 167	1	10	23
Guinea [1,3]	13	29, 45, 81, 89, 90, 98, 100, 118, 121, 122, 148, 149, 151	0		13
Guyana [1,3]	24	2, 7, 11, 12, 29, 42, 45, 81, 87, 97, 98, 100, 108, 111, 115, 129, 131, 136, 137, 139, 141, 144, 149, 151	0		24
India [3]	12	29, 42, 45, 81, 88, 89, 90, 100, 107, 111, 136, 141	0		12
Israel [3]	8	29, 79, 81, 88, 90, 98, 100, 118	0		8
Italy	16	12, 29, 32, 42, 79, 81, 90, 98, 100, 108, 127, 129, 147, 149, 151, 160	3	45, 118, 148	19
Jamaica	4	11, 29, 87, 149	7	8, 58, 81, 98, 100, 122, 150	11
Liberia [1,3]	13	22, 23, 53, 55, 58, 92, 105, 108, 111, 112, 113, 114, 147	4	29, 87, 98, 133	17
Malawi [1,3]	14	11, 12, 26, 45, 81, 89, 97, 98, 99, 111, 129, 144, 149, 158	2	100, 159	16
Mongolia [1,3]	5	59, 98, 100, 103, 123	0		5
Pakistan [1,3]	11	1, 18, 22, 29, 45, 81, 89, 90, 96, 98, 111	1	59	12
Panama	15	12, 17, 29, 42, 45, 73, 81, 88, 89, 98, 100, 108, 114, 125, 127	6	8, 55, 64, 68, 92, 126	21
Seychelles [1,3]	7	5, 8, 16, 26, 87, 99, 105	6	2, 10, 11, 29, 58, 108	13

[1] These data modify the indications concerning this country, contained in paragraph 120 of Part One (General Report) of the Report of the Committee of Experts.

[2] These data modify the indications concerning this country, contained in paragraph 125 of Part One (General Report) of the Report of the Committee of Experts.

[3] These data modify the indications concerning this country, contained in paragraph 129 of Part One (General Report) of the Report of the Committee of Experts.

State Members	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Grand total	1 473		433		1 906
Singapore [1,3]	6	12, 29, 45, 81, 88, 98	0		6
Sri Lanka [1]	6	18, 29, 45, 81, 90, 98	0		6
Syrian Arab Republic [3] . .	17	2, 17, 18, 19, 29, 45, 81, 88, 89, 96, 98, 100, 118, 119, 120, 129, 144	0		17
United Republic of Tanzania	9	11, 12, 16, 17, 19, 29, 98, 148, 149	1	134	10
Thailand [1,3]	5	14, 19, 29, 122, 127	1	88	6
United Arab Emirates . .	1	29	2	81, 89	3
United States	4	53, 74, 105, 147	0		4
Venezuela	19	6, 27, 29, 41, 45, 81, 88, 97, 98, 100, 102, 111, 122, 138, 149, 153, 155, 156, 158	4	121, 127, 128, 143	23
Yemen [2]	12	29, 81, 87, 95, 98, 100, 111, 122, 131, 135, 156, 158	3	58, 94, 159	15

[1] These data modify the indications concerning this country, contained in paragraph 120 of Part One (General Report) of the Report of the Committee of Experts.

[2] These data modify the indications concerning this country, contained in paragraph 125 of Part One (General Report) of the Report of the Committee of Experts.

[3] These data modify the indications concerning this country, contained in paragraph 129 of Part One (General Report) of the Report of the Committee of Experts.

D. Statistical table of reports on ratified Conventions

(Article 22 of the Constitution)

(24 June 1994)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee of Experts		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	—	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134[1]	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995[2]	200	20.4	864	86.8	902	90.6
1958-1960	1 100	256	23.2	838	76.1	963	87.4
1959-1961	1 362	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 883	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821	249	13.4	1 501	82.4	1 601	87.9
1968-1970	1 894	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992	237	11.8	1 504	75.5	1 707	85.6
1970-1972	2 025	297	14.6	1 572	77.6	1 753	86.5
1971-1973	2 048	300	14.6	1 521	74.3	1 691	82.5
1972-1974	2 189	370	16.5	1 854	84.6	1 958	89.4
1973-1975	2 034	301	14.8	1 663	81.7	1 764	86.7
1974-1976	2 200	292	13.2	1 831	83.0	1 914	87.0
1977	1 529[3]	215	14.0	1 120	73.2	1 328	87.0
1978	1 701	251	14.7	1 289	75.7	1 391	81.7
1979	1 593	234	14.7	1 270	79.8	1 376	86.4
1980	1 581	168	10.6	1 302	82.2	1 437	90.8
1981	1 543	127	8.1	1 210	78.4	1 340	86.7
1982	1 695	332	19.4	1 382	81.4	1 493	88.0
1983	1 737	236	13.5	1 388	79.9	1 558	89.6
1984	1 669	189	11.3	1 286	77.0	1 412	84.6
1985	1 666	189	11.3	1 312	78.7	1 471	88.2
1986	1 752	207	11.8	1 388	79.2	1 529	87.3
1987	1 793	171	9.5	1 408	78.4	1 542	86.0
1988	1 638	149	9.0	1 230	75.9	1 383	84.4
1989	1 719	196	11.4	1 260	73.0	1 409	81.9
1990	1 958	192	9.8	1 409	71.9	1 639	83.7
1991	2 010	271	13.4	1 411	69.9	1 544	76.8
1992	1 824	313	17.1	1 194	65.4	1 384	75.8
1993	1 906	471	24.7	1 233	64.6	1 473	77.2

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[1] First year for which this figure is available. [2] As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions. [3] As a result of a decision by the Governing Body (November 1976), detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

II. OBSERVATIONS AND INFORMATION CONCERNING THE APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (ARTICLES 22 AND 35 OF THE CONSTITUTION)

A. General Observations and Information concerning certain Territories

(a) Failure to supply first reports on the application of ratified Conventions

The Workers' members stressed the importance of first reports as a basis of analysis by the Committee of Experts. They also emphasized that reports should be supplied in good time.

The Employers' members also highlighted the crucial importance of the first report and stated that the supply of a first report was not the end of an obligation but the beginning of regular reporting which was the core of the supervisory system.

A Government representative of France stated that the failure was not due to bad faith, referring to the fact that 273 reports were due in 1993 and that six Conventions concerned technical maritime questions and had been extended to the French Southern and Antarctic Territories following their ratification by France. He stated that it was difficult for the Government to prepare reports because a decree concerning registration of ships in these territories was the object of a case raised by a trade union before the DConseil d'Etatä and that, while this case was pending, any answers made by the Government might become invalid.

The Committee noted the information supplied and explanations given by the Government representative of France. It reiterated the crucial importance of submitting first reports on the application of ratified Conventions.

The Committee decided to mention the case of France (French Southern and Antarctic Territories), for Conventions Nos. 53, 69, 74, 92, 133 and 134.

(b) Written information received up to the end of the meeting of the Committee on the Application of Standards[1]

France (Overseas Departments). Since the meeting of the Committee of Experts, the Government has sent the first report due on Convention No. 133.

Netherlands (Aruba). Since the meeting of the Committee of Experts, the Government has sent the reports due on certain Conventions and the replies to most of the Committee's comments.

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[1] The list of reports received can be found in Part IIB of the report.

B. Detailed reports on ratified Conventions (non-metropolitan territories)

(Articles 22 and 35 of the Constitution)

Reports received and not received as at 24 June 1994

The table published in the Report of the Committee of Experts, page 527, should be brought up to date in the following manner:

Countries and Territories	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Grand total	288		99		387
		Australia			
Norfolk Island	2	29, 98	0		2
		France			
French Guiana [2]	21	3, 5, 6, 12, 17, 29, 42, 45, 53, 69, 74, 92, 98, 108, 125, 126, 131, 133, 141, 142, 147	15	13, 32, 58, 81, 89, 94, 95, 100, 111, 112, 120, 129, 136, 144, 149	36
Guadeloupe [2]	21	3, 5, 6, 12, 17, 29, 42, 45, 53, 69, 74, 92, 98, 108, 125, 126, 131, 133, 141, 142, 147	15	13, 32, 58, 81, 89, 94, 95, 100, 111, 112, 120, 129, 136, 144, 149	36
Martinique [2]	21	3, 5, 6, 12, 17, 29, 42, 45, 53, 69, 74, 92, 98, 108, 125, 126, 131, 133, 141, 142, 147	16	13, 32, 58, 81, 89, 94, 95, 100, 111, 112, 120, 124, 129, 136, 144, 149	37
Reunion [2]	21	3, 5, 6, 12, 17, 29, 42, 45, 53, 69, 74, 92, 98, 108, 125, 126, 131, 133, 141, 142, 147	15	13, 32, 58, 81, 89, 94, 95, 100, 111, 112, 120, 129, 136, 144, 149	36
St. Pierre and Miquelon	22	3, 5, 6, 9, 12, 17, 19, 29, 33, 42, 45, 53, 63, 69, 98, 108, 125, 126, 131, 141, 142, 147	17	13, 58, 81, 82, 87, 88, 89, 94, 95, 96, 100, 111, 120, 122, 129, 144, 149	39
		Netherlands			
Aruba [1, 3]	19	12, 17, 29, 45, 81, 87, 88, 89, 90, 113, 114, 121, 129, 135, 138, 140, 142, 145, 147	0		19

[1] These data modify the indications concerning this country, contained in paragraph 120 of Part One (General Report) of the Report of the Committee of Experts.

[2] These data modify the indications concerning this country, contained in paragraph 125 of Part One (General Report) of the Report of the Committee of Experts.

[3] These data modify the indications concerning this country, contained in paragraph 129 of Part One (General Report) of the Report of the Committee of Experts.

III. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE (ARTICLE 19 OF THE CONSTITUTION)

Observations and Information

(a) Failure to submit

The Employers' members recalled that under the terms of the ILO Constitution, instruments adopted at the Conference must be forwarded to the competent authorities of member States within a period of, at most, 18 months. The only countries which were mentioned in paragraph 154 of the General Report were those which had failed to comply with this obligation over the last seven sessions. Bearing that in mind, the Employers' members considered that the number of countries listed in this paragraph was quite excessive. Furthermore, the Employers' members pointed out that many countries thought that what was required here was ratification. They clarified the fact that a country did not have to propose an instrument for ratification within this deadline. All that had to be done was to submit the instrument concerned to the competent authorities in the country so that information could be provided about the existence of the new instrument. A decision to ratify or not could be taken by the Government at a later occasion. However, every government still had an obligation to submit the instrument to the competent authorities. The Employers' members therefore urged governments who had failed to comply with this obligation to remedy the situation as soon as possible. They further urged those governments who were to take the floor to explain the reasons for their failure to submit the instruments to the competent authorities, whether it had been possible for them to remove the obstacles and whether they could comply in the future with their obligations within the set time-frame.

The Workers' members subscribed to the views of the Employers' members and underlined the importance of these cases as well as their excessively high numbers. Indeed, the number of countries that had failed to comply with the obligation to submit was increasing. This increase was very worrying, as was mentioned by the Committee of Experts, to the extent that countries could find it really difficult to catch up with the accumulated backlog. One should insist on the fact that the obligation of submission was fundamental since it constituted the indispensable first step in implementing international labour standards.

A Government representative of Cambodia recalled the political and economic difficulties that his country had experienced during the past 20 years. Since 1975, Cambodia had not been able to participate in the work of the ILO and had not been represented at the International Labour Conference. However, since the Paris Accord of 1991, several changes had occurred amongst which should be mentioned the adoption of a Labour Code as well as the setting up of a Ministry of Labour which nevertheless lacked resources and above all, qualified personnel. Thanks to ILO technical assistance, several reports on ratified and unratified ILO Conventions had been addressed to the Office. The Government would try to implement international labour standards in compliance with its international obligations. To this end, it wished to receive technical assistance from the Office especially in the field of labour inspection and social security.

A Government representative of the Central African Republic recalled that his country had gone through a period of great political instability and recognized that the obligation of submission had not been fulfilled, as mentioned by the Committee of Experts. The Conventions concerned had been submitted in due time to the Government but had never been examined by the Council of Ministers to be then transmitted to Parliament, the authority that was competent to examine and eventually ratify these instruments. Since the return to democracy in 1993, an administrative reform had been undertaken and the Minister of Labour had proceeded to examine all the Conventions and had revised the procedure concerning submission to the competent authorities. Moreover, the Government was at present undertaking a revision of labour legislation and administrative legislation, including the Labour Code of 1961. In this respect the assistance of the ILO had been requested in order to examine the Conventions with a view to new ratifications.

A Government representative of Costa Rica, the Labour Minister, stated that he was the first to regret that the information required had not been communicated. As publication and ratification of international standards was of great importance, he undertook formally to communicate as soon as possible detailed information on the manner in which Costa Rica fulfilled its constitutional obligation to submit the instruments adopted by the International Labour Conference to the competent authorities.

The Workers' member of Costa Rica welcomed the previous intervention but considered that statements made by the Minister to the Conference had no practical impact. He trusted that in the very near future the Government would submit to the legislative assembly of Costa Rica the instruments adopted by the Conference in the hope that certain Conventions would also be ratified.

A Government representative of El Salvador, the Labour Minister, admitted that there had been a delay on the part of the Government in complying with the obligation to submit the instruments adopted by the International Labour Conference to the competent authorities. During the period covering June 1993 to June 1994, the ratification of many important Conventions had been envisaged. In May 1994 a law amending the Labour Code, which included many principles contained in international labour Conventions, had been adopted. It was envisaged that Conventions Nos. 29, 77, 78, 81, 88, 99, 111, 122, 129, 131, 138, 141 and 144 would be ratified very shortly. The nature of the obligation of submission had been clarified after consultation with the ILO. The speaker made a commitment to comply strictly with the obligations resulting from paragraphs 5, 6 and 7 of article 19 of the ILO Constitution in a very short period.

The Workers' member of El Salvador noted the commitment made by the Government representative and hoped the legislative assembly would have the opportunity to examine the Conventions mentioned with a view to their ratification. There was a list of 30 Conventions that a forum of economic and social groupings had submitted for ratification. His country had ratified very few Conventions.

A Government representative of Jamaica indicated that his Government was currently preparing a ministry paper in order to bring to the attention of the competent authority the instruments adopted by the International Labour Conference from its 71st to 78th Sessions. This should be done within one month after which the necessary documents would be forwarded to the Director-General. Although his Government had been having problems over the years, it had had the assistance of the multidisciplinary team attached to the ILO Caribbean Office which had facilitated the matter.

A Government representative of Kenya indicated that the delay in submission to the national competent authorities was due to some unavoidable administrative difficulties, coupled with a general shortage of staff with the requisite knowledge and experience on the subject. His Government had already completed all the necessary technical work in respect of Conventions Nos. 154-169 and it would soon be able to furnish the ILO with the necessary documentation to that effect. His Government fully realized that submission to the national competent authorities of the instruments adopted by various sessions of the International Labour Conference was a fundamental obligation which constituted an indispensable first step in implementing international labour standards.

A Government representative of Madagascar recalled that recent events that had taken place in his country and especially the adoption of a new Constitution setting up the third Republic. Social protection and a policy of full employment had been adopted as part of the Government's social policy. Three draft codes (labour code, the code on social protection and the code on occupation safety and health) were now being elaborated and would be submitted shortly to the National Assembly. The Government attached importance to promoting a tripartite dialogue in order to promote social peace, as shown by the initiatives taken by a certain number of institutions in the fields of employment, social protection and labour inspection. As concerned the obligation of submission, the Government undertook to start this procedure as soon as possible and to transmit to the ILO the reports requested, within the general framework of labour legislation reforms and to the extent that the National Assembly was able to meet.

The Workers' member of Madagascar said that although the political regime had changed, much progress needed to be made. It was to be hoped that the necessary measures would be taken in order to respond to the hopes of the workers, and that the ILO would continue to act to achieve social justice.

A Government representative of Papua New Guinea stated that the instruments that had been adopted from the 77th to 78th Sessions of the International Labour Conference had been submitted to the National Executive Council. Furthermore, they had been submitted to Parliament for formal adoption and endorsement by July 1994.

A Government representative of Paraguay was pleased to inform the Committee of the commitment undertaken by his country to comply with the obligation of submission, and to provide information in this respect to the Committee of Experts. His Government had requested technical assistance from the Office and it was hoped that his country would fulfil the obligation of submission in the near future.

A Government representative of Seychelles indicated that the promulgation of a new Constitution in July 1993 had brought multi-party democracy to her country. The first piece of legislation passed by the new Parliament late last year was the Industrial Relations Act permitting the formation of trade unions. This law came into force in January 1994 and to date six workers' unions had been registered, including one for civil servants. The laws in her country were being reviewed to bring them into line with the new Constitution and international obligations. The Government would provide information on other outstanding matters later this year. She assured the Committee that her Government would endeavour to honour its commitments as a Member of the ILO.

A Government representative of Sierra Leone informed the Committee that between 1972 and 1992, her country had met with many upheavals which had also affected the Department of Labour. However, since 1992 there had been a political will to upgrade and strengthen the Department which had just employed new labour officers. By the year 1995, her Government would take the necessary action to ratify many Conventions which had not yet been examined.

A Government representative of the United Republic of Tanzania indicated that since the last meeting of this Committee, the instruments adopted at the International Labour Conference during the years indicated in the General Report were submitted to the social partners under the auspices of the Labour Advisory Board. Having discussed the instruments, the Board submitted its recommendations to the Government through the Ministry of Labour and Youth Development so as to be forwarded to the Cabinet prior to being tabled before the competent authorities. The administrative procedures prior to the formal submission of the instruments to the competent authorities were almost completed. His Government strongly believed that it could bring itself up to date. The speaker reiterated his Government's commitment to fulfil its responsibilities both at the national and international levels. The department of the Ministry of Labour responsible for international labour standards was being reinforced so that it could cope with these responsibilities with more efficiency. He expressed his Government's appreciation to the ILO for the technical assistance provided in this respect. Finally his Government reassured the Committee that a report on the action taken by the competent authority on this matter would be available for its next session.

A Government representative of Trinidad and Tobago stated that her Government had undertaken to bring to the attention of the competent authorities all the Conventions and Recommendations not yet submitted. The documents had been prepared and forwarded to the Cabinet. The ILO would be informed once Cabinet had laid these documents before the Parliament.

The Workers' members welcomed the participation of a very large number of Government representatives in the discussion of these cases, contrary to last year. Certain governments had in all honesty pointed out past difficulties or those with which they were still confronted. Others had talked of progress made, although they had not yet communicated any report on the matter. It would be appropriate to follow these developments carefully and to verify if these statements were followed by action. It appeared that confusion remained between submission and ratification. In this respect it would be appropriate to emphasize the meaning of this fundamental obligation of submission, which was totally different from ratification.

The Employers' members agreed with the concluding remarks made by the Workers' members. They were pleased to hear the assurances given by the Government representatives concerned that their countries would comply with their obligations. However, it should not be forgotten that these countries had already failed to comply with their obligations for several years. The Employers' members hoped that the Governments would honour their commitments and that reports would be provided on the measures taken.

The Committee noted the information and explanations provided by the Government representatives and by others who had participated in the discussion. It also noted the specific difficulties encountered in complying with this obligation, mentioned by various speakers. Lastly, it took due note of the commitments made by several Government representatives to comply with their constitutional obligation to submit Conventions and Recommendations to the competent authorities in the shortest possible time. The Committee expressed the firm hope that the countries mentioned, namely Antigua and Barbuda, Cambodia, the Central African Republic, Costa Rica, Djibouti, El Salvador, Jamaica, Kenya, Madagascar, Papua New Guinea, Paraguay, Saint Lucia, the Seychelles, Sierra Leone, the Solomon Islands, the United Republic of Tanzania, Trinidad and Tobago and Zaire would, in the near future, send in reports containing information relating to the submission of Conventions and Recommendations to the competent authorities. Delays and failures to submit and the increase in the number of such cases were of great concern to the Committee because these were obligations emanating from the Constitution and were essential to the effectiveness of standard-setting activities. In this connection, the Committee reiterated that the ILO could provide technical assistance to assist compliance with this obligation. The Committee decided to mention all these cases in the appropriate section of its General Report.

(b) *Information received*

Bangladesh. Since the meeting of the Committee of Experts, the Government has supplied information on the submission to the competent authorities of Conventions and Recommendations adopted between the 71st (1985) Session of the International Labour Conference, and its 79th (1992) Session.

Belize. Since the meeting of the Committee of Experts, the Government has supplied information on the submission to the competent authorities of Conventions and Recommendations adopted between the 68th (1982) Session of the International Labour Conference, and its 72nd (1986) Session.

Congo. Since the meeting of the Committee of Experts, the Government has supplied information on the submission to the competent authorities of Conventions and Recommendations adopted between the 54th (1970) Session of the International Labour Conference, and its 78th (1991) Session.

Guyana. Since the meeting of the Committee of Experts, the Government has supplied information on the submission to the competent authorities of Conventions and Recommendations adopted at the 71st (1985) and 72nd (1986) Sessions of the International Labour Conference.

IV. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

Reports on unratified Conventions Nos. 87 and 98 as at 24 June 1994

(Article 19 of the Constitution)

In addition to the reports listed in Appendix IV on page 153 of the Report of the Committee of Experts (Report III, Part 4 B), reports have been received from:

India (Conventions Nos. 87 and 98).

INDEX BY COUNTRIES TO OBSERVATIONS AND INFORMATION CONTAINED IN THE REPORT

Albania:

Part One, General Report, paras. 266, 285.
Part Two, I A(a).

Algeria:

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Antigua and Barbuda:

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Barbados:

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Burkina Faso:

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Burundi:

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Part One, General Report, para. 269.
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Part One, General Report, para. 269.
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Zaire:

Part One, General Report, paras. 264, 269, 282, 285.
Part Two, I A(c) and (d).
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Fifth item on the agenda: Safety and health in mines

Report of the Committee on Safety and Health in Mines

1. The Committee on Safety and Health in Mines was set up by the International Labour Conference at its first sitting on 7 June 1994. It was originally composed of 143 members (65 Government members, 31 Employers' members and 47 Workers' members). To achieve equality of voting strength, each Government member having the right to vote was allotted 1,457 votes, each Employers' member 3,055 votes and each Workers' member 2,015 votes. The composition of the Committee was modified several times during the session and the number of votes attributed to each member was adjusted accordingly.

2. The Committee elected its Officers as follows:

Chairman: Dr. A. Bekes (Government member, Hungary);

Vice-Chairmen: Mr. J. Pirie (Employers' member, Canada) and Mr. J. Maitland (Workers' member, Australia);

Reporter: Mr. S. Thompson (Government member, Australia).

3. At its fifth sitting the Committee appointed a Committee Drafting Committee composed of the following members: Mr. M. Pefanis (Government member of Greece); Mr. D. Lauriski (Employers' member, United States); Mr. P. Benjamin (Workers' member, South Africa); and the Reporter of the Committee.

4. The Committee had before it Reports V(1) and V(2) prepared by the Office for a first discussion by the Conference of the fifth item on the agenda: "Safety and Health in Mines". The Proposed Conclusions submitted by the Office were contained in Report V(2).

5. The Committee held 14 sittings.

Introduction

6. The representative of the Secretary-General, Dr. Chandra Pinnagoda, welcomed the delegates and proceeded with the election of the Chairman. He referred to the considerable risks to life and health associated with mining activities and said that safety and health in mines had been a major concern of the ILO since its foundation. The protection of mineworkers from occupational accidents, injuries and diseases was an issue of worldwide concern and noteworthy efforts had been made by the ILO to improve the conditions in mines. The successful completion of the work of the Committee would lead to the adoption by the Conference of new international labour standards to protect mineworkers.

General discussion

7. The representative of the Secretary-General presented the two reports prepared by the Office and reviewed the considerations which had led the Governing Body to place the item of safety and health in mines on the agenda of the Conference. He said that mines and related infrastructures worldwide comprised a unique and complex industry, ranging from small informal enterprises using traditional manual extraction methods to very large, highly mechanized or labour-intensive operations. Mineworkers were building some of the largest man-made structures in the world, with surface excavations reaching depths of 500 metres, and underground mines reaching depths of 4,000 metres. Mining and civil engineering specialists with highly technical skills and knowledge were engaged on ensuring a working environment which could resist the forces of nature and withstand changes in geological conditions. The occupational risks which mineworkers faced included continuous long-term and acute exposure to such hazardous respirable dusts as those of silica, coal, asbestos, combustible dusts as well as gases and physical factors such as noise, vibration and extreme climatic conditions as well as psychological stresses associated with working alone deep below the surface. There was thus a need for more comprehensive protection of mineworkers. The adoption of new flexible international standards for the mining sector was important for various reasons. Mining was recognized as one of the most hazardous occupations. It was a sector of major economic importance in many member States. There was a need for an instrument specific to mining since existing international labour standards on occupational safety and health and current legislation in a large number of countries were inadequate in addressing the specific needs of this sector in respect of the prevention of occupational accidents and diseases. He further noted that the Proposed Conclusions with a view to a Convention and a Recommendation in Report V(2) were based on replies received to the questionnaire contained in Report V(1). At the time Report V(2) was drawn up, the Office had received 77 replies from member States. Nine other replies were received too late to be incorporated in the Report. Eighty-one of the total of 86 replies supported the development of international instruments on safety and health in mines. Sixty-six of the replies favoured a Convention supplemented by a Recommendation, four favoured a Convention only and ten favoured a Recommendation only. The Chairman thanked the Committee for his unanimous election and hoped that it would accomplish its tasks which would have a significant impact on the improvement of safety and health in mines. He expressed his confidence that there would be a constructive spirit of dialogue and cooperation.

8. The spokesman of the Employers' members said that in developing the instrument on safety and health in mines it was essential to take into account the diversity of the industry and the economic realities with which it was faced. He reaffirmed the employers' primary responsibility for safety and health and stressed the need for cooperation with other parties. The employers would strive towards the development of an instrument which could be accepted by a larger number of countries than had sometimes been the case in the past.

9. The spokesman of the Workers' members commended the decision of the Governing Body to place the item of safety and health in mines on the agenda of the Conference and noted the significance of the participation in the discussion of the Republic of South Africa, a world leader in mining. Particularly important were the issues raised by the Report of the Director-General to the Conference relating to the role and future direction of the Organization. The discussion of the Committee was crucial in setting the course for the development of a progressive instrument in the field of safety and health in mines because, as Report V (1) indicated, surface and underground mines continued to experience heavy loss of life due to safety and health problems in this industry. There was a need for the highest degree of protection of mineworkers in a sector which had been crucial to industrial development. There was also a need to protect the mineworkers' rights and to address such issues as the elimination of child labour and forced labour, and the right to freedom of association, collective bargaining and safety and health at the workplace. He added that in a world beset by economic problems, ethnic tensions, doubt and uncertainty, a strong instrument would protect not only mineworkers faced with specific hazards but all workers in all parts of the industry.

10. The Government member of Japan noted the significance of an international instrument on safety and health in mines in view of the need for ensuring the safety and health of mineworkers. The instrument should be sufficiently flexible to ensure wide acceptability by member States.

11. The Workers' member from the Republic of South Africa reiterated the need for developing an instrument on safety and health in mines in view of the heavy toll of accidents, diseases and fatalities among mineworkers. For example, in the Republic of South Africa, the mining industry accounted for 10 per cent of the GDP and 50 per cent of export earnings. Mineworkers made up as much as five per cent of the economically active population. Of these, many were disabled and paid compensation. Given the role played by tripartite dialogue, freedom to organize was essential in the mining industry. He supported the development of a Convention and a Recommendation on safety and health in mines with account being taken of other ILO instruments.

12. The Government member of Greece, speaking on behalf of the Government members of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, member States of the European Communities (EC), stated that safety and health in mines was a very important subject for the EC. She supported the discussion on safety and health in mines and pledged to share the EC experience with the Committee.

13. The Government member of China said that it was difficult to foresee events in the mining industry which continued to be a hazardous one. Given the contribution of the industry to the economic development, attention should be given to the issue of safety and health in mines, and the relevant standards should be improved.

14. The Government member of Turkey pointed out that the number of workers engaged in mining was high and that in countries like Turkey eighty per cent of them worked in coal mines. Most came from rural areas and had little education. Mines were characterized by poor working conditions, such as inadequate ventilation, and the development of a new instrument was timely.

15. The Workers' member of France said that the mining industry was noted for its high rate of risk, including fatalities attributed to pneumoconiosis and in particular, silicosis. Consistent statistics on injuries and fatalities in mining were lacking. However, the incidence of occupational diseases could be lowered significantly if proper action was taken. In the most advanced countries, such accidents and diseases had been significantly reduced through mechanization, automation and proper training. Support should be given to a binding instrument which should define minimum standards which could be easily applied in all countries regardless of the level of technological development and investment. The issue of subcontracting should also be addressed with due attention given to training and the supervision of workers.

16. The Workers' member of Algeria said that despite existing legislation, mineworkers continued to suffer from a number of occupational accidents and diseases. There was a need for action on safety and health in mines and the proposed Convention under discussion would be a valuable instrument. It should be flexible enough to ensure wide application. He also emphasized the contribution of non-governmental organizations to the protection of mineworkers.

17. The Government member of Canada considered that the new instrument should take the form of a new Convention which should be clearly structured to facilitate its acceptance by member States.

18. The Government member of India noted that safety and health problems in the mining industry were unique and that tripartite cooperation was essential to resolving such problems. He expressed his support for a new instrument which could bridge existing gaps in some national legislations.

19. The Government member of the United States emphasized that the mining industry was crucial to the development of the economy and provided a large number of highly paid job opportunities. But thousands of mineworkers were injured or killed on the job every year throughout the world. These figures could be dramatically reduced through the effective use and enforcement of safety and health standards. However, these standards differed from one country to another. Given the age of the ILO instruments relating to safety and health in mines, a comprehensive Convention on the subject was indispensable.

20. The Workers' member of the United States pointed out that a large number of accidents, injuries and deaths occurred in mines each year and that these could be prevented. Occupational hazards in mines had the same effects on mineworkers in different countries and the development and enforcement of legislation in this field could protect their lives. The proposed Convention could extend protection to all mineworkers and the support of the employers was needed in achieving this protection.

21. The Government member of Sweden concurred that a number of hazards existed in the mining industry. The measures taken to protect mineworkers varied from country to country. Whilst in some countries, such as Sweden, mines were provided with two exits, the risk persisted especially when deadly smoke from a mine fire filled the underground working too quickly to allow mine workers reach a place of safety. The use of a safety chamber equipped with breathing apparatus, water, food and telephone connection provided a safer alternative in the event of mining accidents. Since solutions differed from one country to another, the proposed instrument should be sufficiently general to ensure wider application.

Examination of the Proposed Conclusions contained in Report V(2)

Form of the international instruments

Point 1 and Point 2

22. Two amendments by the Employers' members to insert the word "an" after the word "adopt" in Point 1, to replace the words "These standards" by the words "This standard" and to delete the words "Convention supplemented by a", in Point 2, on the grounds that the change sought flexibility through the development of an instrument in the form of a Recommendation only, and that existing international labour Conventions on safety and health adequately addressed mining. In this regard, the Employers' spokesman cautioned against the development of excessive detail in a Convention, which might discourage ratification to the detriment of the protection of the majority of mineworkers. In the face of opposition by the majority, the amendments were withdrawn.

23. Point 1 and Point 2 were adopted without amendment.

Preamble

Point 3

24. An amendment by the Workers' members to refer to four additional instruments in the preamble was accepted. The Workers' members submitted another amendment to add a text referring to the workers' need and to right to information, genuine consultation and training; the prevention or reduction of the safety and health hazards in mining; the protection of the environment; to Chapter 29 of Agenda 21 of the United Nations Conference on Environment and Development (UNCED); and the need to cooperate with other UN organizations and to note their instruments which were relevant to the subject. Some Government members asked for clarification concerning the subject-matter of Chapter 29 of Agenda 21 and the Employers' members opposed reference to it. The Workers' members replied by subamending their amendment to delete the reference to UNCED. The amendment as subamended was accepted.

25. Point 3, as amended, was adopted.

Scope, definitions and means of application

Point 4

26. The Workers' members proposed to delete clause (b) in order to give a wider scope to the instruments. This was opposed by the Employers' and several Government members on the grounds that exemption of certain categories of mines provided flexibility in the application of the instruments, and the amendment was subsequently withdrawn.

27. The two amendments submitted by the Government members of Malawi, Republic of South Africa and Zimbabwe and by the Employers' members to insert the words "mines or" after the word "certain" in sub-clause (b)(i) were subamended by the Workers' members who proposed to refer to mandatory consultation with the most representative organizations of employers and workers in clause (b) and to the temporary exclusion of certain categories of mines where special problems of a substantive nature arose so long as the health and safety level merited such temporary exclusion in sub-clause (b)(i). The subamendment was opposed by the Employers' and several Government members who argued that it introduced a number of criteria which were restrictive in nature, and was subsequently withdrawn. Following opposition to the two amendments on the grounds that they would lead to inconsistency of enforcement at the national level and that exclusion should refer to categories of mines and not to certain individual mines, they were withdrawn.

28. An amendment was submitted by the Government members of Australia, Canada, New Zealand and Turkey to replace sub-clause (b)(ii) by a new clause (c) referring to the compliance by member States with Article 22 of the Constitution of the ILO, in order to allow for scrutiny before mines were excluded from the scope of the instrument. The amendment was subamended by the Workers' members who proposed to retain sub-clause (b)(ii) by ending it with the words: "within a fixed period of time" and to add a new clause to read: "and progress towards wider application". Following opposition to the subamendment for the reason that the reference to a fixed period of time compromised flexibility of the instrument, the Workers' members withdrew their subamendment and proposed a new subamendment, on a suggestion by the Government members of member States of the EC, to retain the original sub-clause (b)(ii) and add the new clause in the words of the amendment referred to above. This was adopted and an amendment by the Employers' members to insert the words "mines or" after the word "certain" in sub-clause (b)(ii) was not discussed.

29. Point 4, as amended, was adopted.

Point 5

30. An amendment was proposed by the Employers' members to replace the definition of the word "mine" by the words: "those activities so defined as a mine by the competent authority of each member State, after consulting the most representative organizations of employers and workers concerned". It was opposed by the Workers' members on the grounds that the object of the scope of the proposed instrument was to give guidance to member States through a common approach. It was also opposed by several Government members including those of the member States of the EC and the United States, India, Canada, Australia, Nigeria and Austria who stated that it was important to have a clear definition of the term "mine", without which the value of the Convention would diminish. Faced by this opposition, the amendment was withdrawn.

31. The Government members of Canada and Turkey proposed to replace the words "prospecting for" in sub-clause (a)(i) by the words "exploration for minerals involving mechanical disturbance of the ground" so as to exclude from the scope of the instruments a wide range of activities carried out by such persons as tourists, geologists and others engaged in informal activities unrelated to mining. This was subamended by the Government member of India who proposed to precede the amendment by the words "excavation for the purpose of". In the face of opposition by the Employers' and Workers' members as well as by other Government members the subamendment was withdrawn and followed by another subamendment by the Workers' members who proposed to insert the words "and other substances" after the word "minerals". This subamendment was opposed since the term "minerals", as in the case in some national legislations, such as that of Canada, Australia, Austria and the United States, included the substances which the subamendment sought to cover, in particular sand, gravel and clay. The subamendment was subsequently withdrawn in favour of the amendment which was accepted. As a result of this discussion, the Workers' members withdrew their amendment which sought to insert the same words "and other substances" after the word "minerals" in sub-clause (a)(i), which they previously proposed as an amendment and withdrew.

32. Three similar amendments were submitted by the Government members of the Czech Republic and Slovakia, by the Government members of Canada and India, and by the Government member of China to delete the words "other than extraction through the drilling of boreholes" on the grounds that the drilling of boreholes could be used in the mining of minerals and that the proposed instrument had provisions for exclusions under clause 4(b). Whilst the Government members of the member States of the EC opposed the amendments on the grounds that borehole drilling used different technologies which were subject to separate regulations, the majority supported the amendments and they were accepted. Based on this outcome, the two amendments by the Government members of the member States of the EC seeking to insert the words "prospecting for or" after the word "than" and by the Workers' members to replace the words "other than" by the word "and" in sub-clause (a)(i) were not discussed.

33. An amendment by the Workers' members to insert the words: "carbonization, weighing, testing, loading, disposing, pelletizing, briquetting, smelting and transportation" after the word "washing" in sub-clause (a)(ii) in order to ensure broader coverage was discussed and withdrawn after it was argued that the list was too detailed, could not be exhausted, and referred to activities which did not necessarily take place at mining sites and that some of the terms mentioned had already been covered by other international labour Conventions. The Workers' members also submitted and withdrew an amendment to end sub-clause (a)(ii) with the words, "and other substances" based on the explanation given previously regarding the coverage of the term "minerals". A further amendment by the Workers' members to add a new sub-clause under clause (a) to read "shaft and slope sinking" was withdrawn following opposition by the Employers' and some Government members who explained that the additional terms were already encompassed by the reference to extraction. Consequently, the subamendment proposed by the Government member of Slovenia to replace the subamendment by the words: "all underground mining construction activities" was not discussed.

34. The Workers' members proposed to insert the word "appliances" after the word "buildings" in clause (b) in order to ensure the coverage of instruments such as electrical appliances. This was subamended by the Employers' members who proposed to end the amendment by the words: "at surface or underground mine sites". This was supported by the majority, and the amendment as subamended was accepted.

35. Point 5, as amended, was adopted.

Point 6

36. An amendment by the Employers' members to replace the word "ensuring" by the word "effecting" in paragraph (1) on the grounds that the former implied absoluteness which was difficult to guarantee, was opposed by the majority since "ensuring" was the term commonly used in ILO instruments, and withdrawn. Another amendment by the Government members of Malawi, Republic of South Africa, Zambia and Zimbabwe to delete the word "should" from the second line of paragraph (1) was withdrawn following opposition by the majority who favoured consistency with the language used in other ILO instruments.

37. An amendment was proposed by the Government members of Australia, Canada, India, Norway, Slovenia, Sweden and Turkey to insert the following words at the end of paragraph (1): "or other means in accordance with national practice" in order to offer flexibility in the application of the proposed Convention. The Employers' members sought clarification as to what the words "other means" referred and the Workers' members opposed the amendment on the grounds that it devalued the draft instrument. They proposed a subamendment to end the text of the amendment by the words: "which have legal force". After a lengthy discussion during which the introduction of the words "legal force" raised questions regarding the status of the word "standards" in paragraphs (1) and (2), clarification was given by the Legal Adviser of the Conference as follows:

> Point 6 appears in the section of the Proposed Conclusions entitled Scope, Definitions and Means of Application. It is followed by separate sections entitled Proposed Conclusions with a view to a Convention and Proposed Conclusions with a view to a Recommendation. The Scope, Definitions and Means of Application have been worded by the Office in a way that left open to the Committee the decision in Point 2, to have both a proposed Convention and a proposed Recommendation. It was for this reason that the text of Point 6 read "standards". However, only provisions that are appropriate to both a proposed Convention and a proposed Recommendation would appear in each of them. Paragraph 6(1) refers to measures for ensuring application to be prescribed by national laws and regulations. A requirement of this type is appropriate only as part of a Convention, which would create binding obligations if ratified. Presuming the Committee will examine the question next year, it would therefore not appear in the text of a proposed Recommendation, but only in the text of a proposed Convention. It is possible that this approach could be taken to Paragraph 6(2) as well.

Based on the clarification provided by the Legal Adviser of the Conference and accepted by the Committee, the Workers' members withdrew their subamendment. The amendment was subsequently withdrawn. As a result of this discussion, a similar amendment to paragraph (2) of Point 6 submitted by the Government members of Australia, Canada, India, Norway, Slovenia, Sweden and Turkey to insert the words "or other means of application" after the word "regulations" was withdrawn.

38. The first part of an amendment by the Employers' members to replace the word "should" by the word "may" in paragraph 2 in order to use clearer and less binding language was supported by some Government members but opposed by the Workers' members who preferred to maintain consistency with the text of other instruments. It was also opposed by some Government members who argued that in view of the need to supplement the laws and regulations with codes and standards, the word "may" would render the passage of those instruments optional, which was not the intention of the provision. Following a lengthy discussion, the first part of the amendment was rejected by 34,272 votes against 32,592 in favour with no abstentions. The second part of the amendment sought to add the words: ", as recognized by the competent authority" at the end of paragraph 2 in order to attach clearly the responsibility of elaborating and supplementing the laws and regulations to the competent authority. The Workers' members supported this part of the amendment but subamended it to replace the word "recognized" by the word "determined". Given the support of the Employers' members, the second part of the amendment, as subamended, was accepted. The amendment, as subamended, was accepted.

39. An amendment by the Workers' members to insert the word ", guidelines" after the word "standards" in paragraph 2 was supported and accepted. Another amendment by the Workers' members to delete the words, "where appropriate" from paragraph 2 was opposed by the majority on the grounds that the words were needed for the purposes of flexibility, and subsequently withdrawn.

40. Point 6, as amended, was adopted.

Point 7

41. The Workers' members proposed to replace the text by two paragraphs which read:

(1) In the light of national conditions and practice and with agreement of the most representative organization of employers, workers and other concerned parties, each member State should formulate, carry out and periodically review a coherent policy on safety and health in mines, particularly with regard to the measures to give effect to the provisions of the standards.

(2) This policy should be implemented through preventive and protective measures and shall promote the establishment of a safety and health culture and the use of best available technologies.

The spokesman of the Workers' members highlighted the importance attached to the commitment, in the proposed paragraph (1), as a significant general principle for the workers, that each member State formulate and periodically review safety and health policies in mining and that paragraph (1) was not a departure from what has been provided by the Prevention of Major Industrial Accidents Convention, 1993 (No. 174). In the ensuing discussion of the first part of the amendment which was supported by some Government members, the Employers' members expressed their opposition by stating their preference for the text provided by the Office. Their view was also reiterated by the Government members of the member States of the EC who felt that despite the importance of this commitment it could give rise to complications for the ratification of a future Convention and the application of its provisions. Opposition was also voiced by other Government members who felt that the paragraph broadened the scope of the proposed instrument and imposed constraints on governments. Following a lengthy discussion the Workers' members proposed a subamendment to replace in paragraph (1) of their amendment the words: "with agreement of" by the words: "after consultation with", to insert the word "and" before the word "workers" and to delete the words: "and other concerned parties" in an attempt to meet the concerns expressed by the Government members of the member States of the EC and other Government members. This was subamended by the Employers' members who proposed the addition of the word "concerned" after the word "workers". Following support by the Workers' members, the subamendment, as subamended, was accepted, and paragraph (1) of the amendment, as subamended, was accepted. In introducing the second part of the amendment the Workers' members noted the importance of the commitment to the development of a safety and health culture and the need for use of the best available technologies. Whilst the Employers' members appreciated the value of inculcating a safety and health culture, they pointed out that it could not be achieved through legislation as it was a concept which was developed over time through consultation, cooperation and voluntary action. They added that the reference to the best available technologies would impede the ratification of the Convention, an observation which was supported by some Government members. Following a request made by the Workers' members, the representative of the

Secretary-General noted that "safety culture" had so far not been introduced into ILO instruments but was used in the Basic Safety Standards of the International Atomic Energy Agency. The Government member of Canada expressed his sympathy with the idea of a safety culture but stated that part two of the amendment was a duplication of the first part and that the reference to best available technologies was already encompassed by earlier provisions. Similar views were reiterated by other Government members including those of India, Malawi, Nigeria, South Africa and the United States. At this juncture, the Workers' members asked the Office to place on record that the Committee had recognized the potential of safety culture as a commitment for promoting safety and health and withdrew the second part of their amendment.

42. Point 7, as amended, was adopted.

Proposed Conclusions with a view to a Convention

I. General provisions

Point 8

43. An amendment submitted by the Government members of Australia, Canada, Finland, India, New Zealand, Poland, Slovenia and Sweden to replace the introductory line by the text: "Pursuant to Point 6, each member State should, through national laws or regulations or other means in accordance with national practice:", was withdrawn since it was submitted on the assumption that this text would have been adopted in Point 6.

44. Amendments were submitted by the Government members of the member States of the EC to replace the words "responsible for" by the words "for the supervision of"; by the Employers' members to replace the words "responsible for" by the words "to monitor and regulate"; and by the Government member of the United States, seconded by the Government member of India, to replace the word "responsible" by the words "with oversight responsibility", in clause (a). The Workers' members, while expressing their sympathy with the three amendments, proposed to subamend the first amendment by inserting the words: "and regulation" after the word: "supervision". This was supported by some Government members and opposed by the Employers' members who believed that the word "supervision" exceeded the responsibility of the competent authority, and by other Government members for similar reasons. During the discussion, the Government member of the United States withdrew his amendment in favour of that submitted by the Employers' members. After a lengthy discussion the Workers' members expressed concern regarding the apparent discrepancy between the English and French versions of the Office text and withdrew their original amendment in favour of a new subamendment in which they proposed to use the words: "monitor and regulate" in the English version and the words "superviser et réglementer" in the French version. This was accepted by the Employers' members who withdrew their amendment and requested their concern as to linguistic discrepancy to be referred to the Drafting Committee. The amendment, as subamended, was accepted.

45. An amendment by the Workers' members sought to insert the words "after consultation with the most representative organizations of workers and employers", in clause (a) in order to ensure maximum consultation on all safety and health issues. This was opposed by the Employers' members who noted that the process of consultation had already been ensured in Point 7, and by other Government members for similar reasons. The amendment was subsequently withdrawn.

46. In the light of previous discussion, the Government member of the United States withdrew an amendment to replace the words: "the supervision of" by "the employer to supervise" in sub-clause (b)(i). An amendment by the Workers' members to insert the word "regular" after the word "the" in sub-clause (b)(ii) to provide for continuous monitoring of mines, was withdrawn after opposition by the Employers' members and several Government members that the proposal went beyond what was required, locked the inspection to a schedule which was the responsibility of the competent authority to establish, and that the word "regular" did not determine the periodicity of inspection. Asking that the expression of support by some Government members to their amendment be noted, the Workers' members withdrew it. The Workers' members proposed another amendment to insert the words: "and auditing" after the word "inspection" in sub-clause (b)(ii) which would enhance the text by introducing a concept which was gaining momentum in the industry. They explained that the term referred to the examination of safety and health arrangements at the mine, a procedure which was the responsibility of the competent authorities. This was opposed by the Employers' members because the intent of the amendment had already been covered by the provisions of Point 7. The Government members of the member States of the EC also noted that the intent of the amendment was covered in Point 16. Following opposition from other Government members, the Workers' members withdrew their amendment despite their belief that "auditing" went beyond "inspection".

47. An amendment by the Workers' members to insert the words "procedures for" before the word "reporting" in sub-clause (b)(iii) was accepted. An amendment by the Employers' members to end sub-clause (b)(iii) with the words "as defined by each member State's own regulations" in order to attribute clearly the regulations to the member State was subamended by the Workers' members to insert the words "legislation or" after the word "own" and accepted and adopted. Based on this outcome, the amendment by the Government members of Australia, Canada and the United States to end sub-clause (b)(iii) by the words ", as defined by implementing regulations" was not discussed.

48. An amendment by the Workers' members to insert the words "occupational diseases" before the word "accidents" in sub-clause (b)(iv) was accepted. The Government members of Australia, Canada and the United States proposed an amendment to end sub-clause (b)(iv) by the words ", as defined by implementing regulations" to ensure that the definition of the terms "dangerous occurrences" was best left to the individual member State. While agreeing with the thrust of the amendment, the Workers' members subamended it by the insertion of the words "legislation or" before the word "regulation". This was further subamended by the Employers' members, who preferred to use similar text to that used previously by proposing to replace the word "implementing" by the words "each member State's own legislation or", which was accepted.

49. Three amendments were submitted for the addition of new sub-clauses under clause (b). The first was proposed by the Workers' members to add a new sub-clause as follows: "that the competent authority should have the power, on safety and health grounds, to suspend permanently, temporarily or restrict mining activities". It was subamended by the Employers' members as follows: "the competent authority to have the power, on imminently dangerous safety or health grounds, to suspend or restrict mining activities until such time as the condition(s) causing the suspension or restriction is corrected". This was opposed by the Workers' members who argued that the use of the word "imminently" would restrict the power of the competent authority. After opposition by several Government members for similar reasons, the Employers' members subamended their subamendment by deleting the reference to the words "imminently dangerous". The subamendment was accepted, and the amendment, as subamended, was accepted.

50. The second amendment was also submitted by the Workers' members who proposed a new sub-clause under clause (b) as follows: "the establishment of effective procedures to ensure the monitoring and implementation of the rights of workers and their representatives to participate and be consulted". This was opposed by the Employers' members and some Government members on the grounds that the provision did not address the safety and health issue and that the principle of consultation was covered under Point 7 of the proposed instrument. Some Government members, however, noted that some national legislation, as in the United States, Canada and Tunisia referred to a similar consultative mechanism and supported the amendment. The Workers' members pointed out that the principle of consultation was included under the general provisions of the Proposed Conclusions with a view to a Convention and was as such different from that to which reference was made under the section dealing with Scope Definitions and Means of Application of the proposed instrument. The Employers' members maintained their opposition to a reintroduction of the reference of the principle, emphasizing however that they were very much in favour of the workers' right for consultation as such. Following further opposition by the Government member of Australia who expressed reservations about the words "monitoring" and "rights" in the plural form, the Workers' members introduced a subamendment to delete the words "monitoring and", replace the word "rights" by the word "right" and to add the words "on health and safety at the workplace" after the word "consulted". Following majority support of this subamendment by the Government members of the member States of the EC and several Government members, the Employers' members introduced a subamendment which proposed the insertion of the words "and duty" after the word "right", and the word "comply" before the word "participate". This was opposed by the Workers' members since the new text referred to a provision which had already been addressed under previous points. This view was shared by several Government members following which the Employers' members withdrew their subamendment, and the amendment, as subamended by the Workers' members was accepted.

51. The third amendment by the Workers' members proposed to add a new sub-clause under clause (b) as follows: "training, mine examination, certification and provision of health surveillance". This was opposed by the Employers' members and several other Government members for the reasons that the term "examination" was covered by the term "inspection" addressed by sub-clause (b)(ii), the subject of health surveillance was covered under Point 14 and training was covered under Point 12. The Workers' members introduced a subamendment to delete the words "mine examination", and explained that the word "certification" meant the process of recognizing persons to carry out designated tasks. Faced with continued opposition, the amendment was withdrawn.

52. Eight amendments were introduced to clause (c). The amendment by the Government members of member States of the EC sought to replace the text: "submit for ... operation;" by the following text: "prepare appropriate plans of workings before the start of operation. The plans must be brought up to date periodically and held available at the workplace." The working plans referred to the plans of workings themselves as well as ventilation plans, fire and rescue plans, electricity plans, inrush protection plans and any similar statutory plans that had to be prepared for safety and health reasons. This was supported by the Employers' members and by other Government members. The Workers' members introduced a subamendment to add the word "both" after the word "workings", the words "and in the event of any significant modification" after the word "operation", and the words "and submit for authorization" after the word "prepare". This was opposed by the Employers' members who argued that reintroducing the concept of authorization changed the meaning and that the reference to significant modification was unnecessary since it was encompassed by the word "periodically". The Government members of member States of the EC and the Government member of Australia also opposed it as prior authorization was impractical. The subamendment was further subamended by the Workers' members to delete the words, "and submit for authorization", which was also subamended by the Government member of Australia to replace the word "workplace" by the word "minesite". The subamendments were supported by the Employers' members, who asked that the text on the plans of workings be referred to the Drafting Committee to ensure consistency between the English and French versions, by the Workers' members and by other Government members and was accepted. The amendment, as subamended, was accepted on the understanding that it would be referred to the Drafting Committee for revision of the French version. Based on the outcome of the discussion of this amendment, the seven other amendments originally submitted on the same clause were not discussed.

53. An amendment by the Workers' members to insert the words "and hazardous chemicals" after the word "devices" and to replace the word "and" after the word "explosives" by a comma was opposed by the Employers' members on the grounds that the reference to hazardous chemicals changed the whole concept of the clause and that hazardous chemicals were adequately covered by the Chemicals Convention, 1990 (No. 170). Similar opposition was voiced by other Government members. Recognizing that the Chemicals Convention, 1990 (No. 170) adequately covered hazardous chemicals, the Workers' members withdrew their amendment.

54. An amendment by the Employers' members to insert the words "or under the direct supervision of" after the word "by" and to delete the word "only" in clause (d) to ensure coverage of a variety of situations which might arise was supported by the Workers' members and adopted. An amendment by the Workers' members to end sub-clause (e)(i) by the words "and appropriate medical facilities" was supported by the Employers' members following an explanation by the Workers' spokesman that reference could mean a first-aid station and not necessarily a state of the art clinic, and was accepted.

55. Two amendments, in two parts each, were introduced to sub-clause (e)(ii). One amendment by the Workers' members sought to insert the words "which are of a self-contained type, last for a sufficient length of time, are immediately accessible, safe and of sufficient capacity to reach the nearest safe area" after the word "devices" as part one and to delete the words "where necessary" as part two of the amendment. In discussing the first part of the amendment, when the Workers' spokesman explained that the term "self contained" referred to a self sufficient breathing apparatus which provided oxygen, the Employers' members expressed opposition on the grounds that the text provided too many details which would be more appropriate to a Recommendation. Following further opposition from the Government member of Australia who explained that the amendment broadened the scope of the instrument and from the Government member of Botswana who expressed reservation regarding the practicality of reaching the nearest safe area, this part of the amendment was withdrawn. The first part of the second amendment submitted by the Government members of Australia, Canada, Finland, Norway and Sweden sought to end sub-clause (ii) with the words "in coal mines and, where necessary, for underground workers in metalliferous mines" and the second part proposed the deletion of the words ", where necessary". In introducing the first part of the amendment the Government member of Australia explained that the requirement for providing self-rescue canister-type breathing apparatus to mineworkers was not so stringent in metalliferous mines with proper ventilation, and that such apparatus was required only when a hazard existed. This was supported by the Employers' members who concurred and also added that self-rescue breathing apparatus required in underground mines was not needed in surface mines. Following opposition by the Workers' members to the first part of the amendment who believed that there were mines other than coal mines which required the use of self-rescue respiratory devices, the Government member of the Czech Republic proposed an amendment to replace the word "metalliferous" by the word "non-coal". This was accepted by the Employers' members but not by the Workers' members who further subamended the subamendment by proposing the deletion of the words "where necessary" in the first line of the text. This was accepted and the amendment, as subamended, was accepted. As a result of the discussion, the second parts of the two amendments introduced to sub-clause (e)(ii) were not discussed.

56. The Workers' members introduced three amendments for new sub-clauses under clause (e). The first amendment read: "requirements for the safe storage, transportation and disposal of waste", and was intended to ensure the establishment of a more complete set of provisions and national laws and regulations. They explained that the term "waste" related to the activities already included under the definition of the word "mine" in Point 5. Following support by the Employers' members, the amendment was adopted. The second amendment read as follows: "that the provisions mentioned in this Point should be regularly assessed, reviewed and updated". This amendment, which sought to provide for the regular assessment and introduction of new technology, was opposed by several Government members and by the Employers' members on the grounds that its intent was covered under Point 7. Pointing out that the purpose of the proposal was to delineate the responsibility of the competent authority, and accepting that its intent was covered under Point 7, the Workers' members withdrew the amendment. The third amendment by the Workers' members to add a new sub-clause under clause (e) to read as follows: "that mine inspectors, independent of the mine employer, have the powers to ensure the rectification of dangerous occurrences or practices", was aimed at further defining the role of the personnel of the competent authority. It was opposed by the Employers' members and other Government members as redundant since inspection had already been included under a previous clause. Noting that the concept of independence had not been covered before, the Government member of the United States proposed a subamendment to read: "that mine inspectors be independent of the mine employer". This was further amended by the Government member of Turkey who proposed the addition of the words "and workers" at the end of the subamendment and place the word "employer" in the plural. The Employers' members maintained their opposition by explaining that independence could compromise the consultative mechanism, at which stage the Workers' members noted the Employers' observation and withdrew the amendment.

57. The Government members of Australia, Canada and Turkey introduced the following amendment as a new clause: "provide powers for mines inspectors, independent of the mine employer, to ensure the rectification of dangerous occurrences or practices", in order to address the issue of rectification of dangerous occurrences or practices which had not been covered by the new subclause under Point 8(b). Following support by the Workers' members, and opposition by the Employers' members, the Government member of Japan introduced a subamendment to add the words "and workers" after the word "employer". While this was supported by the Workers' members and some Government members, it was opposed by the Government members of member States of the EC on the grounds that rectification of dangerous occurrences was not the responsibility of the mine inspector. The Government member of Nigeria subamended the text further by proposing the deletion of the words ", independent of the mine employer" and the addition of the words "by the mine employer" at the end of the text. Following withdrawal of the amendment by the Government member of Canada, the subamendment was not discussed.

58. Point 8, as amended, was adopted.

II. Preventive and protective measures at the mine

New Point (before Point 9)

59. The Government members of Canada, Finland, Norway, Sweden and the United States introduced a new Point defining the term "employer" as: "In the context of this Convention and Recommendation the word employer means any physical or legal person who employs one or more workers in a mine and as the context requires, contractors", as similar definitions appeared in other ILO instruments. This was subamended by the Workers' members by the addition of the words "or who contracts for the services of" after the word "employs" in order to extend coverage of the definition to labour agencies which contracted the services of individuals for the employer. This was accepted by the Government members and supported by the Employers' members who suggested that the definition belonged under the heading of "Scope, Definitions and Means of Application" of the proposed instrument and that its proper placing be left to the Drafting Committee. Several Government members expressed reservations about the inclusion of the definition in the proposed instrument on the grounds that governments should be left with flexibility in defining the term as was the case in a number of national legislations. The proposal, as amended, was accepted.

60. The new Point, as amended, was adopted.

Point 9

61. An amendment by the Workers' members in four parts, and another by the Employers' members in three parts, were introduced to this Point. The first part of the Workers' members' amendment sought to add the words "National laws and regulations pursuant to point 6 should provide that" before the word "Employers". It was opposed by the Employers' members as superfluous since its concern would automatically be met upon ratification of the Convention. Following further opposition by several Government members on the grounds that Point 6(1) covered the intention of this part of the amendment, it was withdrawn. The second part of the amendment sought to insert the words "identify all hazards within the undertaking and" after the word "should" to clarify the employers' responsibilities. This was opposed by the Employers' members who explained that the proposal provided unnecessary details and that there were more measures to be undertaken by the employers than the task of identification. Following opposition by other Government members, a subamendment was introduced by the Government member of Gabon to add the words "in cooperation with the workers" after the words "undertaking and". This subamendment was not discussed since the Workers' members withdrew this part of the amendment and stated their satisfaction with the Committee's observation that their concern was covered elsewhere. The third part of the amendment which sought to replace the word "to" in the first line by the words "and practices and devote the necessary resources to avoid, investigate, identify, assess and", was subamended by the Workers' members by to add the words "and devote the necessary resources to" after the word "measures" to respond to the opposition by the Employers' members and several Government members who believed that the original amendment contained too many unnecessary details. In the face of continued opposition, the Workers' members withdrew this part of their amendment. At this juncture, the Employers' members introduced the second part of their amendment to replace the words "to eliminate or minimize the" by the words "aimed at eliminating or minimizing" in order to diminish the element of absolute guarantee implied by the original text. This was opposed by the Workers' members who rejected any dilution of the measures to eliminate or minimize the risks to safety and health. Their position was also endorsed by several other Government members who argued that the use of the word "minimize" provided for the required flexibility and that the terms employed by the Office text were used in national legislations. The Employers' members subsequently withdrew this part of their amendment. The discussion reverted to the fourth part of the amendment by the Workers' members which sought to replace the word "under" by the words "and mining installations within," in order to enhance the text. This was opposed by the Employers' members who believed that the definition of the term "mine" covered such mining installations, and by other Government members for the same reason, and Part 4 of the amendment was subsequently withdrawn.

62. The Employers' members introduced the third part of their amendment to the introductory lines of Point 9 by noting that the suggestion to add the word "that" at the end of the sentence was linguistic. Given the implication of this proposal on the meaning of the word "ensure" at the beginning of other clauses, the Workers' members opposed the amendment. Following similar opposition by several Government members, this part of the amendment was withdrawn. The first part of the amendment by the Employers' members sought to replace the word "necessary" by the word "reasonable" on the grounds that the latter was common practice in legal texts. This was opposed by the Workers' members so as to avoid any dilution of the meaning of the provision. The support and opposition by several Government members to this part of the amendment were based on whether or not one term or the other was used by their national legislation. After a lengthy discussion, the Government member of the United Kingdom observed that despite the use of the word "reasonable" in legislation, this term, in association with the word "minimize", amounted to a double reduction in standards and was as such not preferred. The third part of the amendment by the Employers' members was subsequently withdrawn.

63. The Employers' members introduced an amendment to delete the words "ensure that" from clause (a), and asked the Office to provide an explanation of the meaning and use of the word "ensure" in ILO instruments. The Legal Adviser of the Conference explained that the meaning of the word "ensure", which appeared in a number of international labour Conventions, depended on its place in the respective instrument and that in the case of clause (a) of Point 9, the intention was to set up an obligation of means and not an obligation of results. He further explained that within this context, measures should be taken which would not necessarily have to arrive at an absolute result, and that the text of Point 16 was applicable to each member State to take measures to implement the provisions of the Convention. He reminded the Committee that the term "ensure" could be reconsidered during the second discussion of the proposed instrument. Based on this explanation, the Employers' members withdrew their amendment. They also withdrew, for the same reason, a similar amendment introduced to clause (b).

64. The Workers' members introduced an amendment, the first part of which proposed the insertion in clause (b) the words "and decommissioned" after the word "maintained" since decommissioning constituted one of the phases of exploitation of a mine, with the second part deleting the word "and" after the word "operated". They further emphasized that decommissioning did not mean closure and that it referred to the termination of the operations when the mine was exhausted. The amendment was supported by the Employers' members and was accepted. Support was also voiced by the Government members of the United Kingdom and France who noted that "decommissioning" was not covered by the definition of the term "mine", which was accepted by the Committee, and that the French version should be referred to the Drafting Committee for finalization.

65. The Workers' members withdrew an amendment which sought to insert the words "are taken" after the word "steps", and to delete the word "take" in clause (c), based on the outcome of a previous discussion. They submitted another amendment in three parts to clause (c) the first part of which proposed the insertion of the word "adequate" before the word "steps". Following little support by Government members who believed that the term "adequate" enhanced the text and opposition by the Employers' members and several Government members who favoured the Office text, the Workers' members withdrew this part of the amendment. The second part of the amendment sought to insert the words "and monitor" after the word "maintain" to ensure consistency with other texts. The Employers' members observed that the concept of monitoring was covered by the word "maintaining," and the amendment was withdrawn. The last part of the amendment sought to insert the words "and effective roof support" after the word "ground". This was opposed by the Employers' members who observed that the provision was not applicable to open cast mines. Opposition was also voiced by several Government members on the grounds that this concern would be addressed by clause (b) of Point 21, the reference to the stability of the ground was enough to encompass the meaning of roof support and that the new addition would restrict the text. The Government member of Spain drew the attention of the Office to the need for reconsidering the use of the Spanish word which referred to the word "ground". Based on the discussion, the Workers' spokesman asked the Office to take note of the discussion, and withdrew the amendment. An amendment by the Government members of Australia, Canada, Finland, Slovenia, Sweden and the United States to replace the words "at the workplace;" by the words "in areas where persons work or travel;" was subamended by the Workers' members to add the word "may" before the word "work" to enhance the text. This was further subamended by the Government member of the member States of the EC to replace the words "may work or travel" by "have access in the context of their work". The final text as subamended read as follows: "(c) take steps to maintain the stability of the ground in areas where persons have access in the context of their work.", and was accepted.

66. An amendment by the Workers' members to insert the words "a minimum of" after the word "workplace" in clause (d) was withdrawn in favour of another amendment by the Government members of Austria, Malawi, Republic of South Africa, Zambia and Zimbabwe to replace the word "alternative" by the word "independent" in clause (d). Following a discussion on the meaning of the two words, the Government members of member States of the EC proposed a subamendment to replace the word "independent" by the word "separate". Upon the request by the Employers' members for explanation by the Office of the meaning of the terms under discussion, the Legal Adviser of the Conference noted that the terms had technical rather than legal connotations and that the interpretation of each depended on the Committee. Following a discussion which indicated that the term "separate" was more commonly used in national legislations, the amendment, as subamended, was accepted.

67. Four amendments were introduced to clause (e). The first amendment, in four parts, was introduced by the Employers' members to replace the words "ensure the monitoring" by the words "an assessment", insert the words "be undertaken" after the word "environment", insert the words "risk of exposure to" after the words "identify the" and to replace the words "to assess the level of exposure" by the words "implement appropriate ongoing monitoring". The Legal Adviser of the Conference explained that the word "ensure" in this context differed from the situation in the earlier instances in which the term was used, in that it referred to a guarantee of a result, namely the obligation to provide adequate ventilation in clause (f). He further explained that the distinction between "ensure" in clauses (b) and (e) was demonstrated by the French text which used the verb "assurer" in clause (e) and the verb "veiller" in clause (b) and noted the need to review the relationship between the two texts by the Drafting Committee or during the second discussion. In the light of this explanation, the Employers' members withdrew the amendment. The second amendment was introduced by the Government members of Australia, Canada, India, Japan, New Zealand, Turkey and the United States and sought to insert the words "and regular inspection" after the word "monitoring", replace the words "hazardous substances and agents" by the words "various hazards", replace the word "the" by the word "their" and to end the clause by the words "or that of the working environment". The amendment was aimed at broadening the requirements for employers to identify all hazards, to note that hazard identification was primarily the responsibility of the employer and to include the working environment within the scope of the provision. This was opposed by the Employers' members who believed that the amendment introduced a totally new concept. It was subamended by the Workers' members who proposed to replace the words "or that" in the last part by the words "and that". The subamendment was supported by several Government members, but was further subamended by the Employers' members to delete the words "and that of the working environment" in order to avoid redundancy of terms since the environment had already been covered in the text. This was opposed by the Government member of Japan who explained that the first reference to environment was in conjunction with monitoring, while the second related to the assessment which must include both workers and the working environment. Following a lengthy discussion, the Government member of the United Kingdom introduced an additional subamendment to insert the word "assessment" between the words "monitoring" and "and regular inspection". This was supported by the Employers' members, the Workers' members and by several other Government members and the amendment, as subamended, was adopted. Based on the earlier explanation given by the Legal Adviser of the Conference, the two amendments submitted by the Workers' members to insert the words "and detect" after the word "identify" and to insert the words "and determine" after the word "assess" in clause (e) were withdrawn.

68. An amendment by the Employers' members to replace the word "ensure" by the words "there is" in clause (f) was withdrawn in the light of the outcome of an earlier discussion of previous clauses. The Workers' members introduced an amendment in two parts to insert after the word "workings" the words "and prevent an accumulation of air containing substances hazardous to health and temperatures detrimental to health according to best practices", and to delete the words "to which access is permitted", in order to provide a more precise interpretation of the kind of ventilation required and to take account of the fact that there were other areas to which access was not permitted but which needed ventilation. The Employers' members opposed the amendment on the grounds that it was too detailed for a Convention and that it extended the scope of the instrument to include worked out mine areas and was not practical. Their opposition was echoed by several Government members, including those of Canada who argued that the leading statement in Point 9 took care of the Workers' concerns and of the member States of the EC who argued that the amendment was ambiguous and detailed and that its second part would be difficult to implement. Faced with this opposition, the Workers' members withdrew the amendment.

69. The Government members of Australia, Canada, Finland, Norway, Slovenia, Sweden and the United States introduced an amendment to add the words "such as gas outbursts, rockbursts and an inrush of water or semi-solids" after the word "hazards", so as to indicate the type of zones susceptible to hazards in clause (g). This was subamended by the Workers' members to read "such as gas outbursts, rockbursts, mine fires, inrush of water or semi-solids and natural disasters". The Employers' members opposed both the amendment and its subamendment as introducing details which were more appropriate under a Recommendation. Similar opposition was voiced by several Government members and by the Government members of member States of the EC, who supported the amendment but not the subamendment because it included natural disasters. Faced with such opposition, the Workers' members withdrew their subamendment but noted that their list of items in their subamendment was not a novelty and had appeared in other international labour Conventions. The amendment was also withdrawn by the Government member of Canada who asked the Office to note that the particular hazards referred to were enumerated in Point 24. Based on the opposition to the reference to natural disasters, the Workers' members withdrew their amendment which sought to insert the words "and prone to natural disasters" after the word "hazards" in clause (g). An amendment by the Employers' members to replace the words "so as to ensure" by the words "and procedure for" in clause (g) in order to confine the provision to a guarantee of means, was opposed by the Workers' members on the basis that the amendment changed the meaning of the clause. The Government member of Canada introduced a subamendment to maintain the words "procedures for" after the words "so as to ensure", which was accepted. The amendment, as subamended, was accepted.

70. Six amendments were introduced by the Workers' members as new clauses. The first proposed a text which read "ensure that when there is serious danger to the safety and health of workers, operations will be stopped and workers evacuated to a safe location". This was aimed at defining the employers' responsibility for the evacuation of workers. While agreeing with the concept, the Employers' members opposed the amendment on the grounds that it was covered elsewhere in the proposed instrument. Following support of the amendment by several Government members, the Employers' members introduced a subamendment which they believed captured some of the language used in other Conventions, which read as follows: "ensure that when there is an imminent and serious danger to the safety and health of workers, operations in the affected area will be stopped and that affected workers should have the right to evacuate to safe location". This was opposed by the Workers' members for the reason that it incorporated the words "right" and "affected" which referred to issues dealt with elsewhere in the instrument. Opposition was also voiced by the Government member of Canada on the grounds that the subamendment shifted the intent of the provision from the responsibility of the employer to the rights and duties of workers, a view which was endorsed by several other Government members. This led to an additional subamendment by the Employers' members who proposed to replace the words "should have the right to evacuate" by the words "will be evacuated". Faced with continued opposition to their subamendment, the Employers' members withdrew their proposal and asked the Office to note their concern, and the amendment was accepted.

71. The Workers' members introduced their second amendment to add the words "provide for constant examinations of the mines", as a new clause and subamended it by ending their amendment with the words "to ensure all necessary measures are taken to combat the formation and accumulation of explosive and toxic atmospheres". This was opposed by the Employers' members and several Government members since it addressed concepts such as inspections and monitoring which were already covered under Points 8, 9 and 11. In withdrawing the amendment, the Workers' members requested the Office to note that their concern had already been covered under other points. Their third amendment sought to introduce the following text as a new clause "make available at all times to the workers, their representatives and all those who need to have access to the mines, copies of and information on mine plans and revisions for review and response before submission to competent authorities for approval". They followed this by a subamendment deleting the words "at all times", replacing the comma after the word "workers" by the word "and", deleting the words "and all ... the mines", and the words "for review ... for approval". This was opposed by the Employers' members and by several Government members for the reason that the concern was covered elsewhere in the instrument. Following a lengthy discussion, the subamendment was rejected with 59,813 votes against, 46,397 votes in favour, with 1,677 abstentions. The fourth amendment by the Workers' members to add a new clause on the hazard control system was at their request deferred by the Committee for discussion under Point 13.

72. The fifth amendment by the Workers' members introduced the following text as a new clause "ensure that controls and measures are implemented at operating and decommissioned mines which protect the environment from damage as a result of mining operations including the control of subsidence, harmful contaminants in the water, air or ground;", in an attempt to encompass the protection of the immediate environment within the responsibility of the employer. Following a lengthy discussion during which the majority opposed the proposal on the grounds that environment was not covered by the scope of the instrument, the amendment was rejected by 61,490 votes against, 41,366 votes in favour with 4,472 abstentions.

73. The last amendment by the Workers' members introduced a new clause which read: "provide, where two means of egress do not exist, special arrangements and equipment including self-contained explosive-proof chambers to ensure the protection and safe evacuation of mineworkers in case of danger". It was opposed by the Employers' members who believed that its requirements would impede the ratification of the instrument. The Government members of member States of the EC and other Government members expressed their opposition because the provision of the prescribed equipment was not practical and provision had already been made for two means of exit. The Government member of Sweden, also speaking on behalf of the Government members of Norway and Finland, which favoured the use of safety chambers, suggested that every mine should conduct its own hazard analysis to determine the preventive measures and that it would be better to address this issue under Points 25 and 26.

Having noted the views of the majority, the Workers' members subamended their amendment by deleting the words "including self-contained explosive-proof chambers". There was continued opposition during which the Employers' members said that reference to exits did not apply to open cast mines, at which point the Workers' members submitted a fourth subamendment to add the words "in underground mines" after the word "where". Following a lengthy discussion, the second subamendment was put to vote and rejected by 54,223 votes against, 48,633 votes for, with 3,354 abstentions. The first amendment was also voted by 56,459 votes against, 45,838 votes in favour, with 4,472 abstentions, and the amendment was rejected.

74. Point 9, as amended, was adopted.

Point 10

75. An amendment by the Government members of the member States of the EC proposed the addition at the end of Point 10 of the words "the employer in charge of the mine should be responsible for that coordination" in order to clearly identify the responsibility of such coordination. The Workers' members proposed a subamendment to add the words "and be held primarily responsible for the safety of the operations" and withdrew their original amendment which sought to replace the word "they" by the words "the employer which has control over the mine should be held primarily responsible for the safety of the operation and the employers". This was supported by the Employers' members and the amendment, as amended, was accepted.

76. Point 10, as amended, was adopted.

Point 11

77. The Workers' members proposed to replace the introductory lines by the words "Employers should" arguing that workers faced hazards all over the mine. Following the opposition by the Employers' members, the Workers' members subamended their amendment by replacing the words "where workers" in the original text by the words "as mineworkers". Faced with opposition from the Employers' members who insisted that this section dealt with particular hazards mentioned therein, and opposition by a number of Government members, the Workers' members withdrew their amendment. In the light of this discussion, the amendment by the Government members of Australia, Canada, India, New Zealand, Poland, Slovenia, Turkey and the United States to insert the words "including those defined by national technical standards referred to in Point 6(2)" after the word "hazards" in the introductory lines was withdrawn.

78. The Workers' members introduced an amendment to clause (a) to replace the word "them" by the words "the workers of the hazards associated with and" since workers should be informed not only about health risks but about the hazards posed by their work. Following discussion, the Government member of Canada withdrew an amendment of a similar nature in favour of the amendment proposed by the Workers' members. The Employers' members supported the amendment and withdrew another amendment which they had submitted to replace the words "health risks" by the words "hazards", and the amendment was accepted.

79. The Workers' members withdrew an amendment which sought to replace in clause (b) the words "take appropriate measures to eliminate or minimize" by the words "safeguard the health and safety of workers by eliminating and where not possible minimizing" without discussion following of the outcome of the discussion of the introductory text. The second amendment to clause (b) was proposed by the Government members of Australia, Canada, Finland, India, Japan, New Zealand, Slovenia, Sweden, Turkey and the United States, for the insertion of the words" including the development and implementation of safe operating procedures" at the end of the text. Following support by the Workers' members and opposition by the Employers' members who explained that the concept was covered by the words "appropriate measures" of the Office text, the amendment was withdrawn.

80. The Workers' members proposed a new clause which read as follows: "provide and maintain at no cost to the worker suitable protective equipment facilities and protective clothing, where adequate protection against risk of accident of injury to health, including exposure to adverse conditions, cannot be ensured by other means;". The Employers' members argued that the proposal introduced details that were subject to local collective bargaining, such as the concept of "no cost", and which were not suitable for a Convention and would impede the ratification process. Following the support by the Government members of the member States of the EC and other Government members, the Employers' members withdrew their opposition, and the amendment was accepted.

81. The Workers' members submitted an amendment to add a new clause concerning the access of injured workers to medical facilities as follows: "provide for easy and rapid transportation and access for injured workers to appropriate medical facilities and hospital treatment as required;". The Employers' members opposed the amendment noting that this issue was covered by Point 8(e)(i) and Point 13. It was also opposed by the Government members of member States of the EC and other Government members for similar reasons. Following a discussion, the Employers' members introduced a subamendment which read: "provide for appropriate transportation and access for injured workers to appropriate medical facilities", which was accepted. The Government member of France noted that the words "appropriate access" should be introduced in the French version as well.

82. The Government members of Australia, Canada, Finland, India, Norway, Poland, Slovenia, Sweden, Turkey and the United States proposed a new Point relating to the rights of workers, but proposed to defer its discussion for consideration under Point 14.

Point 12

83. The two amendments proposed by the Workers' and the Employers' members concerning the consultative mechanism were withdrawn without discussion.

84. An amendment by the Workers' members to replace the words "and comprehensible ... for workers" by the words "on a continuing basis during working time and safety instructions" and to add at the end ", which are comprehensible to all workers, are provided before being assigned to work" in clause (a) was opposed by the Employers' members since it restricted training to working hours. The Workers' members proposed a subamendment to retain the Office text and to insert the words "and retraining programmes during working hours" after the word "training". This was subamended by the Employers' members to delete the words "during working hours" and received support by several Government members following which the Workers' members withdrew their opposition to the subamendment by the Employers' members and the amendment, as subamended, was accepted.

85. An amendment by the Workers' members to end clause (b) by the following text: "and in particular with the obligation to specify:

(i) the object, type and frequency of inspections;

(ii) that inspections of workplaces are carried out before the workers enter them as well as on a continuing basis;

(iii) that written records of inspections, including inspection areas, findings and corrections should be drawn up and kept at the mine"

was withdrawn following opposition by the majority that it was too detailed for a Convention.

86. The Workers' members withdrew their amendment which sought to introduce the concept of "time of entry" and "probable location" in clause (c) in favour of the amendment by the Government members of Australia, Canada, Finland, India, New Zealand, Norway, Poland, Slovenia, Sweden and the United States to replace the clause by the following text: "a system is established so that the names of all persons who are underground can be accurately known at any time". Following a subamendment by the Workers' members to add the words "and probable location" after the word "names", the Employers' members proposed a new subamendment, in the interests of linguistic clarity, to place the words "as well as their probable location" at the end of the clause after the words "any time". The Workers' members supported the proposal and the amendment, as subamended, was accepted.

87. Five amendments were proposed to clause (d), which were examined in parts. The first part of the amendment submitted by the Government members of Australia, Canada, Finland, India, New Zealand, Norway, Poland, Slovenia, Sweden, Turkey and United States was for the insertion of the words "mine disasters" after the word "all". The amendment was opposed by both the Employers and the Workers and was not accepted. The Committee then examined the first part of an amendment by the Workers' members to delete the words "fatal and serious" from the first line of the clause to ensure that employers at the mine investigated all accidents and occurrences. Following opposition from the Employers, who said that the content was already covered under Point 8, and a lack of consensus amongst Government members, the first part of the amendment was accepted by 54,379 votes in favour, 51,987 votes against, with no abstentions.

88. The next amendment was submitted by the Employers' members for the insertion of the words "as defined by each member State's regulations" after the word "occurrences" in the first line of the clause. The Workers' members opposed the amendment, given the use of the word "all" adopted in the previous amendment. Following a subamendment by the Government member of Canada to delete the words "fatal and serious" and to add a comma after the word "accidents", the Government member of the United Kingdom pointed out that the proposed wording would mean that all accidents, however trivial, would have to be investigated by the employer. Other Government members supported the subamendment, explaining that even minor accidents might be potentially serious. Following a lengthy discussion, the subamendment was rejected by 52,546 votes against, 50,375 votes in favour, with 1,118 abstentions. The Workers' members maintained their opposition to the original amendment submitted by the Employers' members, which was accepted by 52,632 votes in favour, 49,257 votes against, with 559 abstentions. Clause (d) as amended read: "all accidents, and dangerous occurrences as defined by each member State's own regulations are investigated as soon as possible;".

89. The Committee then examined two amendments together, both of which proposed alternative wording for the phrase "as soon as possible" in clause (d). The first amendment was submitted by the Government members of Austria, Malawi, South Africa, Zambia and Zimbabwe and proposed the use of the words "in accordance with national laws and practice". An alternative proposed by the Workers' members in the second part of an amendment to clause (d) was: "without delay and within a specified time-frame", for which there was a precedent in the Prevention of Major Industrial Accidents Convention. In the light of the views expressed by Government members that the wording proposed by the Workers' members might be an obstacle to ratification, the Workers' members withdrew their amendment in favour of the first amendment submitted by the Government members, which was accepted. The second part of an amendment presented by the Government members of Australia, Canada, Finland, India, New Zealand, Norway, Poland, Slovenia, Sweden, Turkey and United States proposed that a reference to remedial action be added at the end of the clause. It was supported by both the Employers' and the Workers' members and accepted. An amendment submitted by the Government members of the member States of the EC for a reference to be made to reporting to the competent authorities at the end of the clause was also accepted.

90. An amendment submitted by the Government members of Australia, Canada, Finland, Japan, New Zealand, Norway, Poland, Slovenia, Sweden, Turkey and the United States to replace the word "avoid" in clause (e) by the word "prevent" was adopted. Another amendment to clause (e) was submitted by the Workers' members, for the addition of the following words at the end of the clause: "as well as prohibit the introduction into or near a mine of materials which could lead to fire, explosions or other dangerous occurrences". Following a subamendment by the Workers' members to replace the word "prohibit" by the words "limit as far as possible", the Employers' members said that this would mean that the provision would even include the use of wood as support material or the presence of liquified gas as they were both potential fuel sources. Following lack of support from Government members, who said the provision was not practical, the Workers' members withdrew their amendment.

91. Point 12, as amended, was adopted.

Point 13

92. Two amendments were introduced to Point 13. The Employers' members proposed the insertion of the words "reasonably foreseeable" after the word "for", since it was not possible to provide for every eventuality. Following wide support from the Government members, the Workers' members withdrew their opposition and the amendment was adopted. The next amendment, which was originally submitted for Point 9 and subamended by the Workers' members, proposed to replace the entire Office text by a new provision which gave specific recognition to the need for the mining industry to establish its own criteria for emergency plans. The Employers' members believed that the subamendment contained details which were inappropriate for a Convention and which were covered elsewhere. Furthermore, they pointed out that the Office text included the words "specific to each mine", which were of crucial importance, since they addressed the unique situation in each mine. Although some Government members expressed sympathy for the Workers' views, they felt that the provisions should not be enshrined in a Convention. The amendment, as subamended by the Workers, was rejected with 65,403 votes against, 42,484 votes in favour, with 3,354 abstentions.

93. Point 13, as amended, was adopted.

Point 14

94. Four amendments were introduced to this Point. The first amendment, submitted and as subamended by the Workers' members, consisted of three parts. The first part of the subamendment proposed the deletion of clause (a) of the amendment and the restoration of the Office text, with the addition of the words "and in accordance with national laws and regulations" after the word "health", the insertion of the words "on the exposure" after "surveillance" and the deletion of the word "exposed" after "workers". The second part of the subamendment proposed two minor changes to clause (b) of the amendment: the replacement of the word "employers" by the word "employer" and the addition of a full stop after "programmes". The third part of the subamendment consisted of the deletion of clause (c) of the original amendment and its replacement by clause (d), with the words "workplaces" and "employers" being replaced by the words "workplace" and "employer" and the insertion of a full stop after "compensation". After a subamendment by the Employers' members to insert the words "provision of" before the word "regular" which they had sought to introduce by a separate amendment, the first part of the subamendment was adopted. The Employers' members said that they opposed the second part, since in some jurisdictions it was not the employer who provided such programmes. Furthermore the earlier reference to "national laws and practice" had given the text ample flexibility. Following lack of support for this second part of the subamendment from the Government members, the Workers' members withdrew their proposal, requesting that note be taken of their concern. The third part of the subamendment was also opposed by the Employers, who said that compensation was not a health and safety issue, but a matter of workers' compensation, for which other texts had been established. After similar views were expressed by a large number of Government members, the Workers' members withdrew this third part, and the amendment, as subamended, was accepted.

95. An amendment originally proposed to Point 11 to insert a provision on workers' rights in a new clause, submitted by the Government members of Australia, Canada, Finland, India, Norway, Poland, Slovenia, Sweden, Turkey and United States, was withdrawn after assurances by the Employers' and Workers' members that they were working on an improved wording of this principle. Based on the outcome of this discussion, the amendment of the Employers' members to insert the words "provision of" before the word "regular" was not discussed. Another amendment by the Government members of Australia, Canada, Finland, India, New Zealand, Norway, Poland, Slovenia, Sweden, the United States was also not discussed.

96. Point 14, as amended, was adopted.

New Points (after Point 14)

97. Three amendments were submitted for the introduction of a new Point. The amendment was introduced by the Workers' members on the rights of workers which they subamended by the following text to incorporate the rights of health and safety representatives, as well:

National laws and regulations pursuant to Point 6 should provide mineworkers with the following rights to be exercised without discrimination or retaliation. The procedures for the exercise of these rights shall be established by national laws and regulations and through consultations between employers, workers and their representatives.

(a) Workers
  (i) to collectively select health and safety representatives to represent them on health and safety matters;
  (ii) to report accidents and hazards to their employers and the inspectorate
  (iii) to request and obtain inspections and investigations by the competent authorities and the employers;
  (iv) to know and be informed of hazards that may affect their health or safety;
  (v) to obtain information held by the employers or the competent authorities which is relevant to their health or safety; and

(vi) to remove themselves from any location at the mine in the event that circumstances arise which appear, with reasonable justification, to pose a serious danger to the health or safety.

(b) Health and Safety Representatives

(i) to represent workers on all aspects of health and safety including the exercise of the above rights;

(ii) to conduct inspections and investigations and participate in inspections and investigations by the competent authorities and employers;

(iii) to have recourse to advisers and independent experts;

(iv) to consult in a timely fashion with the employer over health and safety matters, including policies and procedures;

(v) to consult with the competent authority; and

(vi) to be notified of accidents and dangerous occurrences, as defined by national law and regulations.

The importance of this amendment and its relevance to the issue of the workers' rights were presented by the Workers' members from Sweden, the Philippines, Ukraine, Botswana and the United States. As it was developed in consultation with the Employers' members, they gave it their support. Support to the subamendment was also voiced by several Government members, some of whom requested clarification of the text under sub-clauses (a)(ii), (b)(ii) and (b)(iii). Following clarification by the Workers' spokesman who emphasized that the rights related to all workers and representatives alike and reminded the Committee of the possibility of considering modification of the text at the second discussion of the instruments in June 1995, the amendment, as subamended, was accepted and the Chairman noted that its language would be referred to the Drafting Committee.

98. The Employers' members introduced a new Point to the proposed instrument which read as follows: "National laws or regulations should provide that workers should have the duty to:

(a) comply with the prescribed health and safety measures;

(b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work, including the proper use of facilities and equipment placed at their disposal for this purpose; and

(c) report forthwith to their immediate supervisor any situation which they believe could present a risk, and which they cannot properly deal with themselves".

The Employers' maintained that the text captured all the provision pertaining to the duty of workers, and was identical to that of the Office text in clause (c) of Point 19. Following the support by several Government members, the Workers' members proposed a subamendment to replace the words "have the duty to" in the introductory sentence by the words "in accordance with their training" in order to place the responsibility evenly as was the case in most national legislations. This was opposed by the Employers' members on the grounds that the subamendment changed the whole intent of the proposed amendment. A new subamendment was introduced to the text by the Government member of Ireland who proposed to retain the text of the original amendment with the insertion of the words "in accordance with their training" after the word "duty". Following the support by the majority, this was accepted and the amendment, as subamended, was adopted, with the linguistic details being referred to the Drafting Committee.

99. Consequently, an amendment by the Workers' members to introduce a new Point on the rights of health and safety representatives was withdrawn.

100. The two new Points, as amended, were adopted.

Point 15

101. Point 15 was adopted without amendment.

New Point (after Point 15)

102. The Workers' members submitted an amendment for the insertion of a new Point which addressed the hazard of long hours of work to workers' safety and health. The proposal was not accepted by the Employers' members, who saw it as a matter better covered by collective agreements or other kinds of legislation. The Workers requested that due attention should be given to the workers of an industry which was one of the engines of their countries' economies and emphasized the linkage between working time and safety and health. After clarification from the Government members of Japan, India and Botswana that these concerns had been taken into account elsewhere in the text, the Workers' members withdrew their amendment.

III. Implementation

Point 16

103. The Workers' members submitted an amendment proposing replacement of the Office text by a new text requesting member States to ensure effective enforcement of the instrument by appropriate sanctions, penalties and corrective measures, to provide appropriate inspection services and to ensure that no measure be taken which resulted in a reduction in the level of safety and health protection. The amendment sought to clarify the need for the implementation and supervision of application and introduced wording similar to that used in Convention No. 155. The Employers' members believed that these concerns had already been addressed and that the obligation set out in the final part of the amendment was already contained in Article 19 (8) of the Constitution of the ILO. Following a lack of consensus amongst Government members, a subamendment by the Employers to delete the reference to "appropriate sanctions" in the first part and to insert the words "or workers" after "employers" in the third part was subamended by the Workers to retain the word "appropriate", and in turn subamended by the Employers to delete the words "afforded to workers" in the third part, since the persons to be protected might include visitors, consultant engineers or even the competent authority. The amendment, as amended, was accepted.

104. Point 16, as subamended, was adopted.

Proposed Conclusions with a view to a Recommendation

Point 17

105. The Government members of Australia, Canada, New Zealand and the United States submitted an amendment to replace the word "applied" by the word "considered". This was supported by the Employers' members since it reflected the non-binding nature of the Recommendation, but opposed by the Workers' members on the grounds that the Office text was consistent with language used in other Recommendations. Following an explanation by the Representative of the Secretary-General that Point 17 dealt with the application of the provisions of the proposed Recommendation in conjunction with those of the proposed Convention, the amendment was withdrawn.

106. Point 17 was adopted without change.

I. Scope

Point 18

107. The Workers' members submitted an amendment to delete clause (a) arguing that it was not consistent with Point 4 which dealt with the exemption of certain mines. They further explained that small mines were more hazardous than big mines and that size should not be used as a criterion for exemption. While several Government and Employers' members concurred with this view, the Employers' members opposed the amendment on the grounds that such a detailed list was appropriate for a Recommendation. After a long discussion the amendment was accepted by 69,359 votes in favour, 27,219 against, with 7,482 abstentions. Based on this outcome, the amendment by the Employers' members to replace the word "or" by the word "and" was not discussed.

108. An amendment by the Workers' members to delete clause (b) on the grounds that it was covered by sub-clause 4(b)(i) was opposed by the Employers' members and by several Government members and subsequently withdrawn.

109. The Workers' members submitted two amendments for new paragraphs concerning the applications of the provisions of the Convention and the Recommendation, and the consultative mechanism between employers' and workers' organizations. The amendments were opposed by the Employers' members and subsequently withdrawn.

110. Point 18, as amended, was adopted.

II. General provisions

Point 19

111. The Employers' members submitted and withdrew without discussion an amendment which proposed to replace the word "and", after the word "workers" by the word "and/or" in the introductory lines.

112. The Workers' members submitted an amendment to replace clause (a) by the following text: "consultation and cooperation between employers, workers and their representatives should be organized to promote safety and health in mines and should be prescribed by national laws and regulations or by the competent authorities in order to include measures to promote:

(i) the establishment of safety and health committees, with equal representation of employers and workers with such powers and functions as may be prescribed including powers for joint and regular inspections;

(ii) provision for workers' safety and health representatives with powers and functions as may be required;

(iii) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;

(iv) the training of workers' safety and health representatives;

(v) training and health safety awareness programmes for workers; and

(vi) exchange of information and experiences on safety and health in mines".

Following opposition by the Employers' members on the grounds of redundancy, the Workers' members proposed the deletion of sub-clause (ii), and the amendment, as subamended, was accepted. Based on this outcome, the three other amendments introduced to clause (a) by the Government members of Australia, Canada, Finland, Japan, New Zealand, Poland, Slovenia, Sweden and the United States; by the Government of China and by the Employers' members, were not discussed. An amendment by the Government members of Australia, Finland, Japan, New Zealand, Norway, Papua New Guinea, Poland, Sweden, Turkey and the United States, another by the Government members of Australia, Canada, Finland, Japan, New Zealand, Norway, Poland, Slovenia, Sweden and the United States, and a third by the Emloyers' members to replace the word "and" after the word "workers" by the words "and/or" in clause (b)(i) were withdrawn.

113. The Government members of Australia, Finland, Japan, New Zealand, Norway, Papua New Guinea, Poland, Sweden, Turkey and the United States, and the Government of members of Australia, Canada, Finland, Japan, New Zealand, Norway, Poland, Slovenia, Sweden and the United States withdrew their two similar amendments seeking to replace the word "workers" in clause (b)(ii) by the words "workers and/or their" without discussion. The Workers' member also withdrew an amendment to this sub-clause without discussion since their concern had already been addressed by a previous discussion on the rights of workers. The Workers' members withdrew without discussion three additional amendments proposed as new sub-clauses under clause (b) which addressed provisions already covered under a previous point on the rights of workers.

114. The Government members of Malawi, Zambia and Zimbabwe withdrew without discussion an amendment which sought to insert the words "in accordance with their training" after the word "should" in clause (c). The next amendment was submitted by the Employers' members seeking the addition of the words "have a duty to" after the word "should" in the introductory line of clause (c), who further subamended the amendment by proposing the deletion of sub-clauses (i), (ii) and (iii) as the issue was going to be addressed by a text they intended to propose as a new sub-clause under this Point. This was subamended by the Workers' members who proposed to replace the word "workers" by the words "all persons", so that the text would read: "All persons should have a duty to ...". The proposal was accepted by the Employers' members and adopted. In the light of the outcome of the debate, there was no discussion of the amendments presented by the Government members of Australia, Canada, Finland, India, Japan, Norway, Poland, Sweden, Turkey and the United States on clause (c)(i) and by the Employers' members on clause (c)(ii).

115. An amendment was presented by the Employers' members to insert a new sub-clause under clause (c) as follows: "refrain from disconnecting, changing or removing arbitrarily safety devices fitted to machinery, equipment, appliances, tools, plant and buildings, and use such safety devices correctly;", and was supported by the Workers' members and accepted.

116. Point 19, as amended, was adopted.

New Point (after Point 19)

117. An amendment by the Employers' members to add a new Point after Point 19 as: "The competent authority should have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess and advise on the matters dealt with in the Convention and to ensure compliance with national laws and regulations.", to highlight the role of the competent authority was supported by the Workers' members, and accepted after a clarification by the Employers' members to a question raised by the Government member of Malawi that the provision sought to draw a distinction between institutional capacity of the competent authorities as opposed to personnel competence.

118. The new Point was adopted.

Point 20

119. Point 20 was adopted without amendment.

III. Preventive and protective measures

Point 21

120. The Employers' members withdrew an amendment to the introductory lines of the Office text. Three amendments were presented by the Workers' members to add the words "monitor and" before the word "control" in sub-clause (a), to replace the word "support" by the words "provide effective support of" in sub-clause (b) and to add the words "and floor" and delete the word "and" after the word "roof" in the first line of sub-clause (b). The amendments were supported by the Employers' members and adopted. The language editing of the French version was referred to the Drafting Committee. The Employers' members withdrew an amendment to replace the word "controlled" by the word "planned" in sub-clause (b).

121. The Workers' members presented two amendments for the addition of new clauses. The first proposed the text: "monitor and control the sides of surface mines to prevent fall or slide of material into the pit endangering workers", was accepted by the Employers' members. The second amendment, which was subamended by the Workers' members to read: "ensure that dams, lagoons, tailings and other such impoundments should be adequately designed and controlled to prevent dangers from sliding material or collapse", was also supported by the Employers' members, accepted, and referred to the Drafting Committee for language editing in French.

122. Point 2l, as amended, was adopted.

New Point (after Point 2l)

123. There were three proposals to introduce a new Point after Point 21 by the Workers' members. The first was subamended by the Workers' members to read: "Pursuant to point 9(b), where appropriate mine facilities should include sufficient fire-proof and self-contained chambers to provide refuge for miners in the event of an emergency." This was supported by the Employers' members and accepted. The Workers' members withdrew their second amendment for a new Point in the light of the provisions adopted in the proposed Convention and their third amendment, as subamended by them to add a new Point on measures by employers to minimize risks within mines and mining installations in the light of the agreed provisions of Point 9.

124. The new Point, as amended, was adopted.

Point 22

125. There were three amendments to this Point. The Workers' members presented an amendment to replace the entire Office text by the following: "Arrangements pursuant to Point 9(f) should ensure that all mine workings which are not cordoned off by suitable means should be constantly ventilated, with an adequate safety margin, in an appropriate manner to keep those parts in a fit state for persons to work or pass through and ensure in particular that:

(i) the atmosphere should comply with international standards on dusts, gases and contaminants and should aim at being as low a level as is achievable;

(ii) a healthy atmosphere in which the risks of explosions and the levels of respirable dusts are kept under control;

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(iii) an atmosphere in which working conditions are adequate while work is in progress, having regard to the working method being used and the physical demand placed on the workers;".

The Workers' members presented a subamendment to refer to mine workings to which workers have access and other areas as necessary and, in clause (i), to replace the word "international" by "national" and the final part of the clause by a reference to climatic conditions. The Government members of the member States of the EC proposed a subamendment to replace the words "all mines" by "underground mines", in the light of the provisions of Point 9(f). Following a lengthy discussion during which the Government member of India proposed a subamendment to delete clauses (ii) and (iii), which was not accepted, the Employers' members proposed a further subamendment to delete the words "with an adequate safety margin" and "healthy" and the reference to "and the levels of respirable dusts", which the Workers' members accepted. The amendment, as subamended, was accepted and read as follows: "Arrangements pursuant to point 9(f) should ensure that all underground mine workings to which workers have access and other areas as necessary are ventilated in an appropriate manner to ensure:

(i) that the atmosphere comply with national standards on dusts, gases and climatic conditions;

(ii) an atmosphere in which the risks of explosions are kept under control;

(iii) an atmosphere in which working conditions are adequate while work is in progress, having regard to the working method being used and the physical demand placed on the workers;".

In the light of the debate there was no discussion of an amendment presented by the Government members of Australia, Canada, Finland, New Zealand, Norway, Sweden, Turkey and the United States and an amendment presented by the Employers' members.

126. Point 22, as amended, was adopted.

Point 23

127. The Government members of the member States of the EC presented an amendment to delete the word "mineral" from clause (l)(a), which was supported by the Employers' and Workers' members and accepted.

128. There were two amendments presented to clause (1)(b). The Workers' members presented an amendment to insert the words "blackdamp, carbon monoxide" after the word "firedamp", which the Employers' members subamended to delete the word "blackdamp", which they said meant an oxygen deficient atmosphere. The Workers' members explained that their original amendment had been based on traditional and historic terms and supported the subamendment, which was accepted. The second amendment was submitted by the Government members of Australia, Canada, Finland, India, New Zealand, Norway, Papua New Guinea, Poland, Slovenia and Sweden to replace the word "firedamp" by the word "methane". The Government member of the United States submitted a subamendment to replace the entire amended sub-clause by the words "flammable, explosive, toxic, noxious and other mine gases", which was supported by both the Employers' and Workers' members. The amendment, as subamended, was accepted.

129. The Government members of the member States of the EC presented an amendment to clause (1)(c) to insert after the word "toxic" the words "gases and". The proposal was accepted by the Employers' and Workers' members and adopted. The Government members of Austria, Malawi, Zambia and Zimbabwe presented an amendment to clause (1)(d) to add the following words: ", equipment or other substances". The Workers' members proposed a subamendment to replace the word "substances" by the word "sources", which was accepted, and the amendment, as subamended, was accepted.

130. Two amendments were presented to add new clauses to paragraph (1). The Government members of Australia, Canada, Finland, India, New Zealand, Norway, Papua New Guinea, Poland, Slovenia and Sweden proposed the addition of three new clauses as follows: "those associated with manual handling; rockbursts and rockfalls; and those related to work carried out near dangerous openings;". The Employers' members opposed the amendment, saying that the hazards did not fall within this Point since they were not physical, biological or chemical hazards. The Government members of the member States of the EC expressed a similar view and the Government member of the United Kingdom presented a subamendment to delete the last two new clauses. The proposal was accepted by the Employers' and Workers' members and the amendment, as subamended, was accepted. The second amendment to add a new clause to paragraph (1) was presented by the Workers' members, who requested that discussion of the first four proposed clauses be deferred to Point 24. This was accepted by the Employers' members, who also proposed a subamendment to delete the first of the other four clauses, which was accepted by the Workers' members and supported by the Government members, and the amendment, as subamended, was accepted. As amended, the new clauses read: "high levels of humidity; exhaust fumes from diesel equipment; oxygen deficiencies; those resulting from a combination of the risks enumerated above".

131. The first amendment to clause (2)(a) presented by the Government members of Australia, Canada, Finland, India, New Zealand, Norway, Papua New Guinea, Poland and Slovenia for the replacement of the words "and organizational by the words "and/or engineering" was withdrawn after discussion. The second amendment was proposed by the Workers' members for the addition of the word "appliances" after the word "equipment" in the second line of the clause. It was supported by the Employers' members and accepted.

132. Five amendments were proposed to paragraph 2 clause (b). Two amendments by the Government members of Australia, Canada, Finland, India, New Zealand, Norway, Papua New Guinea, Poland and Slovenia were withdrawn in the light of the previous discussion. An amendment by the Employers' members to delete the words "where it is not possible to have recourse to (a) above," was withdrawn, following opposition from the Workers' members and Government members. Two identical amendments by the Workers' members to add the words "at no cost to the worker" at the end of the clause were adopted after the Employers' members withdrew their opposition on the grounds that Point 11(c) already covered this issue, following opposition from the Government and Workers' members.

133. The Workers' members introduced a new clause under paragraph (2) regarding the protection of the reproductive health of women workers who now accounted for an increasing share of the workforce in the mining industry. It was opposed by the Employers' members, who considered that this was a social matter outside the scope of the proposed instruments. A motion by the Workers' members to adjourn the discussion to the next sitting, which was opposed by the Employers' members, was adopted by 49,166 votes in favour, 12,857 votes against with 3,354 abstentions. The discussion was adjourned to the next sitting, when the Workers' members proposed a subamendment to extend the provisions to "all workers". The Employers' members opposed the subamendment and proposed the setting up of an informal group to examine the proposal in conjunction with a proposed subamendment from the Employers' members. Following discussions by this informal group, the Workers' members further amended the text to read: "where reproductive health hazards and risks have been identified special organizational, training and technical measures be adopted including the right of removal to alternate work where appropriate without any loss of salary, especially during health risk periods such as pregnancy and breast feeding", and the proposal, as subamended, was accepted.

134. The Workers' members introduced a second new clause under paragraph (2) which read: "constant monitoring and inspection of areas where the hazards are present or likely to be present", and subamended, in the light of discussion regarding the difficulty associated with the use of the word "constant" by replacing it by the word "regular". This was opposed by the Employers' members on the grounds that it was a repetition of the provision in Point 9 clause (e) under the Convention, which was unnecessary since the provisions of the proposed Recommendation should be applied in conjunction with those of the proposed Convention as stipulated in Point 17, which the Committee adopted. This led to a request for legal advice which the Office provided by explaining that the adoption of the Convention leads to a binding obligation when it enters into force, and that the Recommendation supplements the Convention in two ways. It either provides guidance as to how to apply a provision of the Convention, or it addresses a subject which did not lend itself to arriving at an obligation in a Convention. As far as the repetition of a Convention text in a Recommendation, two examples could be cited. The first is where the Recommendation contains the same provisions as those in the Convention and the second where it is stated, as in Point 17, that the provisions of the Recommendation should be applied in conjunction with those of the Convention. The latter was a drafting technique to keep the Recommendation shorter, but the Committee was free to decide on the contents of each instrument. Even under the Scope, Definition and Means of

Application, the Committee was free to decide to what extent the two instruments might be the same or differ. The representative of the Legal Adviser also pointed out that the reference made by the Recommendation to the Convention could be either explicit or implicit. Following the advice given, the subamendment was supported, and the proposal, as subamended, was accepted.

135. Point 23, as amended, was adopted.

Point 24

136. Five amendments were introduced to this Point. An amendment by the Employers' members to insert the words "and procedures" after the word "plan" was withdrawn without discussion on the grounds that the provisions of the Recommendation were to be applied in conjunction with those of the Convention. The Government members of Australia, Canada, Finland, Japan, New Zealand, Norway, Poland, Slovenia, Sweden and the United States proposed an amendment to insert the words "underground mine fires" after the word "include" and withdrew it in favour of the first part of an amendment by the Workers' members which sought to insert the words "ventilation, roof control, mine fire" after the word "include". This was opposed by the Employers' members who introduced a subamendment by replacing the text with the words "underground mine fires", which was accepted. Since natural disasters had already been covered by Point 13, the Workers' members withdrew the second part of their amendment which addressed this subject, and their amendment, as subamended, was accepted.

137. The fourth amendment by the Workers' members to include part of an amendment deferred from Point 23 that had nine parts; only four of which were tabled at this stage as proposals for new clauses. It was subamended by the Workers' members to read "rockfalls", which was supported and accepted. The second part was also subamended by the Workers members to read: "areas prone to seismic movement", and was supported and accepted. The third and fourth parts which read: "those related to work carried out near dangerous openings", and "those related to work performed under extremely difficult geological circumstances" respectively, were also supported and accepted. The decision as to whether these four parts should stand as clauses or sub-paragraphs was left to the Drafting Committee. The last amendment to this Point proposed by the Government members of the member States of the EC was referred to the Drafting Committee for reconsideration of the French text.

138. Point 24, as amended, was adopted.

Point 25

139. Three amendments were introduced to this Point. The first amendment was submitted by the Workers' members to replace the words "could include ... emergency response" by the words "should include:" and to add six new clauses. This was subamended by the Employers' members who proposed to replace the word "should" by the word "could", delete the clause which dealt with emergency medical procedures and replace the word "evaluation" by the word "evacuation" and the words "serious danger" by the words "an emergency" in the third clause so that the whole text would read as follows: "could include:

(a) effective site emergency plans;

(b) provision for the cessation of work and evacuation of the workforce in the event of an emergency;

(c) adequate training in the use of emergency procedures and equipment;

(d) adequate protection of the public and the environment;

(e) provision of information to, and consultation with, relevant bodies and organizations."

This was supported by the Workers' members and the amendment, as subamended, was accepted. In the light of this outcome, two other amendments by the Workers' and Employers' members to the Office text were not discussed.

140. Point 25, as amended, was adopted.

New Point (before Point 25)

141. The Workers' members submitted an amendment as a new Point before Point 25 which addressed the consultative mechanism on working hours, night work, shift work, rest periods, annual holidays and education and training, in four clauses, arguing that such detail was relevant to the Recommendation, and stressing the need to address working hours and rest periods in view of the effects of fatigue on the safety and health of mineworkers. This was opposed by the Employers' members on the grounds that the issues addressed were not specific to the mining sector and were matters for collective bargaining that were dealt with in separate national legislation. Several Government members thought that not all these issues were appropriate to this Point. Several other Government members supported the view that working hours and rest periods were issues related to safety and health, following which the Workers' members subamended the text by deleting clauses and changing the text of the amendment to read: "The consultations provided for by Point 7 should include consultations with the most representative organizations of employers and workers over the effect on miners'. health and safety of the length of working hours, night work and shift work. After such consultations, each member State should take the necessary measures in relation to working time, and in particular:

(a) maximum daily working hours;

(b) minimum daily rest periods;".

This was supported by the Employers' members and the amendment, as subamended, was accepted.

142. The new Point, as amended, was adopted.

Point 26

143. An amendment by the Workers' members to replace the word "a" by the word "an appropriate" in clause (e) was supported and accepted. The Government members of the member States of the EC proposed a new clause to read "( )

provisions and maintenance of means of escape and rescue", which was supported and accepted. This was followed by another proposal by the Workers' members as a new clause addressing mine rescue teams, medical attention to workers information on previous incidents, training, first-aid facilities and international cooperation and the protection of miners, which they further subamended to delete the reference to first-aid and detailed information as follows:

( ) establishment of a mine rescue team, periodic medical assessment of suitability and regular training for the persons of the mine rescue team;

( ) transportation to medical attention of workers who have suffered from work-place injury or illness at no cost to the worker;

( ) training of workers and participation in drills;

( ) measures to promote international cooperation and the protection of miners.

This was supported and the proposal, as subamended, was accepted.

144. Point 26, as amended, was adopted.

New Points (after Point 26)

145. The Workers' members introduced six proposals to add new Points after Point 26. The first, which addressed pre-shift inspections, was supported and accepted to read:

In implementing Point 12(b), employers should:

(a) ensure that pre-shift inspections take place at each workplace, machinery, equipment and appliances therein;

(b) keep written records of pre-shift inspections, defects and corrective measures and make them available at the mine.

146. The new Point was adopted without amendment.

147. The second proposal, which was pursuant to Point 8(c), was withdrawn without discussion since the provisions had already been covered elsewhere in the instrument. The third proposal, which was pursuant to Point 12(e) was subamended by the Workers' members, following opposition on grounds of impracticability, by the Employers' members to read: "Measures that employers could take to implement point 12(e) should include, where applicable, the prevention of persons carrying underground any item, object or substance which could initiate a fire, explosion or dangerous occurrence.", and the proposal, as subamended, was accepted.

148. The new Point, as amended, was adopted.

149. The fourth proposal, which was pursuant to Point 8(e)(ii), was subamended by the Government member of Canada to add the word "gas" before the word "outburst" which was supported to read: "In pursuance of Point 8(e)(ii) requirements could cover the specifications of the type of self-rescuers to be provided, and in particular, in the case of mines prone to gas outbursts, the provision of self-contained respiratory devices.", and the proposal, as subamended, was accepted.

150. The new Point, as amended, was adopted.

151. The fifth proposal, which was pursuant to Point 8(e), was supported and accepted to read: "In pursuance of Point 8(e) requirements could cover the obligations of the suppliers of mining equipment and appliances as far as the safe labelling of products and clarity of instructions is concerned."

152. The new Point was adopted without amendment.

153. The last proposal, which was pursuant to Point 8(b), was introduced along with clarifications concerning the meaning of the examinations of the mine for the employer, the word "certification" and the coverage of the word "persons". Following support by the Employers' members on the grounds that the word "could" in the provisions provided for flexibility, the proposal was accepted.

154. The new Point was adopted without amendment.

Point 27

155. An amendment by the Employers' members to commence the introductory statement by the words "where appropriate" to enhance flexibility was supported and accepted. The Workers' members submitted an amendment to replace clauses (a) and (b) by:

(a) sufficient and gender specific suitable toilets, showers, wash basins and laundry facilities;
(b) adequate supplies of wholesome drinking water in suitable places and properly maintained;
(c) adequate facilities for the changing, storage, laundering and drying of clothes; and
(d) adequate and hygienic accommodation for taking meals.

This was supported by the Employers' members and was accepted. Based on this result, an amendment by the Workers' members to end clause (b) with the words "at no cost to the workers" was not discussed.

156. Point 27, as amended, was adopted.

New Points (after Point 27)

157. The Workers' members introduced eight proposals to add new Points after Point 27. The first, which was pursuant to the Point dealing with the right of workers to remove themselves from conditions which they believed endangered their safety and health, was opposed by the Employers' members. The proposal was subamended by the Workers' members to read as follows:

Pursuant to Point ... procedures could include requirements for:
(a) notifying supervisors and safety representatives of the danger;
(b) if the issue cannot be resolved, participation by senior representatives of the employer and representatives of the workers in endeavouring to resolve the issue;
(c) where necessary, participation by a representative of the competent authority to assist in the resolution;
(d) for the worker to suffer no loss of pay and, where appropriate, to be assigned suitable alternative work;
(e) for the notification of any worker who is requested to perform work in the area concerned of the danger and the fact that a worker has refused to work in the area.

The Employers' members expressed their support and the proposal, as subamended, was accepted.

158. The new Point, as amended, was adopted.

159. The second proposal presented by the Workers' members for a new Point pursuant to Point 16 was withdrawn in the light of the provisions already adopted.

160. The third proposal which addressed the rights afforded to workers' safety representatives, was subamended by the Workers' members to read:

Pursuant to Point .., where appropriate, the rights afforded to worker safety representatives should include:

(a) the right to appropriate training during working time without loss of pay on their rights and functions as a safety representative and on health and safety matters;

(b) the right to appropriate facilities necessary to perform their functions;

(c) the right to receive their normal pay for all time spent performing their rights and functions as safety representatives;

(d) the right to assist and advise a worker who has withdrawn from a workplace because he believes his health or safety is endangered.

It was supported by the Employers' members and subsequently accepted and referred to the Drafting Committee to resolve the gender specific wording as proposed by the Government member of Australia.

161. The new Point, as amended, was adopted.

162. The fourth proposal, which was pursuant to Point 15, was supported and accepted to read:

Pursuant to Point 15, measures should be taken to encourage and promote:

(a) research and exchange of information into safety and health in mines at national and international level;

(b) specific assistance to small undertakings with a view to assist in technical transfer of know-how, the establishment of preventive health and safety programmes and the encouragement of cooperation and consultation with workers and their representatives.

163. The new Point was adopted without amendment.

164. The fifth proposal addressed workers' rights, which the Workers' members subamended to read as follows: "National laws and regulations should provide that no employer should discriminate or retaliate against any worker who exercises any right accorded to workers by national legislation or regulation or by the competent authority or agreed upon by the employer and the representative of the workers." After a request for clarification from the Employers' members as to what these rights might be, the Employers' members supported the subamendment and the proposal, as subamended, was accepted.

165. The new Point, as amended, was adopted.

166. The sixth proposal was for the addition of a new Point as follows: "In implementing the measures contained within the Convention and Recommendation due regard should be given to the possible impact on the environment and on public safety of mining activity. In particular this should include the control of subsidence, vibrations, harmful contaminants in the water, air or ground and the safe and effective management of waste tips and rehabilitation of mine sites." The Employers' members said that such concerns were more appropriately addressed by environmental legislation. In response to the Government member of Nigeria to limit the provision to the "near" environment, the Workers' members made a subamendment to add the word "surrounding" before the word "environment". Following the wide support expressed by Government members for the proposal, the Employers' members withdrew their opposition and the proposal was accepted.

167. The new Point, as amended, was adopted.

168. The seventh proposal for a new Point was subamended by the Workers' members by inserting the words "where appropriate" after the words "Pursuant to Point ...." to read:

Pursuant to Point ..., where appropriate, the information that workers and their representatives should receive includes:

(a) reports on inspections conducted by the competent authority or the employer including inspections of machinery or equipment;

(b) copies of orders or instructions issued by the competent authority in respect of matters that affect health and safety;

(c) reports on accidents, injuries, instances of ill health and other occurrences affecting health and safety prepared by either the competent authority or the employer;

(d) information on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine;

(e) all notices of hazards to the health and safety of workers;

(f) any other documentation concerning health and safety that the employer is required to maintain;

(g) immediate notification of accidents and other dangerous occurrences;

(h) where practicable, notice of any visit to the mine by a representative of the competent authority;

(i) any health studies conducted in respect of hazards present in the workplace.

The subamendment was accepted by the Employers' members. Several Government members expressed their concern about clauses (a), (b) and (c) and the practical and financial implications of the provisions, as well as of the legal difficulties posed by the release of confidential documents and reports. Prior notice of visits by the competent authority was not announced. The Workers' members stated that it was for these reasons that they had submitted their subamendment. The amendment, as subamended, was accepted.

169. The new Point, as subamended, was adopted.

170. The last proposal was subamended by the Workers' members to read:

Where appropriate the programmes of health surveillance contained in Point 14 should:

(a) provide the opportunity to undergo medical examination prior to or just after commencing work and thereafter on a continuing basis;

(b) provide, where possible, for reintegration and/or rehabilitation of workers unable to undertake their normal duties due to occupational injury or illness;

(c) preclude any discrimination or retaliation against workers as a result of their participation;

(d) be free of charge to workers.

The Employers' members supported the subamendment, which was also supported by several Government members although they thought that such medical examinations should be mandatory and carried out prior to work. The Government member of Canada said that pre-placement, as opposed to pre-employment medicals were discriminatory under law in his country, and for that reason he supported the wording of the amendment. The Workers' members said that since the mining industry was very broad, medical examinations may not be necessary for all workers. The proposal, as subamended, was accepted.

171. The new Point, as amended, was adopted.

Adoption of the report including the Proposed Conclusions and a resolution

172. At its fourteenth sitting, the Committee adopted its report, subject to some changes requested by some of its members, as well as corrections of typographical errors.

173. At the same sitting, the Committee adopted the proposed Conclusions as presented at the end of the report. Upon the request of the Workers' spokesman, the representative of the Legal Adviser of the Conference clarified the reasons why the Drafting Committee had deleted clause (c) from an amendment the Committee had accepted in the text of the present Point 20. Clause (c) would have provided that each member should: "ensure that no measure should be taken by a member State, employers or workers, in pursuance of the provisions of this Convention; which results in a reduction of the level of health and safety protection in mines under existing national laws and regulations at the time of ratification of the standards under consideration." She pointed out that after a lengthy discussion, the Drafting Committee had decided that this clause could be deleted without loss to anyone. The Office of the Legal Adviser had objected to the inclusion of clause (c) for the following reasons. First of all, Article 19(8) of the ILO Constitution contains language which already provides for the protection being sought in clause (c). Conventions adopted since that provision was added to the Constitution, have not included clauses such as clause (c). Secondly, the wording of clause (c) posed several other problems. It could lead to a misunderstanding that States would be precluded from making any change in laws and regulations after having ratified the proposed Convention. Regarding the reference to "employers or workers", in clause (c), she noted that their actions would be governed by national laws and regulations and that Point 9 of the Conclusions stated that the Convention was to be applied by such national laws and regulations.

174. The Committee unanimously adopted a resolution to place on the agenda of the next Ordinary Session of the Conference an item entitled: "Safety and Health in Mines".

175. A Workers' member, speaking on behalf of the International Organization of Miners, which recently became the International Organization of Mines and Energy, declared that, in his view, by striving to elaborate instruments which would be sufficiently flexible to be ratified by governments, the Committee had not given due consideration to essential proposals on social protection, conditions and hours of work, the environment, the real involvement of workers in safety and health matters, the independence of enforcing bodies, and the establishment of reliable statistical tools to monitor the application of standards. He hoped, therefore, that these issues would be raised again during the second discussion.

176. The Employers' Vice-Chairman thanked the Committee, its Chairman, the Secretariat and the Committee Drafting Committee for their work, which he said had once again confirmed the value of tripartism as a means of sharing perspectives. He also thanked the Legal Adviser for the assistance rendered and stressed that one of the most fruitful ways of promoting the safety and health of mineworkers was to develop instruments capable of widespread ratification.

177. The Workers' Vice-Chairman expressed his thanks to the Governing Body for placing the item on the agenda of the Conference and to the Committee, its Chairman, the Secretariat and the Legal Adviser for their assistance and spirit of cooperation. In stressing that this was a first discussion, he said that it had been a learning experience of considerable value for future work. He also expressed his congratulations to the Workers' member of South Africa for his contribution to the work of the Drafting Committee and for the demise of apartheid in his country.

178. The Chairman thanked the three groups for their constructive work which was reflected in the fact that the Committee had never felt it necessary to set up any formal working group. The Committee had effectively completed its tasks, with the guidance of the Committee Drafting Committee. He called on members to pursue their work during the coming year in preparation for the second discussion.

Geneva, 22 June 1994 *(signed)* Dr. A. BEKES
Chairman

S. THOMPSON
Reporter

Proposed Conclusions

Form of the international instruments

1. The International Labour Conference should adopt international standards concerning safety and health in mines.

2. These standards should take the form of a Convention supplemented by a Recommendation.

Preamble

3. These standards should contain a Preamble referring to relevant ILO instruments which might include the following existing instruments: the Abolition of Forced Labour Convention, 1957; the Radiation Protection Convention and Recommendation, 1960; the Guarding of Machinery Convention and Recommendation, 1963; the Minimum Age (Underground Work) Convention and Recommendation, 1965 and the Medical Examination of Young Persons (Underground Work) Convention, 1965; the Working Environment (Air Pollution, Noise and Vibration) Convention and Recommendation, 1977; the Occupational Safety and Health Convention and Recommendation, 1981; the Occupational Health Services Convention and Recommendation, 1985; the Asbestos Convention and Recommendation, 1986; the Safety and Health in Construction Convention and Recommendation, 1988; the Chemicals Convention and Recommendation, 1990; the Prevention of Major Industrial Accidents Convention and Recommendation, 1993.

4. The Preamble should also:

(a) note that workers have a need for, and right to, information, genuine consultation, participation and training concerning the hazards and risks they face in the mining industry;

(b) note that it is essential to prevent or reduce the incidence of fatalities, illnesses and injuries in the mining industry;

(c) note that the provision of safe mining conditions enhances the protection of the general public and the environment;

(d) have regard to the need for cooperation between the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and other relevant institutions and note the relevant instruments, codes of practice, codes and guidelines promulgated by these organizations.

Definitions

5. For the purposes of these standards, the term "mine" should cover:

(a) surface or underground sites where the following activities, in particular, take place:

   (i) exploration for minerals involving the mechanical disturbance of the ground or the extraction of minerals;

(ii) preparation, including crushing, grinding, concentration or washing of the extracted minerals; and

(b) all machinery, equipment, appliances, buildings and civil engineering structures used in conjunction with the activities referred to in (a) above.

6. For the purposes of these standards, the term "employer" means any physical or legal person who employs or who contracts for the services of one or more workers in a mine, and as the context requires, a contractor.

Proposed Conclusions with a view to a Convention

I. Scope and means of application

7. The Convention should:

(a) cover all mines;

(b) provide that the competent authority of each Member, after consulting the most representative organizations of employers and workers concerned,

  (i) may exclude from the application of the Convention certain categories of mines according to criteria to be established by the competent authority so long as the safety and health of workers are not compromised;

  (ii) in the case of the exclusion of certain categories of mines pursuant to clause (i) above, make plans for covering progressively all mines;

(c) provide that each Member which ratifies the Convention and avails itself of the possibility afforded in clause (b)(i) above, should indicate in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any particular category of mines thus excluded and the reasons for the exclusion.

8. In the light of national conditions and practice and after consultation with the most representative organizations of employers and workers concerned, each Member should formulate, carry out and periodically review a coherent policy on safety and health in mines, particularly with regard to the measures to give effect to the provisions of the Convention.

9. (1) The Convention should provide that the measures for ensuring its application should be prescribed by national laws and regulations.

(2) Where appropriate, these national laws and regulations should be supplemented by technical standards, guidelines or codes of practice, as determined by the competent authority.

10. National laws and regulations pursuant to Point 9 should:

(a) designate the competent authority or authorities to monitor and regulate the various aspects of safety and health in mines;

(b) provide for:

  (i) the supervision of safety and health in mines;

  (ii) the inspection of mines;

(iii) the procedures for reporting and investigation of mine disasters, fatal and serious accidents, and dangerous occurrences, as defined by such national laws or regulations;

(iv) the compilation and publication of statistics on occupational diseases, accidents and dangerous occurrences, as defined by such national laws or regulations;

(v) the competent authority to have the power to suspend or restrict mining activities on safety and health grounds, until such time as the condition giving rise to the suspension or restriction has been corrected;

(vi) the establishment of effective procedures to ensure the implementation of the right of workers and their representatives to participate and be consulted on safety and health at the workplace;

(c) provide that employers prepare appropriate plans of workings before the start of operation and in the event of any significant modification; the plans should be brought up to date periodically and be available at the mine site;

(d) provide that the storage, transport and use of explosives and initiating devices should be carried out by or under the direct supervision of trained and authorized persons;

(e) specify:

(i) requirements relating to mine rescue, first aid and appropriate medical facilities;

(ii) an obligation to provide self-rescue respiratory devices for workers in underground coal mines and, where necessary, for workers in underground non-coal mines;

(iii) protective measures to be taken for the securing of abandoned mine workings so as to minimize risks to safety and health; and

(iv) requirements for the safe storage, transportation and disposal of waste.

II. Preventive and protective measures at the mine

11. Employers should take all necessary measures to eliminate or minimize the risks to safety and health in mines under their control, and in particular:

(a) ensure that the mine is designed, constructed and provided with electrical, mechanical and other equipment, including a communication system, to secure safety in its operation and a healthy working environment;

(b) ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that workers can perform the work assigned to them without endangering their safety and health or that of other persons;

(c) take steps to maintain the stability of the ground in areas where persons have access in the context of their work;

(d) provide, whenever practicable from every underground workplace, two exits, each of which should be connected to separate means of egress to the surface;

(e) ensure the monitoring, assessment and regular inspection of the working environment to identify the various hazards to which the workers may be exposed and to assess their level of exposure;

(f) ensure adequate ventilation for all underground workings to which access is permitted;

(g) in respect of zones susceptible to particular hazards, draw up and implement an operating plan and procedures so as to ensure a safe system of work and the protection of workers; and

(h) ensure that when there is serious danger to the safety and health of workers, operations are stopped and workers are evacuated to a safe location.

12. Whenever two or more employers undertake activities at the same mine, they should coordinate the implementation of all measures concerning the safety and health of workers. The employer in charge of the mine should undertake that coordination and be held primarily responsible for the safety of the operations.

13. Where workers are exposed to physical, chemical or biological hazards the employer should:

(a) inform the workers of the hazards associated with their work and of the health risks involved;

(b) take appropriate measures to eliminate or minimize the risks resulting from exposure to those hazards;

(c) provide and maintain at no cost to the worker suitable protective equipment, protective clothing and facilities, where adequate protection against risk of accident or injury to health, including exposure to adverse conditions, cannot be ensured by other means; and

(d) provide for appropriate transportation and access for injured workers to appropriate medical facilities.

14. The employer should ensure that:

(a) adequate training and retraining programmes and comprehensible safety instructions are provided for workers on safety and health matters as well as on the work assigned;

(b) adequate supervision and control on each shift are provided to secure the safe operation of the mine in accordance with national laws and regulations;

(c) a system is established so that the names of all persons who are underground can be accurately known at any time, as well as their probable location;

(d) all accidents and dangerous occurrences, as defined by national laws or regulations, are investigated in accordance with those laws and regulations, appropriate remedial action is taken and a report is made to the competent authorities; and

(e) measures and precautions appropriate to the nature of a mine operation are taken to prevent, detect and combat the start and spread of fires and explosions.

15. The employer should prepare an emergency response plan, specific to each mine, for reasonably foreseeable industrial and natural disasters.

16. On the basis of general principles of occupational health and in accordance with national laws and regulations, the employer should ensure the provision of regular health surveillance regarding the exposure of workers to occupational health hazards specific to mining.

17. (1) National laws and regulations pursuant to Point 9 should provide mine workers with the following rights:

(a) to report accidents and hazards to the employer and to the competent authority;

(b) to request and obtain inspections and investigations by the competent authority and the employer;

(c) to know and be informed of hazards that may effect their safety or health;

(d) to obtain information held by the employer or the competent authority which is relevant to their safety or health;

(e) to remove themselves from any location at the mine in the event that circumstances arise which appear, with reasonable justification, to pose a serious danger to their safety or health; and

(f) to collectively select safety and health representatives.

(2) The safety and health representatives referred to in paragraph (1)(f) above should have the following rights:

(a) to represent workers on all aspects of safety and health including the exercise of the rights in paragraph (1) above;

(b) to conduct inspections and investigations and participate in those conducted by the competent authority and the employer;

(c) to have recourse to advisers and independent experts;

(d) to consult in a timely fashion with the employer over safety and health matters, including policies and procedures;

(e) to consult with the competent authority; and

(f) to receive notice of accidents and dangerous occurrences, as defined by national laws or regulations.

(3) National laws and regulations pursuant to Point 9 should provide that the rights in paragraphs (1) and (2) be exercised without discrimination or retaliation.

(4) The procedures for the exercise of the rights in paragraphs (1) and (2) should be established by national laws and regulations and through consultations between employers, workers and their representatives.

18. National laws and regulations should provide that workers should have the duty, in accordance with their training, to:

(a) comply with prescribed safety and health measures;

(b) take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work, including the proper use of facilities and equipment placed at their disposal for this purpose; and

(c) report forthwith to their immediate supervisor any situation which they believe could present a risk, and which they cannot properly deal with themselves.

19. Measures should be taken to encourage cooperation between employers and workers and their representatives, in accordance with national laws and regulations, to promote safety and health in mines.

III. Implementation

20. Each Member should:

(a) take all necessary measures, including the provision of appropriate penalties and corrective measures, to ensure the effective enforcement of the provisions of the Convention; and

(b) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention and provide these services with the resources necessary for the accomplishment of their task.

Proposed Conclusions with a view to a Recommendation

21. The provisions of the proposed Recommendation should be applied in conjunction with those of the proposed Convention.

I. Scope

22. The Recommendation should cover all mines.

23. The criteria referred in Point 7(b)(i) as a basis for exclusion of certain categories of mines could include:

(a) the nature of the problems which may justify such exclusion;

(b) the existence of alternative measures to ensure that the safety and health of workers are not compromised.

II. General provisions

24. (1) In the light of national conditions and practice and after consultation with the most representative organizations of employers and workers concerned, each Member should formulate, carry out and periodically review a coherent policy on safety and health in the mines.

(2) The consultations provided for by Point 8 should include consultations with the most representative organizations of employers and workers over the effect on workers' safety and health of the length of working hours, night work and shift work. After such consultations, each Member should take the necessary measures

in relation to working time and, in particular, to maximum daily working hours and minimum daily rest periods.

25. (1) Cooperation between employers, workers and their representatives, referred to in Point 19, as well as consultation between them, should be organized to promote safety and health in mines.

(2) Measures to this effect should include:

(a) the establishment of safety and health committees, with equal representation of employers and workers having such powers and functions as may be prescribed, including powers for joint and regular inspections;

(b) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;

(c) the training of workers and their safety and health representatives;

(d) the provision of safety and health awareness programmes for workers;

(e) the exchange of information and experience on safety and health in mines;

(f) the consultation of workers and their representatives by the employers in establishing safety and health policy and procedures; and

(g) the involvement of workers' representatives in the investigations provided for in Point 14(d).

26. All persons should have a duty to refrain from arbitrarily disconnecting, changing or removing safety devices fitted to machinery, equipment, appliances, tools, plant and buildings, and to use such safety devices correctly.

27. The competent authority should have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess and advise on the matters dealt with in the Convention and to ensure compliance with national laws and regulations.

28. Arrangements pursuant to Point 12 for coordination among several employers undertaking activities at the same mine should be such that:

(a) the employer who, in accordance with national laws and regulations, is in charge of the mine should be responsible for coordinating the implementation of all the measures concerning the safety and health of the workers;

(b) the coordination referred to in (a) above should not affect the responsibility of the individual employer for the safety and health of workers placed under his or her authority, or for any matter under the control of the employer.

III. Preventive and protective measures

29. Requirements relating to the supervision of safety and health in mines in pursuance of Point 10(b) could include:

(a) establishing certification and training requirements;

(b) inspecting the mine, mining equipment and installations on behalf of the employer;

(c) supervising the handling, transportation, storage and use of explosives;
(d) performing work on electrical equipment and installations;
(e) supervising workers.

30. In pursuance of Point 10(e) requirements could cover the obligations of the suppliers of mining equipment and appliances in regard to the safe labelling of products and clarity of instructions.

31. Requirements relating to mine rescue and first aid pursuant to Point 10(e)(i) could cover:

(a) organizational arrangements;
(b) equipment to be provided;
(c) the appropriate number of trained persons available;
(d) standards for training;
(e) training of workers and participation in drills;
(f) an appropriate communication system;
(g) a warning system to enable safe escape;
(h) provision and maintenance of means of escape and rescue;
(i) establishment of a mine rescue team, periodic medical assessment of suitability and regular training for the persons of the mine rescue team;
(j) transportation to receive medical attention for workers who have suffered an injury or illness, at the workplace, at no cost to the worker;
(k) measures to promote international cooperation in this field.

32. In pursuance of Point 10(e)(ii) requirements could cover the specifications of the type of self-rescuers to be provided, and in particular, in the case of mines susceptible to gas outbursts, the provision of self-contained respiratory devices.

33. In order to maintain the stability of the ground in accordance with Point 11(c), the employer should take measures to:

(a) monitor and control the movement of strata;
(b) as may be necessary, provide effective support of the roof, sides and floor of the mine workings, except for those areas where mining methods are undertaken that involve the controlled collapse of the ground;
(c) monitor and control the sides of surface mines to prevent material from falling or sliding into the pit, thereby endangering workers; and
(d) ensure that dams, lagoons, tailings and other such impoundments are adequately designed and controlled to prevent dangers from sliding material or collapse.

34. Pursuant to Point 11(d), where appropriate, mine facilities should include sufficient fire-proof and self-contained chambers to provide refuge for workers in the event of an emergency.

35. Pursuant to Point 11(f), all underground mine workings to which workers have access, and other areas as necessary, should be ventilated in an appropriate manner to ensure:

(a) that the atmosphere complies with national standards on dusts, gases and climatic conditions;

(b) an atmosphere in which the risk of explosions is kept under control;

(c) an atmosphere in which working conditions are adequate while work is in progress, having regard to the working method being used and the physical demands placed on the workers.

36. The particular hazards referred to in Point 11(g) which require an operating plan might include:

(a) underground mine fires;

(b) gas outbursts;

(c) rockbursts;

(d) an inrush of water or semi-solids;

(e) rockfalls;

(f) susceptibility of areas to seismic movements;

(g) those related to work carried out near dangerous openings or under extremely difficult geological circumstances.

37. The hazards referred to in Point 13 might include:

(a) airborne dusts;

(b) flammable, toxic, noxious and other mine gases;

(c) noxious and toxic gases and fumes and hazardous chemicals;

(d) radiation from rock strata, equipment or other sources;

(e) noise and vibration;

(f) extreme temperatures;

(g) insufficient lighting or ventilation;

(h) those hazards related to work carried out at high altitudes or extreme depths;

(i) hazards associated with manual handling;

(j) high levels of humidity;

(k) exhaust fumes from diesel equipment;

(l) oxygen deficiency;

(m) hazards resulting from a combination of the above.

38. The measures referred to in Point 13 might comprise:

(a) technical and organizational measures applied to relevant mining activities, or to the plant, machinery, equipment, appliances or structures;

(b) where it is not possible to have recourse to the measures referred to in (a) above, other effective measures, including the use of personal protective equipment and protective clothing at no cost to the worker;

(c) where reproductive health hazards and risks have been identified, special organizational, training and technical measures, including the right to alternative work, where appropriate, without any loss of salary, especially during health risk periods such as pregnancy and breast-feeding;

(d) regular monitoring and inspection of areas where hazards are present or likely to be present.

39. In implementing Point 14(b), employers should:

(a) ensure pre-shift inspections of each workplace and of the machinery, equipment and appliances therein; and

(b) keep written records of pre-shift inspections, defects and corrective measures and make such records available at the mine.

40. Measures that employers could take to implement Point 14(e) should include, where applicable, prohibiting persons from carrying underground any item, object or substance which could initiate a fire, explosion or dangerous occurrence.

41. The emergency response plan referred to in Point 15 might include:

(a) effective site emergency plans;

(b) provision for the cessation of work and evacuation of the workforce in the event of an emergency;

(c) adequate training in emergency procedures and in the use of equipment;

(d) adequate protection of the public and the environment;

(e) provision of information to, and consultation with, appropriate bodies and organizations.

42. Where appropriate, the programme of health surveillance contained in Point 16 should, at no cost to the worker and without any discrimination or retaliation:

(a) provide the opportunity to undergo medical examination prior to or just after commencing work and thereafter on a continuing basis; and

(b) provide, where possible, for reintegration or rehabilitation of workers unable to undertake their normal duties due to occupational injury or illness.

43. Pursuant to Point 17(1)(e), procedures could include requirements for:

(a) notification of supervisors and safety and health representatives of the danger;

(b) participation by senior representatives of the employer and representatives of the workers in endeavouring to resolve the issue;

(c) participation, where necessary, by a representative of the competent authority to assist in resolution of the issue;

(d) no loss of pay for the worker and, where appropriate, assignment to suitable alternative work;

(e) notification of any worker who is requested to perform work in the area concerned of the danger and of the fact that a worker has refused to work in the area.

44. Pursuant to Point 17, paragraph (2), the rights afforded to safety and health representatives should include, where appropriate:

(a) the right to appropriate training during working time, without loss of pay, on their rights and functions as a safety and health representative and on safety and health matters;

(b) the right of access to appropriate facilities necessary to perform their functions;

(c) the right to receive their normal pay for all time spent exercising their rights and performing their functions as safety and health representatives; and

(d) the right to assist and advise a worker who has withdrawn from a workplace because he or she believes his or her health or safety is endangered.

45. Pursuant to Point 17, the information that workers and their representatives should receive should include, where appropriate:

(a) reports of inspections conducted by the competent authority or the employer, including inspections of machinery or equipment;

(b) copies of orders or instructions issued by the competent authority in respect of safety and health matters;

(c) reports of accidents, injuries, instances of ill health and other occurrences affecting safety and health prepared by the competent authority or the employer;

(d) information and notices on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine;

(e) any other documentation concerning safety and health that the employer is required to maintain;

(f) immediate notification of accidents and other dangerous occurrences;

(g) where practicable, notice of any visit to the mine by the competent authority; and

(h) any health studies conducted in respect of hazards present in the workplace.

46. Measures should be taken to encourage and promote:

(a) research into and exchange of information on safety and health in mines at the national and international level; and

(b) specific assistance to small mines with a view to assisting in transfer of technical know-how, establishing preventive safety and health programmes and encouraging cooperation and consultation with workers and their representatives.

47. Where appropriate, employers should provide and maintain:

(a) sufficient and suitable toilets, showers, wash-basins and changing facilities which are, where appropriate, gender-specific;

(b) adequate facilities for the storage, laundering and drying of clothes;

(c) adequate supplies of potable drinking-water in suitable places; and

(d) adequate and hygienic accommodation for taking meals.

48. An employer should not discriminate or retaliate against any worker who exercises rights provided by national laws and regulations or by the competent authority, or agreed upon by the employer and the representatives of the workers.

49. Due regard should be given to the possible impact of mining activity on the surrounding environment and on the safety of the public. In particular this should include the control of subsidence, vibration, harmful contaminants in the water, air or soil and the safe and effective management of waste tips and rehabilitation of mine sites.

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled: Safety and health in mines

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and a Recommendation concerning safety and health in mines;

Decides that an item entitled "Safety and health in mines" shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.

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Thursday, 23 June 1994, 10.15 a.m.

President: Mr. Gray

THIRD AND FOURTH REPORTS OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

The PRESIDENT – The first item on our agenda this morning is the consideration of the third and fourth reports of the Credentials Committee which you will find in *Provisional Record* Nos. 18 and 20.

I would like to invite the Officers of the Committee to come to the rostrum: the Chairman, Mr. Spencer, Government delegate, Trinidad and Tobago; the Employer Vice-Chairman, Mr. Funes de Rioja, Employers' adviser, Argentina; and the Worker Vice-Chairman, Mr. Trotman, Workers' delegate, Barbados.

Before giving the floor to Mr. Spencer, I would like to make an announcement concerning a letter received from the Government of Malaysia containing an objection to the third report of the Credentials Committee. The letter is signed by Mr. Dato' Anthony Yeo, Government delegate of Malaysia, and concerns the nomination of the Workers' delegate of Malaysia.

I have transmitted the letter to the Chairman of the Credentials Committee; since it is rather detailed and I do not wish to prolong the proceedings of the Conference with a matter that does not call for a discussion, I will ask the Clerk of the Conference to give a summary of its contents. I understand that the full text of the letter will be available for inspection in the Credentials Committee secretariat, should any of you wish to see it.

The CLERK OF THE CONFERENCE – In the letter, the Government of Malaysia contests the Credentials Committee's conclusion that the Government had imposed a system of rotation for the nomination of the Workers' delegate. It states that genuine consultations had been carried out with the labour centres in Malaysia and the Government's decision was supported by two of them. In the Government's view, the Credentials Committee did not appear to have taken sufficient account of the precedent in 1992, when the objection by the same organization was not upheld.

The Government also considers that the Committee did not take account of the fact that the president of the objecting organization had been requested to collect the travel and subsistence payments from the relevant ministry and of the fact that, prior to the dispatch of the credentials to the ILO, the objecting organization had not declined to act as advisers and had not attached any conditionalities to the nomination.

The letter expresses concern that the names of the advisers had been removed from the list of delegates to the Conference without the Government's consent.

Finally, the Government considers that one member of the Committee should have abstained from the deliberations as he is president of an organization which was also a party to the objection.

The PRESIDENT – I now give the floor to Mr. Spencer to present the third and fourth reports of the Credentials Committee.

Mr. SPENCER *(Government delegate, Trinidad and Tobago; Chairman of the Credentials Committee)* – I am pleased to present the third and fourth reports of the Credentials Committee which contain the Committee's conclusions on the remaining eight objections lodged with it. Seven were against the nomination of Workers' delegates or advisers; one was against an Employers' delegation.

In order to save time, I shall only refer to the main points dealt with. One question considered in relation to some of the objections was the adequacy of consultations carried out in the most representative workers' organizations in order to obtain their agreement on the composition of the delegation.

A precondition for this exercise is a reliable assessment of which organizations in the country are the most representative. As it had done in the previous report, the Committee stressed the need for governments to obtain the necessary data. One means of obtaining the agreement of the most representative organizations is a system of rotation. But, as previous Credentials Committees have stressed, rotation is acceptable only if all the most representative organizations agree.

A question came up in a number of cases this year, but in two cases in particular. In one of them, while the Committee decided not to impose invalidation, it expressed serious doubts as to the validity of the nomination of the Workers' delegate. I should correct my statement – did not propose invalidation. The Committee is not able to impose invalidation. The objecting organization not only appeared to be the most representative, and the organization to which the delegate belonged, but had obviously been recognized as most representative in previous years.

The other main case involving rotation is that of Malaysia. According to figures provided by the Government, the objecting organization was more representative than the other two central workers' organizations put together. However, since 1982 the right to choose the Workers' delegate had been given alternately to the objecting organization and the second largest central organization. This year, it was the latter's turn.

The Committee can find no evidence that the objecting organization had ever agreed to the rotation scheme, but it appeared to have acquiesced in the practice up to the 1992 Session of the Conference. This year, its position was made clear beyond any possible doubt.

The Government, having tried to obtain agreement among the central organizations, continued to apply the rotation system however. While the Committee did not wish to recommend invalidation of the credentials, it stressed the need for the Government in future to adopt other means of ensuring that the Workers' delegate is chosen in agreement with the most representative organizations.

After learning of the Government's nomination of the delegate from the less representative organization, three of the objecting organization's representatives, who had been nominated by the Government as advisers, notified the Government and the ILO that they declined to act in that capacity. Considering that they had been validly appointed, the Government nevertheless maintained them on the list.

This raised another question as, under the Standing Orders, advisers cannot object to the credentials of their own delegate. Since, however, they had clearly declined to act as advisers, the Committee concluded that they could not be considered as such. It therefore found the objection to be receivable and decided that the two signatories of the objection, and a third member of the objecting organization, should not appear as advisers in the list of delegations.

For cases like this, where, among the most representative organizations there is one which is significantly larger than the others, the Committee stressed the importance of the obligation on the Government to try to obtain an agreement through bona fide discussions with all the organizations.

This recommendation is particularly relevant to another case in which the most representative workers' organization refused to agree to the participation in the delegation of any member of the objecting organization which, although much smaller than the other, was the second largest in the country.

Another objection concerned a situation where the required consultations were not carried out by the Government directly, but rather by a national consultative body consisting of workers' confederations, centres and non-affiliated federations. This consultative body has been established by law to recommend to the Government the names of three persons to represent the workers of the country at the International Labour Conference and in other forums.

The objecting organization, which appeared to be the most representative workers' organization in the country, complained that it had not been invited to the meeting in which the selection of this session of the Conference had been made. In this case, the Committee considered that a government cannot simply leave matters in the hands of a national institution, even one that is acting in accordance with national law. The Committee felt that the government must always make sure that the procedure followed also respected the country's international obligations, particularly the requirement under article 5, paragraph 4, of the ILO Constitution to secure the greatest possible agreement among the most representative workers' organizations. The procedure had obviously failed to do so in the present case.

Finally, two objections concern cases where the question of which organization was the most representative in the countries concerned was not an issue. The allegation was that the organization consulted was not representative at all, in view of the alleged government interference and denial of freedom of association. Although the Committee commented on one of the cases in connection with the nomination procedure, the Committee felt that they essentially fell outside its terms of reference.

In addition to objections, the Committee's fourth report summarizes a communication that it received from the Employers' group protesting at the number of governments that had not respected the obligation to bear travel and subsistence expenses of their Employers' delegations. The group also expressed dissatisfaction with the continuing imbalance between Governments and Employers and Workers' advisers which it said was mainly detrimental to the Employers. The communication emphasized the increasing dimension of the problem. In this connection, the Committee's report notes that it is not yet possible to assess the extent of the problem as only a third of the member States have provided the information requested by the Office on this question.

I should now like to thank the Conference for having appointed me to the Credentials Committee. Many delegates, particularly the President must be very familiar with this Committee, but for me it was a new experience. When I accepted the position, I had not realized that I would be thrust into so many questions that are at the heart of tripartism. And here I must pay due credit and express my sincere appreciation to the other two members of the Credentials Committee, Mr. Daniel Funes de Rioja, the Employer member, and Mr. Leroy Trotman, the Worker member, for their tremendous contribution to the work of the Committee. Their patience and thoroughness ensured that each matter which was brought for our consideration received a fair, balanced and constructive review. They both join me in extending our special thanks to the members of the secretariat who assisted the work of the Committee. Without their keen professionalism, dedication and instinctive regard for social justice, this Committee would not have been able to navigate the plethora of pitfalls and obfuscations and continue its search for answers which in many cases have long been established in case law. We thank them most sincerely.

We also thank the many interpreters who so competently bridged the gap across the languages.

The PRESIDENT – Since the third and fourth reports of the Credentials Committee were adopted unanimously by the Committee, the Conference is merely called upon to take note of the reports.

(The reports are noted.)

The PRESIDENT – I would like to thank the Chairman, the Vice-Chairmen and the other members of the Committee and the s ecretariat for the excellent work they have done. Having had the opportunity to serve on the Credentials Committee for several years, I know what a difficult and delicate task it can be.

REPORT OF THE COMMITTEE ON PRIVATE EMPLOYMENT AGENCIES: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT – The second item on our agenda is the consideration and adoption of the report of the Committee on Private Employment Agencies, which you will find in *Provisional Record* No. 21. I have pleasure in asking Mrs. Okoronkwo, Government delegate, Nigeria, Chairperson of the Committee; Mr. Hultin, Employers' delegate, Finland, Employer Vice-Chairman; Mr. Lynch, Workers' adviser, United States, Worker Vice-Chairman; and Mr. Kruse, Government adviser, Sweden, Reporter of the Committee, to come to the rostrum.

Mr. KRUSE *(Government adviser, Sweden; Reporter of the Committee on Private Employment Agencies)* – As Reporter of the Committee on Private Employment Agencies, I have the honour to present the Committee's report to this session of the Conference. You will find the report in *Provisional Record* No. 21.

The report was adopted by the Committee during its twelfth and final sitting on Monday, 20 June 1994. It reflects the discussions held in the Committee and the Committee's conclusions on the subject. The conclusions had been worked out by a tripartite Working Party after a general discussion of the issues in the Committee, and I am very happy to be able to say that the conclusions were adopted by the Committee by consensus without any amendments.

The Committee had before it ILO Report VI entitled *The role of private employment agencies in the functioning of labour markets*. That report is an excellent piece of work, the fruit of many months of research, discussion, study and assessment of all the issues, and many have stated before the Committee that this report is one of the best ever drawn up in the ILO. It takes a fresh view of the ILO Fee-Charging Employment Agencies (Revised) Convention, 1949 (No. 96), contains stimulating discussions on the issues concerned and introduces valuable topics for further discussions, all of this based on hard facts and good research. The report laid solid ground for a very fruitful deliberation in the Committee and in the Working Party.

During the general discussion in the Committee, we supplemented the report through a large number of interventions from Employers, Workers and Governments. A most varied and colourful picture of the role and performances of private and public employment agencies all over the world emerged. We listened to reports about the value that private agencies add to the functioning of labour markets in many countries. We learned that the biggest employer in the United States, with 600,000 employees, is a temporary works agency. But we also listened to reports about abuses and about private agencies' exploitation of workers, such as when poor workers in developing countries have to sell their last valuable asset, namely the family's water-buffalo, in order to get or keep an underpaid job.

So, as you will understand, we have discussed matters of great importance and of great complexity, where workers' fundamental rights and people's jobs and lives are at stake.

Out of the discussions, some fundamental agreements emerged very quickly.

First, any new standards in this field should reaffirm one of the most important tenets of the Declaration of Philadelphia, namely that "labour is not a commodity".

Secondly, the underlying idea of Convention No. 96, that employment services should be a state monopoly and that private agencies should be banned, is outdated.

Thirdly, private employment agencies, in all their different shapes, should be accepted as actors and partners in the labour market.

Fourthly, Convention No. 96 should be revised and new ILO standards developed; these new standards should acknowledge that situations differ between regions and between markets and should therefore be very flexible and allow for different national regulations.

Lastly, new standards should also aim at protecting workers' rights and promote good industrial relations. Jobseekers should not have to pay for finding a job.

The Committee has summarized its findings in the conclusions of its report. There, the Committee: defines a well-functioning labour market; discusses the labour market policies and the actors in the labour market; describes the role of public employment services and the role and practices of private employment agencies; discusses the objective and scope of regulations in the field as well as other means for sound practices; calls for better and increased cooperation between public and private employment agencies; and, finally, outlines the prospects for future ILO standards.

The Committee has worked very hard and I firmly believe that it has achieved what it set out to do. The easiest way to describe the work of the Committee is "tripartism in action". Throughout the work, there have been true negotiations between active, powerful and determined parties, that is Workers, Employers and Governments. And I am most pleased to underline that we all came to a consensus about the report and conclusions without any amendments or voting, which shows the strength of tripartism at its best. I am convinced that the report and conclusions which we submit to the Conference today will be a most valuable document for the future work of the ILO in this field and provide a solid ground for a total revision of Convention No. 96.

I could very well stop here, but I want to make some more general remarks from my experiences of the work in our Committee.

We have heard critical comments from this rostrum during the last weeks about the ILO and its standards. Some seem to think that the ILO and its standards are too sophisticated and out of touch with the realities of the world outside these buildings.

Some of this may be true. But the work of our Committee has convinced me that there is good hope for the ILO. It has shown that the ILO is very open to change and that its Members are able to give up old outdated principles in favour of new flexible standards when realities call for it. And it has shown that the keys to change are solid facts, good research and hard tripartite work. For that we need qualified expertise and active, powerful and determined Employers, Workers and Governments working together. The future for the ILO is certainly critical and great changes have to be made in leadership, in methods of work, in the setting of standards and in procedures if the ILO is to prosper for another 75 years. I honestly believe that the work in our Committee and the results that we have produced can stand as symbols for the good tripartite efforts that are needed for the future. And I truly hope that a revised Convention No. 96 will also be a symbol for the new kind of worldwide labour standards which so many speakers before me have called for.

Our Committee would not have been able to produce such good results if we had not had that strong leadership and those good tripartite methods of work performed by our Chairperson Mrs. Okoronkwo, the two Vice-Chairpersons, Mr. Hultin for the Employers and Mr. Lynch for the Workers, and the spokespersons for the Governments, Ms. Nixon and Mr. Pratt. And, of course, all of us should have been helpless had we not had the strong support and help and the cheer and bright smiles from the hard working, skilful and wise members of the secretariat. I want to thank all of them for their dedicated work. It has been an honour and a pleasure for me to work for this Committee and I am happy and proud to present the results of its work to the Conference.

The PRESIDENT – The discussion of the report is now open.

Mr. HULTIN *(Employers' delegate, Finland; Employer Vice-Chairman of the Committee on Private Employment Agencies)* – In summing up the point of view of the Employers' group concerning the work of the Committee on the role of private employment agencies in the functioning of labour markets, I would like to concentrate on three main points, namely the development of private employment agencies, the coexistence of private and public agencies and, lastly, the rules that govern private agencies' activities.

First let me say a few words about the development of private employment agencies. The wide range of agencies and services that exist on the market are descriptive of the complexity of the market and its various needs, as well as the changes in our respective societies and the attitudes of individuals. It also reflects the continuously dynamic nature of the market and the ability of private agencies to meet changing requirements and to innovate new services to meet the current and future needs of their clients. There is ample evidence of private agencies' growth in the literature reviewed and, of course in the report that was prepared for the Committee's discussion. Also, the examples given by many delegates during the discussion indicate that private agencies' activities have grown strongly in their respective countries. It should be recognized that the reason for this growth is based on private agencies' ability to respond quickly to the needs in the market.

The experience that proves the positive contribution of these agencies cannot be discounted any longer. Their existence contributes to the functioning of the labour markets and to employment by providing an additional mechanism to meet the needs for both employers and employees. They are additional channels, and therefore they add to the accessibility of services and information.

We should also not forget the social contribution made by private agencies to the people who, through them, have found a way to an active working life. Sometimes this takes the form of finding a permanent job, either through placement or through a temporary job as a stepping stone, but we should also remember those people who, for personal reasons, prefer a flexible work arrangement over a regular job.

At this point I would briefly like to recognize the activities of public employment agencies as well. The activities they perform include, of course, the administration of jobs. But we should also remember that the public employment agency is instrumental in the implementation of national employment programmes. They organize training courses for the unemployed with a view to facilitating their entry or re-entry into working life. Both employers and employees can concretely benefit from these programmes when they are specifically adapted to a particular type of employment, sometimes in connection with apprenticeship programmes for young unemployed people.

Experience has shown that for the better part of their activities, public and private agencies cover different needs and therefore have specific roles in the labour markets. Because of this, their coexistence is not only possible, but even constructive and desirable. Competition makes for efficiency and continually improves services. Where private agencies benefit from competition, public agencies too could find an opportunity to improve their own operations. Because their coexistence is based on their complementarity or on competitivity, the Employers' group feels strongly that equality between public and private agencies is important. To ensure efficient activity, private agencies cannot be subordinated to public agencies.

This leads me to my third and last point, the rules that govern private agencies. Employer work to improve the functioning of labour markets with a view to promoting freely chosen and productive employment. We do not welcome underground activity or unfair practices. Practice has shown us that monopolies or the non-acceptance of agencies can lead to a shadow economy with a resulting lack of transparency on that part of the labour market. Regulators have not been able to outsmart the markets. If the need exists for such activities they do not simply vanish because regulators call for their elimination.

The growth of private employment agencies, the low number of ratifications of Convention No. 96 and recent denunciations of the Convention demonstrate that the principle of monopoly has been surpassed by reality. Also, excessive regulation hampers normal development and is an obstacle to the improvement of services. In its own way, it encourages mass activity to the detriment of transparency. Private employment agencies need to and wish to operate within a framework of established rules. These are available at the national level in the form of national regulations or industry codes that are established either through competition or self-regulation. There is also consultation, negotiation and collective bargaining. The effective application of these vary from country to country, depending on their specific cultures, habits and established procedures. It is therefore, we feel, very important that the actors at the national level be given sufficient flexibility to determine the framework of rules that is best suited for their situations. Therefore, national and international rules need to ensure firstly, protection against misconduct; secondly, strengthening of the machinery available to job-seekers and employers to obtain employment and to fill vacancies; thirdly, to fully utilize the unused and used potential of private agencies; fourthly, to support the future healthy developments of the labour market; and lastly, to secure that a mechanism is in place to meet continually changing market needs.

It is against this background that we, the employers, are happy with the conclusions of the Committee, that is to revise Convention No. 96 with the objective of enabling it to respond to the dynamics of changing labour markets, to describe public and private agencies to help ensure a well-functioning labour market, to establish principles and guidelines to protect against unethical practices, and to improve workers and employers relationships in different types of private employment agencies, to improve the functioning of all employment agencies, and last, but not least, to allow national governments to determine how these objectives will be met.

The employers are, therefore, most pleased to recommend the adoption of the report and the conclusions.

Having said that, I would also like to say some words about the process. Of course I join in with all the compliments and the words of gratitude that have been addressed, and I am sure will be addressed, to the participants of the Committee. The report that was prepared by Mr. Ricca and his staff provided an excellent point of departure for the Committee's work. Mr. Simpson's secretariat worked under high pressure and, apart from delivering work of a high quality, were still able to wear a smile which inspired all of us on the Committee to continue our task.

But the real tribute that I would like to pay now is to the dialogue and cooperation that built up during these two weeks between the three parties. This was tripartism at its best. Our work got off to a slow start, but we managed, with considerable help from our Government colleagues in the working party, to dig ourselves out of our ditches. We managed, in an unprejudiced way, to listen to and to consider each other's views and concerns. In the process, to quote our Reporter's words during the work, we had to kill some of our darlings, but I also find that, in the same process, others may have fallen in love with somebody else's darlings! It was this showcase of tripartism that led to the Committee's conclusion to revise and modernize an ILO instrument, to correspond to the realities and the current needs of our labour markets. It is after this encouraging experience that I am reassured that, by working for a common goal and considering each other's concerns with open minds, we really can create a more relevant ILO for our future labour markets.

Mr. LYNCH *(Workers' adviser, United States; Worker Vice-Chairman of the Committee on Private Employment Agencies)* – I am pleased to recommend adoption of the report and conclusions of our discussion by this session of the Conference. I also want to urge the Governing Body to act upon the recommendation our Committee has made.

The decision by the Governing Body to include a discussion on the role of private employment agencies in the functioning of labour markets was wise and especially fitting for this the 75th anniversary of the ILO and the 50th anniversary of the Declaration of Philadelphia. This seemingly technical subject touches the heart of the employment relationship which has been redefined in ways that place workers and the stability of society in jeopardy. Many activities of private employment agencies, especially those of temporary work agencies, staff-leasing agencies and contract labour agencies create a triangular relationship that can redefine the meaning of employer as well.

This discussion is held at a time when governments are becoming more fully aware of the world unemployment crisis. Our recommendations bring to an end an impasse that has prevented ILO activity in an area of increasing importance to workers, employers as well as governments in developed and developing countries and in transitional economies.

We have recommended that Fee-Charging Employment Agencies Convention (Revised), 1949 (No.96) be revised again. But our call for a revised standard also has an important message for those who question standard setting as the basic mission of the ILO, for those who claim that many standards need to be revised, and for those who do not see the importance of new standards.

Convention No. 96 is not a recent standard. Since its adoption 45 years ago much has changed. We have seen the emergence of new kinds of private employment agencies and new roles for private employment agencies in labour markets. These changes, which have been well documented in the detailed report prepared by the Office, have affected both jobseekers and those with jobs. These effects have not all been positive. Many have been negative and some even dangerous.

The Worker members of this Committee provided testimony as to how private employment agencies sometimes increase precarious employment at the expense of stable employment and of a stable system of industrial relations. Our testimony showed how some private employment agencies were used to frustrate the legitimate role of governments by circumventing laws against discrimination in employment or the obligation of employers to provide such social protections as industrial accident insurance. We noted the difference between those private employment agencies that place workers and those that replace workers. We further pointed out the need for transparency in the labour market. Private cannot mean secret. We also reminded the Committee of the terrible record of abuse by some agencies that recruit workers in one country for employment in another country. The Worker members made a strong case for a new standard to protect both jobseekers and workers – that case is clearly reflected in the recommendations of this Committee as to what should be included in any revision of Convention No. 96.

The Committee discussed other standards, notably the Employment Service Convention, 1948 (No. 88) and the Employment Service Recommendation, 1948 (No. 83) and we do not advocate the revision of these standards. The Committee recognized the central role of governments in the functioning of labour markets and the essential role of the public employment service. This included the need to provide services to all jobseekers.

We noted that no revision of Convention No. 96 should prevent governments from choosing to exercise a monopoly over those functions they considered appropriate or necessary to fulfil their responsibilities. We were reminded that in some countries Convention No. 96 is part of the foundation of good labour market relations and of the overall social system.

Private employment agencies may never become major actors in all labour markets. However, governments, employers, jobseekers and workers must be. So, we discussed how in some countries the labour market is well regulated by a tripartite labour administration and we talked about how trade unions might choose to provide many of the services provided by private employment agencies.

That same period that has seen the growth of private employment agencies has also seen the growth of public expectations that hold governments accountable for employment including more active intervention in the labour market. So what then is our Committee really saying about ILO standards? I believe that one message is for standard setting to remain the basic mission of the ILO. The Employers also sought a new standard. Another message is that the purpose of standards must be to provide protection to workers, in other words the decision to revise standards must be based on the need to provide workers with additional protection. Another message is that, in the complex world of work, new standards will be necessary.

There is no message from this Committee that says that change alone can justify the revision of standards. We reject the slogans of the 1980s that treated the market as a religion or as an uncontrollable force to be obeyed. We will never surrender the control of our destiny embodied in human rights and democratic values and manifested in laws and standards.

Not all changes have to be accepted as inevitable or good. Today the increasing attacks on freedom of association make Convention No. 87 more, not less, important. The same may be said about many other Conventions.

Finally, I express my appreciation to Mr. Hultin and the other Employer members, as well as to Ms. Nixon and the other Government members for keeping the spirit of tripartism alive in the Committee. It is a birthday present to the ILO. I also express the appreciation and gratitude of the Workers for the excellent work of the Office, to our outstanding Chairperson, Ms. Okoronkwo, and our effective Reporter, Mr. Kruse.

Ms. OKORONKWO *(Government delegate, Nigeria; Chairperson of the Committee on Private Employment Agencies)* – Let me on behalf of my Government, the Federal Republic of Nigeria, thank this august Conference for the honour and the unique opportunity given to me to serve as the Chairman of this important Committee. I would like to pay special tribute to the members of the Committee, the Governments, Employers and Workers, who displayed a true spirit of tripartism throughout the deliberations of the well-researched document on the role of private employment agencies in the functioning of labour markets. Though participants expressed various views on the subject-matter, nevertheless, there was always a consensus and a spirit of give and take without necessarily anyone's compromising his principles. The leadership qualities of the two Vice-Chairmen were contributory to this achievement.

The positive role of private employment agencies in the labour market can never be overemphasized. The Committee acknowledged that, in the rapidly changing world, private employment agencies had increased spectacularly in size and importance in some countries. They had also acquired growing recognition as important elements in the labour markets. The Committee concluded that well-functioning private employment agencies most certainly could contribute to the effective functioning of the labour market. However, the Committee expressed its continuing support for the principles set out in the Employment Services Convention, 1948 (No. 88), particularly the duty of the employment services to ensure the best possible organization of the labour market. The Committee tried successfully to come up with constructive conclusions and suggestions which would form the basis for future ILO standards on the public employment services as well as private employment agencies.

Before I conclude my short remarks, I wish to express my profound appreciation to the representative of the Secretary-General for his continuous assistance to the Committee in providing all the relevant information. My gratitude goes to the secretariat staff, the technocrats who carried out the survey and the invisible translators, without whom the Committee's work would have come to nought. My gratitude goes to the members of the Working Party and the Reporter for preparing the drafts.

In conclusion I wish to thank the Conference for giving the members of the Committee the opportunity to discuss this issue. The report before you for adoption was carefully prepared by men and women of integrity and experience. I commend this report to the Conference, for unanimous adoption.

Mr. D'SOUZA *(Minister of Labour, Government of the State of Karnataka, India)* – All the countries of the world, irrespective of their stages of development, strive for economic growth. This growth is not an end in itself. It is only a means to the end of securing equitable human welfare. Jobless growth has only too often distorted equity and social justice everywhere in the world. It is against this background that the whole question of employment and labour market institutions should be considered.

Labour is indeed a factor of production. There will, therefore, always be supply and demand factors to influence its price. But it has a human dimension unlike other factors of production. That is why the Declaration of Philadelphia spells out as the first fundamental principle of the ILO that "labour is not a commodity".

In all countries there are always people in search of jobs and employers capable of providing job opportunities. Matching the jobseeker with the right job is a very vital task that needs to be performed, whether that function is performed by public or private employment agencies.

The labour market is often stratified. There are different strata of this market consisting of different categories of jobs – casual, temporary, regular, permanent and so on. The interlinkages between these various categories are also quite dynamic because workers strive to move into higher and more advantageous categories of jobs. The complexity of the labour market makes the function of the employment agencies rather technical too.

While the public employment agencies do perform a very useful role, there are natural limitations on their capabilities. Generally, as a matter of policy, this is at least true of my country. Public employment exchanges only refer candidates to employers in response to their vacancy notifications. The employers do not have a legal obligation to give jobs to persons so notified. This is so because public agencies cannot and should not compel employers to give placements to jobseekers. Apart from this, the outreach of these agencies in practice is very much less than of private employment agencies.

The process of liberalization of economies, deregulation, decontrol and structural adjustment, apart from emigration overseas for employment, have tended to make jobseekers increasingly look to private employment agencies for their help. The reason is that they are able to respond more quickly to the fast-changing requirements of the labour market. So they deserve to be encouraged.

It is also a fact that there has been a mushrooming of private employment agencies with tendencies to have recourse to unethical practices. Very often jobseekers get exploited and there is a strong case for supervision of these agencies. In India, we try to regulate private agencies operating to facilitate placements in foreign job markets. Our instrumentality is the Emigration Act. We do have problems sometimes in using this instrument. There is need for a delicate balance to be struck between regulation and laisser faire, depending on specific country situations. It is gratifying to note against this background that the Committee on Private Employment Agencies has taken note of the incongruity of The Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) in the fast-changing world in the context of several countries, of the complementarity of public and private employment agencies, of the need to protect jobseekers, and of the recognition of the need for appropriate national action to give such protection.

There is, however, a matter which I place before you for consideration. Independent national action alone will not be adequate for protecting jobseekers in the case of emigration for employment. Host country governments also have a vital role to play to ensure that immigrant jobseekers are protected. This could best be achieved by bilateral national actions and I feel that this aspect has not come out explicitly in the Committee's report. The host countries are also essential actors in the labour market. In ILO parlance, we are agreed on promoting "full, freely chosen and productive employment". I would urge that, at least in future deliberations, ILO bodies should add to these characteristics of employment a neglected dimension: the dimension of humanization, so that our slogan should be "full, freely chosen, productive and humanized employment".

I conclude by expressing the support of my delegation for the report before us.

Mr. PETERSON *(Government adviser, United States)* – The 75th anniversary of the ILO's founding and the 50th year since the Declaration of Philadelphia bring us together in a spirit of celebration. But today I speak out of a spirit of concern, combined with hope that the enduring principles and freedoms envisaged in an earlier era can be given renewal and permanency in our lives and institutions today.

To recall 1919 and 1944 is to reflect on a world at war and the attendant tragedy and personal sacrifices of millions of human beings. Yet, remarkably, from such conditions came the ILO, the bright hope of Philadelphia, and the principles which, according to the Declaration, "should inspire the policies of its members". Let us never forget the price paid and the lessons taught by those trying times.

The ILO has placed employment creation at the top of its concerns since the outset, and today jobs and gainful employment seem more urgent than ever before. In joining material and spiritual well-being, there is recognition in the Declaration of a basic truth. Indeed, the need to re-enthrone work in the lives of individuals is greater today than ever before, and the need to recognize the spiritual side of mankind is perhaps the most important and fundamental need of all.

The work ethic embraced by those who built and sustained the United States and other nations is giving way at an alarming rate to an "entitlement" mentality. This is in part the reason we are embarking on a plan in our country to "end welfare as we know it" – a plan which will rely primarily for its financing of training and job preparation on US$7.1 billion in proposed savings from existing entitlement programmes. We aim to transform our unemployment system into a re-employment system with emphasis on both job search assistance and long-term training for tomorrow's jobs.

Work is a foundation for freedom as it fosters self-reliance and enables men and women "to act for themselves and not to be acted upon" (to quote a wise observer). Work is the solution to many kinds of problems. It is the key to providing food, clothing and shelter. It contributes substantially to social, emotional and spiritual well-being. It is critical to life and liberty – and the pursuit of happiness in its many forms. With his usual precision, United States Ambassador J. Reuben Clark once observed: "There is no curse equal to the curse of idleness. It destroys the man, the group, the people, or the nation who suffer under it." Unemployment is a scourge of our time.

The sixth agenda item at this session of the Conference – the general discussion of the role of private employment agencies in the functioning of labour markets – has been an intelligent and constructive step forward. The Committee has set an important pattern for future tripartite cooperation in the revision of international labour standards which have been overtaken by global developments and the play of free markets. We support the adoption of the report before the Conference. Even so, we have expressed concern for an ILO model of shared labour market management which posits government "control over information" combined with the power to "compel institutions, enterprises, firms or persons possessing information considered important to make it accessible". We must never forget the origins of tyranny in the control of ideas – that the wellsprings of democracy are found in freedom of expression and the choices of a free people acting without compulsion.

Most of us have had the experience either as parents or youngsters of trying to discover the hidden picture within another picture in a children's magazine. Usually, you are shown a landscape with trees, bushes, flowers and other bits of nature. The caption reads something like this: "Concealed somewhere in this picture is a donkey pulling a car with a boy in it. Can you find them?" Try as you might, usually you cannot find the hidden picture until you turn to a page further back in the magazine which would reveal how cleverly the artist had hidden it from us. If we study the landscape we realize that the whole picture was painted in such a way as to conceal the real picture within and once we see the real picture it stands out clearly and we wonder how we missed it.

Today the employment picture is like this – institutions are not working well, solutions of the past only seem to compound the problems and deeper currents of change influence everything we experience. When we look at the world, so much is happening so fast in so many areas of life that many seem no longer to have a frame of reference within which to understand the meaning of our times. But like the hidden picture I believe the answers are within the texture of our lives, the principles within our stored memory and the way out of the maze the task of leadership.

There is a simple key to this new frame of reference and the new world of work. It is this: the availability of unlimited technical power is opening up the greatest vistas of possibility America, and the world, have ever known. Unlimited technical power is being given to a rapidly increasing number of citizens and institutions. That vastly increases both life's possibilities and dangers. It also changes the operation imperatives of every institution – including the ILO.

Unlimited technical power: you can stand on top of Mount Everest, pull out your pocket telephone, and talk to someone at the bottom of the Grand Canyon. Perhaps sooner than most people realize it will be possible to carry a pen-sized device in one's pocket that will enable voice conversation anywhere on earth. The microchip: it is redesigning both corporations and nations. We are not simply going through a rough patch and things will soon be back to something we like to think of as normal. The old normalcy has gone. We are passing through a shift from one order of life to another order; from national economics to the global economy. Part of the shift from the modern age to a new period is the restructuring of the global economy. This shift may help explain why recent economic growth in the OECD countries has been at its weakest in at least 45 years and unemployment so high in all our countries.

Having said that, I am aware of the difficulty of trying to peer too far into the future. History books are full of intemperate forecasts made by eminent prognosticators. Among these are Dr. Dionysus Larder, Professor of Natural Philosophy at University College, London, who said in 1823 that: "Rail travel at high speed is not possible because passengers, unable to breathe, would die of asphyxia." President Rutherford B. Hayes told Alexander Graham Bell in 1876 that: "[The telephone is] an amazing invention, but who would ever want to use one." IBM Chairman, Thomas Watson in 1943 remarked: "I think there is a world market for about five computers." But perhaps the most myopic summary of all comes from none other than US Commissioner of Patents, Charles Duell, who, in 1899, urged President McKinley to abolish the Patent Office, saying: "Everything that can be invented has been invented." He seemed to be suggesting that we have a great future *behind* us.

Today, the linkage of computers, telephones, television, faxes, satellites, lasers and fibre optics, all transmitting digitally encoded information, is creating a new force – telepower. In a sense, the impressive growth of private employment agencies which recognize the specific training and knowledge-intensive requirements for jobs in the telepower culture is a manifestation of this new economic order. Manpower Inc., our largest Temporary Work Agency (TWA), is now also the largest private employer in the United States, employing nearly 600,000 workers annually.

The shift from the somewhat abnormal prosperity of the cold war economy to something approaching a peacetime status is creating a sea change in thousands of United States companies. Military spending will have dropped 40 per cent between 1989 and 1996 in the United States. Thus, entire industries are redefining both products and markets. These conditions require the maximum utilization of flexible resources of the kind and in the magnitude offered by private employment agencies. An unusual amount of labour market churning is going on – many new jobs are being created, many experienced and highly trained workers are suddenly available for placements, many laid-off workers are in need of retraining and/or job-search assistance – so there is more than enough work for private *and* public agencies to coexist comfortably.

As a friend engaged in preparing the "unemployable" for employment recently told me: "The simple fact is that for the young and old, the handicapped or disabled, women, men, new entrants or laid-off workers – unless they have employable skills, are motivated to succeed, and willing to learn – they do not break out of the wretched corner of unemployment."

This brings us to the greatest challenge – the spiritual well-being of mankind. "There is a coarseness, a callousness, a cynicism, a banality, and a vulgarity to our time," states one commentator. We are "defining deviancy down" in Senator Moynihan's memorable phrase. And in the process, we are losing a once reliable sense of civic and moral outrage in many societies.

We have been impressed with the work of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) at this Conference – the humanity and civic virtues manifest at its concluding session were particularly impressive. I was reminded of William Faulkner's 1950 Nobel Prize acceptance speech in which he declared: "I decline to accept the end of man." Man will not merely endure but prevail because, as Faulkner said, he alone among creatures "has a soul, a spirit capable of compassion and sacrifice and endurance".

This is the very spirit of the ILO. It must in the same way decline to accept the end of moral man. Liberty-loving people everywhere understand the rightness of our cause. Peace, prosperity, spiritual progress, freedom and human dignity are enshrined in our principles. We must carry on the struggle for our children – and beyond. We must push back hard against an age that is pushing hard against us.

When we do, we will emerge victorious against the trials of our time. Dwight Eisenhower, looking down Omaha Beach 20 years after D-Day was moved to say: "They did it so that the world could be free. It just shows what free men will do rather than be slaves." Perhaps Edmund Burke said it best: "There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of humanity, justice, equity – the law of nature and of nations."

May we all bring our best efforts to the great work which lies before us.

Original German: Mr. ADAMY *(Workers' adviser, Germany)* – On this 75th anniversary, we once again reaffirm the basic values of the International Labour Organization, including, in particular, the often-cited principle incorporated in the Treaty of Versaille that labour should not be regarded merely as a commodity.

This principle must not be forgotten today and the forces of a commodity market should not be applied to the labour market. This applies, in particular, to private employment agencies which must remain unprejudiced and neutral. If the balance of forces in the labour market is not to be influenced further to the disadvantage of the unemployed and the workers, there is a particular need for protection, and our national constitutional court has specifically affirmed this fact. This very sensitive area has reiterated that need and stressed it repeatedly. Given the current situation of the labour market, imperfections and deficiencies soon become apparent, and these inevitably result in exploitation and undermine both employers and workers.

Some of the major dangers of private employment agencies are described under paragraphs 29 to 33 of the conclusions which are now before us. As trade unionists we see a need for action with regard to a reform of these agencies, in order to draw up international labour standards, not with a view to eliminating existing standards but because reform is necessary as the labour market has undergone extensive economic and social change. However, we must take care not to throw away the baby with the bath water.

I share the assessment of the American Minister of Labor who at the Informal Tripartite Meeting at the Ministerial Level on Employment, warned that the deficiencies in the employment policies drawn up immediately after the First World War should not be repeated now and that the principle of flexibility should not be misunderstood. Rather than hiring and firing, flexibility should mean increased emphasis on skills upgrading and should lead to the mobilization of enterprises.

The proposed conclusions before you state under point 1 that full and productive employment should be the top priority on the agenda of policy-makers and that this objective should be supported by active economic and financial policies. But it is precisely those who reject this employment policy responsibility who are the most vehement about the authorization of profit-making employment agencies. This also applies to my country. To date I am unaware of any investigation which demonstrates that private employment agencies are more efficient economically speaking than public employment agencies. Even in the work of the Committee this matter remained unresolved. The wrong methodology was applied in my country in the assessment of this issue and the resulting data is inappropriate for international comparisons.

International comparative investigations have shown, on the contrary, that on a purely quantitative basis the public employment agencies in Germany are as important as the public and private agencies in the United Kingdom combined.

A problem remaining open which deserves further discussion is how to assess the qualitative aspects of employment processes which are aimed at lasting insertion into the labour market taking into account the current labour legislation protection. In my view, countries having a system of private employment agencies are also faced with the problem of unemployment and have not succeeded in solving this any better than those countries in which public employment agencies are responsible for the distribution of jobs. Those few areas in which in my own country profit-making agencies are allowed, demonstrate that they are increasingly open to abuse. Triangular relations connected with the contracting of employees often operate to the disadvantage of the weaker partner, at least in the longer term.

Unfortunately, in the conclusions insufficient attention is devoted to the varying forms of private employment agencies so that above and beyond the results of the work of the Committee there is a need for further discussion and clarification. If we are prepared to adopt these conclusions, that is because, as far as we are concerned, charitable agencies and non-profit making agencies do in fact complement public employment agencies in a very useful way.

The conclusions on private employment agencies should not, however, be taken to mean that the market should be a purely self-regulatory entity. Private employment agencies should only be authorized providing they follow the principles of tripartism, taking account of the interests of both unemployment and workers, as well as the interests of the national economy and society as a whole, while at the same time effectively avoiding abuse. Otherwise there is a danger of distorted social development as a consequence of the current great social challenges, and this would be contrary to the basic values of our Organization.

We should all contribute to the 75th anniversary of the ILO not becoming a turning-point fraught with problems for us all.

The PRESIDENT – The adoption of the report of the Committee on Private Employment Agencies involves not only the adoption of the summary of the Committee's discussions, but also the adoption of the resolution and the conclusions submitted by the Committee.

I now turn to the adoption of the report, that is paragraphs 1 to 101. May I take it that the report is adopted?

(The report is adopted, paragraphs 1 to 101.)

RESOLUTION CONCERNING THE ROLE OF PRIVATE EMPLOYMENT AGENCIES IN THE FUNCTIONING OF LABOUR MARKETS, SUBMITTED BY THE COMMITTEE ON PRIVATE EMPLOYMENT AGENCIES: ADOPTION

The PRESIDENT – Let us now proceed to the adoption of the resolution concerning the role of private employment agencies in the functioning of labour markets. If there are no objections, may I take it that this resolution is adopted.

(The resolution is adopted.)

CONCLUSIONS CONCERNING THE ROLE OF PRIVATE EMPLOYMENT AGENCIES IN THE FUNCTIONING OF LABOUR MARKETS, SUBMITTED BY THE COMMITTEE ON PRIVATE EMPLOYMENT AGENCIES: ADOPTION

The PRESIDENT – We now move on to the adoption of the conclusions concerning the role of private employment agencies in the functioning of labour markets, part by part. If there are no objections, I shall take it that paragraphs 1 to 55 are adopted.

(Paragraphs 1 to 55 are adopted seriatim.*)*

REPLY BY THE DIRECTOR-GENERAL TO THE DISCUSSION OF HIS REPORT

The PRESIDENT – I now have the honour and privilege to invite Mr. Michel Hansenne, Secretary-General of the Conference and Director-General of the ILO, to reply to the discussion of his Report.

Original French: The SECRETARY-GENERAL – I hope you will allow me, at the beginning of this reply, to tell you about some of my feelings at the end of this session of the Conference now that we have an opportunity to recall some of the most important moments we have experienced during this anniversary year.

My first feeling is one of joy – joy because the mandate of the International Labour Organization and its objectives have been renewed by all our constituents. I would like, in particular, to thank the 131 ministers who have attended the Conference and the very many employer and trade union personalities who honoured us with their presence.

After this feeling of joy, comes a feeling of pride – pride that the commitment you have taken today brings together 171 countries. And this figure of 171 member States in the Organization has been achieved by the return to the fold, after too long an absence, of South Africa. This return is, to me, the most tangible proof that our contribution to the struggle against apartheid has not been in vain.

Finally, there is a feeling of satisfaction, since it has been clear to us all that this year we have had – not just in the plenary sittings but in various other meetings – a particularly candid and open discussion focused on the subjects for which we were convened: the 75th anniversary of this Organization and its future. This gives me a feeling of satisfaction, because I have realized that whatever your assessment of it, the Report I have had the honour to present to you, has had the effect of provoking debate rather than stifling it.

Is it possible, already at this point in time, tentatively to take stock of your reactions? My role, at the end of these discussions, is obviously not one of making a final judgement on the way in which they progressed, nor on the results which we can expect from them, but rather one of presenting to you the way we should go about the follow-up. This task has, without any doubt, been rendered much easier for me by the resolutions which you have adopted and which will serve us as guidelines for the future. It should be remembered that, when our Conference adjourns, it is not the end of our debates – rather it is just the beginning. Moreover, the short-term demands that have to be met should under no circumstances conceal the long-term requirements for the renovation of our Organization.

When I took the floor on the first day of this session of the Conference, I told you that the ILO had to take up a triple challenge. The first was directed at our constituents and concerned the relevance and effectiveness of our tripartite structure. The second concerned mainly the Secretariat and related to the capacity of the International Labour Office to reorientate its programmes of activity. The third challenge was addressed to the whole of the international community and dealt with its ability to organize itself to tackle the economic and social stakes at play in accelerated trade globalization.

I would begin my reply by taking up this last subject and looking, first of all, at the activities we need to undertake in the context of the World Summit for Social Development to be held next year. As you are well aware, our contribution to this Summit and, more broadly, our role in the international system are, I believe, one of the most important concerns for the future of our Organization. Very fortunately, this is one of the questions on which we have, I think, made considerable progress during this session. I would therefore, first of all, like to express my gratitude to the Secretary-General of the United Nations Organization, Mr. Boutros-Ghali, for the importance he attaches to our Organization within the United Nations system devoted, as it is, to the tasks of promoting peace and development; my thanks also go to him for his emphasis on the major role the ILO has to play in the preparation, organization and follow-up of the World Summit for Social Development.

I would also like to thank Ambassador Somavia for his participation and the statements he made to the Informal Tripartite Meeting at the Ministerial Level on Employment which we organized to prepare for the Summit. A total of 109 ministers and many leading personalities from trade unions and employers' organizations participated in the discussions that day. All delegations agreed in emphasizing the essential role the ILO had to play, and discussed the manner of its participation. The document which had been prepared by the Office at the request of the Preparatory Committee for the Summit garnered very positive comments. It will be revised in the light of the discussions during the meeting and, thanks to the support it received from you all, I am sure this document will have a very particular status and will be of special importance during the next stages of the preparatory work for the Summit.

By way of conclusion to that meeting, Ambassador Somavia expressed the firm hope that on returning home, we would continue our efforts in order to motivate our constituents and, through them, public opinion in all of our countries on what is at stake at that Summit. I think that once this condition has been met, we can make the Summit a success and look ahead with optimism to the role which we will have to play tomorrow, in cooperation with other international institutions, to direct economic growth towards more employment and greater social justice.

However, I would like to say straight away how pleased I have been to hear so many ministers and delegates give their immediate support to the idea of permanent machinery for consultation with international institutions with a financial, economic and commercial function. Mr. Delamuraz, Federal Councillor of the Swiss Confederation, did just that during the commemorative session. The Ministers of Labour of Denmark, Ireland, Nicaragua, Netherlands, Poland and the United Republic of Tanzania, in particular, repeated the same wish in their statements. And you have also, Mr. President, emphasized this in your introductory address.

But our role and our importance will depend in the final analysis on the way – be it good, bad or mediocre – in which we assume our responsibilities. This brings me to the few words I would like to say about the second challenge I mentioned in my opening statement – the renewal of our activities. As you know, we have obviously not exhausted the debate on this subject. The discussions we had, I believe, focused more on the improvements to be made to what we are doing now than on potential innovations – either those I proposed in my Report, or others. This is not surprising, as everyone had but ten minutes to speak, and in ten minutes you have to move along very quickly and focus on the most essential points, leaving it up to the Office and the Governing Body to follow up the task. This is the essential role you have entrusted to these two bodies in your resolution.

In my Report, I drew your attention to the role the ILO should, in my opinion, play with regard to employment. The creation of productive and freely chosen employment is most certainly a priority and must be at the very heart of the ILO's activities. We must try to seek out innovative solutions which combine the need to develop sources of employment and the need to respect human dignity. Against this backdrop we must also take into consideration the irreplaceable role of the enterprise, and in particular small and medium-sized enterprises. Many speakers have emphasized this point, in particular Mr. Decosterd, the Employers' delegate of Switzerland.

I noted, during the discussions at the Informal Tripartite Meeting at the Ministerial Level on Employment, that there were many points on which we had the same views. We all agreed, first of all, that healthy macroeconomic conditions constitute the necessary framework for job creation and therefore the preparation of an employment policy. We all agreed, also, that the future of employment and growth lies in the liberalization of markets. On that occasion, I did not hear any speech advocating protectionism. We all pleaded for the implementation of an active employment policy to work in harmony with market forces. In particular, this policy would have to revolve around vocational training, the encouragement of certain sectors of the economy, new methods of organizing labour and production that are more likely to generate employment, and a greater degree of flexibility. However, many of us believe that further consideration is needed to clarify this point because flexibility is not without ambiguity; there are forms of flexibility which exploit and debase, and others which liberate and make work more humane. We all agreed that these policies presuppose very solid partners in the employment market and that consultation between the various social actors was an essential prerequisite for the success of these policies. This also led us to emphasize finally the importance of the role of ministers of labour and the need to involve them more closely in the decision-making process, both at the national and international level. Many of you welcomed what was said by Mrs. Osseni, Minister of Labour, Employment and Social Affairs of Benin, who reminded us that ministers of employment and labour are not firemen whom you only call when the fire has taken hold.

The success of the meeting of 10 June strengthens my conviction that it would be useful for the Office to draft an annual report containing an analysis of the employment situation around the world and the effects of economic and financial policies. I continue to believe that the Conference should have a standing item on its agenda concerning the problems of employment and standards of living throughout the world. I would like in particular to thank the Ministers of Labour of Cyprus, Egypt, Kuwait, Peru, Philippines and Turkey, who were among those who supported and encouraged this proposal. As the passage in my Report which deals with these questions has not provoked any major opposition, my budgetary proposals to the Governing Body for 1996-97, will contain provisions to this effect.

With regard to the creation of employment, a huge question mark still remains as to links with the globalization of trade and the opening up of national markets. The debate on what we know as the "social clause" was particularly lively and impassioned. However, as Mr. Tapiola, Workers' delegate of Finland, said, I think we should find a more appropriate expression. He quite rightly stated that "there is no one ready-made product called the social clause which should or should not be integrated into trade policies and measures. There are many explanations and very many misrepresentations, some of them deliberate, on what we mean by this issue." What we, in fact, must discuss is the expediency and ways and means of possibly including social components in international trade.

Mr. Friso, General Secretary, speaking on behalf of the ICFTU and Mr. Custer, General Secretary, speaking on behalf of the World Confederation of Labour, expressed very clearly the fears of workers at the prospect of trade barriers coming down and unbearable situations for workers arising.

Those who oppose the social clause themselves expressed the fear that it might be used for protectionist purposes. Mr. Latief, Minister of Manpower of Indonesia, said that a link of this nature might create "undesirable distortions to the detriment of the general welfare". Similar statements were made in particular by governments which had supported the proposed resolution opposing the introduction of such a clause, including Malaysia and Singapore.

I think, however, that the Conference has helped us to move along this debate. We have heard qualified statements taking into account various views. I would like to mention, by way of example, what was said by Mr. Kang, Vice-Minister of the Ministry of Labour of the Republic of Korea, and Mr. Khalil El Fadhel, Minister of Social Affairs of Tunisia.

Please permit me, on my own behalf to draw some conclusions from the debate, although I recognize this is not an easy task.

I would like to note, first of all, that all those who spoke in favour of a guarantee of workers' rights have never called into question the right to development. Mr. Brett, Workers' delegate of the United Kingdom and Vice-Chairman of the Governing Body, was very clear on this subject, stating that for the workers the social clause "is not about the protection of trade, but the protection of people. It is not about establishing minimum wages across the world. It is not about transferring first-world wage levels in terms of conditions to developing countries".

I have observed – and this is my second point – that those who advocate the right to development have never maintained that this right could be allowed to undermine the fundamental rights of workers. There is a consensus that all countries should try to abolish labour practices which violate fundamental human rights. Mr. Sangma, Minister for Labour of India, could not have put this argument more forcefully.

Thirdly, I have noted that many agreed with Mr. Reich, Secretary of Labor of the United States, when he said that it would be preferable for any intervention in this area to be authorized and implemented multilaterally rather than on a unilateral basis.

Finally, I concur with the views of Mr. Blum, Federal Minister of Labour and Social Affairs of Germany, who said that although there was concern that social clauses might be misused for protectionist purposes, this could not be invoked as a reason for the ILO to ignore the subject.

The ILO of course cannot avoid this debate. On the contrary, it must try to clarify it and see it in its correct context.

Our task is not only to try to attain social justice, but also to bring about economic progress which generates employment. We have to see how we can make sure that the benefits of international trade are fairly and equitably distributed amongst all those who have contributed to the creation of this wealth. We must see how we can reconcile freedom of trade, freedom of association and free negotiation by workers of their conditions of employment and labour. This is what the role of the ILO is all about. And now it must set out to examine all the possible ways in which it can, in a new international context, re-examine all its objectives – which may sometimes be divergent but never contradictory.

I intend to propose to the Governing Body to set up a working group to provide a more in-depth analysis of the apprehensions and constraints facing each and every one of us and to try to find some solutions to our problems.

This leads me quite naturally to the subject of the standard-setting activities of the Organization, which has been one of its major areas of concern during the past 75 years. I am pleased to see that these activities have received a great deal of support within the Conference, even though they have been seriously challenged, either explicitly or implicitly, by some – particularly those in the Employers' group. Mr. Laurin, Employers' delegate, Sweden, said that the ILO standard-setting machinery today was not very useful and even rather counter-productive. Other statements were also very critical, including those of other Employers' delegates such as Mr. Thüsing, Germany, and Mr. Moorhead, United States.

Generally speaking though, we saw that there was a large majority who believed in the essential role of international labour standards. Mr. Giraud, Minister of Labour, Employment and Vocational Training of France, emphasized that there could be no goal of profit without an assertion of social and human responsibility; and Mr. Peirens, spokesman of the Workers' group in the Committee on the Application of Standards, also said that the ILO and its basic principles are even more important today than they have been in the past, in dealing with unbridled competition, social exclusion and poverty. He also pointed out that the Workers' group firmly believed that the ILO should continue to draw up international labour standards.

According to Mr. Core, Government delegate, Australia, the relevance of the ILO is demonstrated year after year by the adoption, ratification and application of international labour standards.

The efforts of the Organization in this area are indeed still very topical. This has been borne out by the discussions which have taken place, in the course of the Conference, on part-time work and on health and safety in mines. New standards – a Convention and Recommendation – should be adopted tomorrow, and others could follow next year. Furthermore, the Committee on Private Employment Agencies recommended the revision of Convention No. 96, which gave a monopoly or excessive privilege to public employment agencies. All these were discussions on very topical and important subjects, and an expression of our ability to move forward and to renew ourselves and our Organization.

I note that the resolution concerning the 75th anniversary of the ILO and its future orientation gives important support to strengthening the promotion and application of the fundamental Conventions – Conventions Nos. 87 and 98, on freedom of association and collective bargaining, Nos. 29 and 105, on the abolition of forced labour, and Nos. 100 and 111, on equality of opportunity and treatment.

The defence and promotion of the fundamental rights of working men and women remain of course a fundamental responsibility of our Organization. None the less, we must bear in mind our commitment and our resolution concerning the fundamental Conventions of the ILO; but while so doing we should not forget that many statements criticized various aspects of those standard-setting activities, and emphasized the need to improve them because – whether we like it or not – there is a problem with ratification and therefore a problem of credibility. Many of you, in plenary and in the Committee on the Application of Conventions and Recommendations, expressed criticisms, sometimes strong criticisms, about the way in which the standard-setting activities were undertaken, and made specific suggestions in this respect. Improvements should be made in the elaboration and promotion procedures and the supervising of standards.

These proposals could very well build on points of view put forward in the Committee on the Application of Standards by the spokesmen of the Employers' and Workers' groups, and by very many Governments. They referred to: the speed at which standards are adopted; possible updating and revision; the topical needs and importance of the subjects; the need for new standards to retain their universal nature and a better use of flexibility clauses.

Similarly, the way in which we draft questionnaires could also be reviewed, as could the procedures of the Conference committees which prepare standards. The general surveys, based on article 19 of the Constitution, could be more widely used for this purpose. All these questions will be covered in a document which will be discussed by the Governing Body next

November and which will allow us to adopt new working practices and methods in this area.

I think, however, that we will make quicker and more substantial progress in renewing our standard-setting activities if we limit our work to renewing standards, i.e. adapting them and updating them, rather than undermining them or calling them into question. In the speech that he made yesterday at the invitation of our International Institute for Social Studies, Professor René Jean Dupuy recalled that the ILO was a special organization in so far as it was the only international organization whose set of values had not been undermined for 75 years. These values of law, justice, dignity and freedom should be the cornerstone of all our activities. On no account – and this constitutes a real danger – should we underestimate our activities and consider as patronizing any attempts to help member States fulfil their ideals.

The ILO is not, and should not be, a simple technical implementing agency. Although it must always try to improve the quality of its products, it should constantly bear in mind the ethical values on which it was founded and which it has always upheld.

I think we need to remind ourselves of this constantly – and the same holds true when we look at another sector of our activities, namely technical cooperation.

Technical cooperation has not been at the centre of our concerns this year. This is quite understandable; we held very lengthy discussions on this subject last year and, at its November meeting the Governing Body will be looking at a strategy document on technical cooperation. However, in the light of comments made in the course of this Conference, I would like to underline what I think might constitute two major elements in this strategy.

We need to prepare and develop cooperation programmes which are technically well prepared, which focus on the ILO's fields of competence and which are in accordance with its basic philosophy. These programmes should meet the needs of member States and be such as to draw support from donor bodies and countries. The programme against child labour is a fine example. In the course of this session of the Conference, I had the opportunity to sign two new cooperation agreements with Pakistan and the Philippines and I have taken due note of the commitment of France, via the French Minister of Labour, Mr. Giraud, to contribute to the development of this programme which so far has been essentially, but not exclusively, supported by Germany. I would like to express my thanks to all those States which have offered us support in this field, and I invite all other member States to join in the effort. A similar programme is being implemented in the field of the development and improvement of labour relations, particularly in Latin America, with the assistance of Spain. There are vast opportunities for ILO action in this area, which I believe warrants our attention. Other projects are now being prepared. We will have the opportunity to discuss them in much greater length in the Governing Body this autumn.

I have taken note of the requests made in many statements for our employment promotion efforts to be backed up at the national level by an efficient technical cooperation programme. The latter should combine policy research and advisory services on general policy with the implementation and execution of projects. The multidisciplinary teams which were recently set up are at the core of this strategy. Several of you have expressed explicit support for them. For example, Mr. Guzmán Matta, Employers' delegate, Chile, considered that these would be an effective way of bringing the ILO's point of view, and the institutional support which is necessary, closer to the different circumstances of each country. That is precisely what we are trying to do through the multidisciplinary teams.

Our technical assistance was particularly solicited in the course of a special sitting devoted to the question of the occupied Arab territories. Most of you welcomed the initiative taken by the Office to identify the most urgent needs in the occupied Palestinian territories. Special mention was made of projects aimed at covering such needs by creating jobs, alleviating poverty and establishing social protection.

The second theme of our technical cooperation strategy is, as many of you have noted, concentrated on strengthening the ability of ministers of labour and employment and of employers' and workers' organizations to take initiatives and action. I intend to suggest that the Organization concentrates more on this issue. In this connection, I believe it is essential, particularly at this time of accelerating economic development, to consolidate national structures and procedures to this end.

The resolution concerning the 75th anniversary of the ILO and its future orientation makes a renewed appeal for the promotion of the fundamental values of the Organization, the first of which is tripartism.

The dramatic political changes which have recently taken place in the world and the consolidation of democratic principles which accompanied them should, by their very nature, give fresh impetus to tripartism. When put into practice at all levels and in all aspects of social policy, tripartism is not only an essential guarantee of social justice, but also a guarantee of the effectiveness of these policies. The Organization is fortunate enough to reflect this structure in its very composition. In my Report to the Conference I suggested that other groups should contribute to our thoughts on the subject. I still believe that this is essential, while emphasizing for all to hear that enlisting these groups in our work and our reflections by no means signifies a challenge to the tripartite structure of the Organization.

"As far as we are concerned, this is the beginning. Today is the first day of the rest of our lives." That is what Mr. Liebenberg, Employers' delegate, South Africa, said to us yesterday as the Committee on Action against Apartheid was deciding to repeal the Declaration against this scourge and to dissolve itself. It was a moving moment at this Conference, as was the moment when we welcomed the return of South Africa to the Organization with a delegation which represented for the first time a non-racial, democratically elected Government from this great country.

"As far as we are concerned, this is the beginning." That is what he said. I believe that these words apply equally to the work of this Conference, where we have at considerable length discussed the future of this Organization. We have not yet said everything there is to say on this subject. We have begun drawing the blueprint, and started on the work. It is now up to us to be the architects and builders of our future. We must make every effort to further the cause of social justice – the cause to which we are all, as you have confirmed, so greatly attached. That is all, but it is a great deal.

The PRESIDENT – Mr. Director-General, I hardly know where to begin to thank you for your Report. But on behalf of the delegates let me say that I found it to be thoughtful, insightful, elucidating and pertinent to the points which the delegations raised here. I find it nothing short of a little miracle. Thank you very much for your comments.

(The Conference adjourned at 12.45 p.m.)

Twenty-seventh sitting

Thursday, 23 June 1994, 3 p.m.

President: Mr. Gray

REPORT OF THE COMMITTEE ON PART-TIME WORK: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT – The only item on the agenda this afternoon is the report of the Committee on Part-Time Work, found in *Provisional Record* No. 23. Apart from the report itself, which contains a summary of the Committee's discussion, the Conference also has before it a proposed Convention and a proposed Recommendation.

It is my pleasure at this time to ask the Officers of the Committee to come to the rostrum: the Chairperson, Mr. Rood, Government delegate, Netherlands; the Employer Vice-Chairperson, Mr. Noakes, Employers' delegate, Australia; the Worker Vice-Chairperson, Ms. Van Den Burg, Workers' delegate, Netherlands; and the Reporter, Ms. Samuel, Government adviser, Cyprus, who will submit the report to the Conference.

Ms. SAMUEL *(Government adviser, Cyprus; Reporter of the Committee on Part-Time Work)* – It has been my pleasure and privilege to serve for a second time as the Reporter of the Committee on Part-Time Work. I can confess to you, however, that it was only through full-time and sometimes overtime work that the Committee has managed to accomplish its mandate.

Last year's extensive discussion had clarified many issues, which facilitated our work. Several points, however, were raised again (as expected) and discussed in detail.

The Employers' group continued to have reservations as to whether part-time work was a suitable subject for regulation through ILO instruments. In their view, part-time work, by its very nature, required a high degree of flexibility and any instrument would detract from this flexibility. Recognizing, however, the particular importance of part-time work and the opportunities which it offered for both employers and workers, they were prepared to support a Recommendation containing general guidelines, provided a Convention was not adopted.

The Workers' group advocated that the development of modern and topical standards on part-time work, which was becoming increasingly important in both developing and industrialized countries, would be one of the contributions that the ILO could make towards its fundamental goal of social justice. Moreover, in view of the employment problems in many countries, providing protection could be instrumental in increasing the willingness of workers to opt for part-time work. Despite the reservations of the Employers' group and of some Government members, the Committee decided that a Convention accompanied by a Recommendation should be adopted.

The report which you have before you details the deliberations of the Committee. I am particularly pleased to inform the Conference that the atmosphere in which these deliberations were carried out was enviable. Constructive dialogue and a genuine effort to find solutions by consensus prevailed through the Committee's work.

The proposed Convention fully meets, in my view, the aim of the Committee which, from the first discussion, was to adopt a flexible and widely ratifiable instrument focusing on basic protection and broad principles in which the interests of employers and workers were taken into account.

The Preamble was amended to recognize not only the need to ensure protection for part-time workers in the areas of access to employment, working conditions and social security but also the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities. The concept of a *comparable full-time worker*, which was incorporated last year after a lengthy discussion into the crucial definition of *part-time worker*, as well as in many of the operative provisions of the proposed Convention, was amended to make even clearer the points of comparison between part-time and full-time workers.

With a view to rendering the proposed Convention flexible, the Committee retained unchanged the provisions relating to the possibility for exclusion from the scope of the proposed Convention particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature. It also endorsed the provisions agreed upon last year regarding the areas of protection of part-time workers in relation to comparable full-time workers, as well as those on the possibility of excluding from the scope of protection part-time workers whose earnings or hours of work fell below specified thresholds. The Committee agreed, however, to add *sick leave* to the fields of protection and to preclude the application of thresholds as a condition for access to maternity protection measures other than those provided under statutory social security schemes. The latter was considered necessary, particularly as the vast majority of part-time workers are women.

The provision on the transfer from full-time to part-time employment and vice-versa was amended to ensure that transfers would be voluntary, in accordance with national law and practice.

Coming now to the proposed Recommendation, again I believe that it meets the Committee's aims, which were to illustrate how the provisions of the proposed Convention could be applied and to indicate additional areas to which protection for part-time workers should be extended. As in the case of the proposed Convention, thanks to the good work done last year, the amendments made were not extensive.

It is worth pointing out, however, that a new provision was added to the effect that, where part-time workers had more than one job, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements in statutory social security schemes based on occupational activity. Moreover, amendments were made to the provisions relating to a worker's refusal to transfer from full-time to part-time work, and to the counting of part-time workers in cases where obligations on employers depend on the number of workers they employ.

In short, the proposed Convention and Recommendation contain provisions which ensure that part-time workers enjoy protection which is the same or equivalent to that of comparable full-time workers, and which facilitates access to freely chosen part-time work to meet the needs and interests of both workers and employers.

Before concluding, I would like to pay tribute again to the impeccable chairmanship of Mr. Max Rood who led the Committee, as he did superbly last year, to the successful conclusion of its work one whole day earlier than scheduled. His expertise, skills and good humour contributed greatly to the excellent working atmosphere and to the smooth running of the Committee. The fact that voting was used only three times reflects the constructive attitude and the will to find solutions through consensus of both Vice-Chairpersons, Mr. Noakes and Ms. Van Den Burg. Warm congratulations are due to both of them. The conciliatory interventions of the Government members of the Committee also helped to resolve difficult issues and to produce balanced texts. The advice of the representative of the Secretary-General, Mr. Dumont, and his team proved most valuable and was highly appreciated. The precise work of the Drafting Committee also contributed to the successful completion of our work.

To commemorate the 75th anniversary of the ILO, it would be most befitting for the Conference to adopt the Part-Time Work proposed Convention as its 175th Convention. This would, in my opinion, constitute a formal acknowledgement of the need for a global approach to this form of work, which already concerns tens of millions of workers, and which is expanding rapidly in both industrialized and developing countries.

With this thought, I commend the report of the Committee on Part-Time Work to the Conference for adoption.

The PRESIDENT – The report is now open for discussion.

Mr. NOAKES *(Employers' delegate, Australia; Vice-Chairperson of the Committee on Part-Time Work)* – The report that is now placed before the Conference represents the results of a first discussion and a second discussion concerning part-time work. At the beginning of those discussions, the Employer members of the Committee made it clear that they were opposed to the adoption of instruments in part-time work. They stated their firm view that, in a world in which priority consideration must be given to job creation, the encouragement of regulation or further regulation of part-time work would be counter-productive. They indicated that part-time work was an important and growing segment of employment in developed countries and would become more important in developing countries with the passage of time. Thus, while there was a need for universal recognition of the economic importance of the role played by part-time work and while employers were not opposed to fair treatment of part-time workers, they believed that it would be inappropriate to attempt to set new international standards on this subject.

At the outset of the second discussion, we attempted to persuade the Committee to reject the proposal for the adoption of a Convention on part-time work. In that context, we would have been prepared to support the adoption of a Recommendation drafted in appropriate terms. We were not able to persuade the Committee to our point of view, with the result that we remain firmly opposed to the adoption of standards on part-time work.

This outcome should not be seen as an adverse reflection on the work of the Committee which operated in an atmosphere of remarkable harmony and cooperation and which has achieved an improvement in the texts originally presented. However, for the Employers the issue of principle overrides the issue of the drafting of the proposed instruments. We are simply unable to support the adoption of a Convention and Recommendation on part-time work. It is the inherent flexibility of part-time work which is the basis of its value both to employers and workers who choose to offer or to accept part-time work for a wide variety of reasons. In our view, any regulation or further regulation of part-time work through the adoption of new international standards will inevitably detract from that inherent flexibility and will inevitably have adverse effects on employment opportunities.

I now wish to make some specific comments on the outcome of our work. Firstly and importantly it should be noted that there is now no conceptual opposition to part-time work from any significant quarter. Part-time work is now universally recognized as being part of the mainstream of working patterns and practices. This is a positive and encouraging development which is reinforced by the words of the Preamble and to a certain extent by the terms of Article 9 of the proposed Convention.

Secondly, the limits of the definition of a part-time worker must be clearly understood. There can in fact be no part-time worker for the purposes of the proposed instruments unless there is a comparable full-time worker. Comparability rests on three tests. Is the nature of the employment relationship the same? In other words, are the part-time worker and the full-time worker both temporary, both seasonal, or both permanent workers and so on. Are the part-time worker and the full-time worker performing the same type of work, and are the part-time worker and the full-time worker employed in the same establishment, or if not in the same enterprise, or if not in the same branch of activity? Understanding this definition is fundamental to an understanding of the proposed texts and the relevant paragraphs of the report clearly set out the basis on which the Committee reached agreement on the terms of this definition.

Thirdly, Article 5 of the proposed Convention states in essence that, subject to proportionality, the basic wage of a part-time worker shall not be lower than the basic wage of a comparable full-time worker if the sole reason for the difference is the fact that the worker is a part-time worker. This approach which the Committee took allows the differences to exist if there is a reason based on other factors such as the way in which the work is carried out, and the reference to performance-related pay in the text is important in this respect.

Fourthly, I want to say something about the promotion of part-time work which was part of the remit given to the Committee by the Governing Body. It is in our view unfortunate that a majority of governments oppose the use of this terminology in the proposed Convention. The alternatives which were adopted and which are now represented in Article 9 are useful but do not go far enough. The Employers would have preferred a much stronger text in which the promotion of part-time work was directly, rather than indirectly, addressed.

Also in relation to the proposed Convention, I wish to say something about Article 10 which deals with the voluntary nature of transfers from full-time work to part-time work or vice versa. The relevant paragraphs of the report, particularly paragraph 154, are important to an understanding of the basis on which this text was agreed. In relation to the proposed Recommendation, I want to express our regret concerning the terms of Paragraph 12, subparagraph 2. The notion that changes in the agreed work schedule and work beyond scheduled hours should be subject to unspecified restrictions reveals a lack of understanding by the Committee that the needs of both enterprises and workers have added to the inherent flexibility of part-time work to which I have already referred.

It is also important that I mention the terms of Paragraph 19 of the proposed Recommendation which deals with the question of possible termination of employment due to refusal to transfer from full-time to part-time work or vice versa. I draw attention to paragraphs 245-253 of the report in this respect. While refusal to transfer should not in itself lead to termination, other factors or associated factors, including breach of an agreement to accept transfer might lead to termination.

Finally, I want to say something about paragraph 21 and its relationship to Article 4 of the proposed Convention. The Committee spent a considerable time grappling with the apparent problem of the proportionality of part-time workers in relation to threshold numbers of employees for the establishment of bodies such as works councils. This difficulty was eventually resolved as is reported in paragraph 259 of the report by an understanding and I quote: "that the protection of the individual rights of part-time workers to act as workers' representatives was a separate issue from the determination of thresholds for the establishment of works councils". It was in the light of this understanding and its clear acceptance by a number of governments directly concerned with this issue that the Employers' members accepted the eventual text.

Furthermore, it is clear to us that the right to organize, the right to bargain collectively and the right to act as workers' representatives, as specified in Article 4, are universal rights which are enshrined in ILO Conventions, whereas the obligation to establish works councils is far from being universal and is not enshrined in an ILO Convention, but rather imposed by the legislation of a few countries.

I have already referred to the harmonious atmosphere in which the Committee conducted its work. In this respect, I would like to express our thanks to the Workers' Vice-Chairperson, Ms. Van Den Burg, who protected the interests of her group with skill and tenacity but who is always constructive in her approach and always sought consensus. We have on our side enjoyed the experience of working with her and with her colleagues. I would also thank our Reporter, Ms. Samuel, who has again produced an excellent report which accurately reflects our discussions.

Our thanks also go to Mr. Dumont, the representative of the Secretary-General and to the secretariat of the Committee who worked untiringly and with great precision under, at times, tremendous pressure.

Finally, I want to pay a special tribute to our Chairperson, Mr. Rood. That this Committee operated so efficiently and was such a pleasure to work in was due entirely to his skills, his patience and his unfailing sense of humour. He was indeed an outstanding chairperson. He has given years of distinguished service to this Conference, and he will not, after this Conference, be with us again, at least in his present capacity as leader of the delegation of his country. The Conference is losing a Committee chairperson and a delegate of very special qualities and I want to say to him, on behalf of our group and on my own behalf, that we will miss him greatly.

In conclusion, and with the reservations I have expressed concerning the adoption of the proposed instruments, I commend the report of the Committee on Part-Time Work to the Conference.

Ms. VAN DEN BURG *(Workers' delegate, Netherlands; Worker Vice-Chairperson of the Committee on Part-Time Work)* – During the process of decision-making that led to placing part-time work on the agenda of the Conference as a subject for standard setting, there have been serious doubts from different sides.

Several governments thought the issue to be not relevant enough for their countries; others too complicated for a universal approach. The Employers' group feared that regulation of part-time work restricted the possibilities for creating part-time employment all over the world under the condition of unrestricted maximum profitability. Within the Workers' group some feared that regulation also meant acceptance, whilst their organizations still opposed the introduction of part-time work. So it was not an easy subject.

Nevertheless, I think that the Governing Body made a very wise decision in November 1991 to place part-time work on the agenda of this session of the Conference. Their prediction that part-time work would be a fast and widespread phenomenon in the labour market of the nineties has been confirmed to an even larger extent than was expected.

Part-time work has become a universal phenomenon. In the OECD countries of approximately 400 million working people, 15 per cent, that is about 60 million workers, are engaged on a part-time basis –

one out of eight persons of whom about 45 million are women.

In some countries, like my own, part-time work is even the most common pattern of work for women.

In the whole process of globalization of the economy, these part-time work patterns spread around the world at a very high speed. Countries that last year were freshly confronted with this issue at the Conference from a position of total ignorance, this year appear to be very interested in the discussion. It underlines that part-time work has spread all over the world.

I would like to summarize briefly in four points the main reasons why part-time work, as a universal problem, is such an important issue for the ILO. After that, I will go into the main aspects of the conclusions of the Committee, the proposed Convention and Recommendation and finally, I will conclude with some remarks about the proceedings of the work in the Committee.

In four points, I will try to make clear why the issue of part-time work deserves the full attention of the ILO and of all of you, delegates to this session of the Conference, irrespective of the different opinions and policies that you adopt. I will not conceal that also in the workers' organizations these opinions and policies vary. Nevertheless, nobody can close his or her eyes to the facts of reality.

Firstly, part-time work is an important element in the global economic developments which are creating new forms and patterns of employment. The standard full-time working pattern is no longer exclusively prevalent in these new trends. Entrepreneurs are seeking more flexibility and adaptability in production and work patterns. Particularly in the more and more important service sector, there is an overwhelming variety of employment types and work patterns and schedules. On several occasions during the discussions in our Committee reference has been made to the very recent OECD Jobs Study. In this study, flexibility is a key word, but, as I have argued previously, flexibility is not synonymous with deregulation. As far as part-time work is concerned, the report sees the advantages, but outlines the concept that it should be freely chosen part-time work, at the initiative of and corresponding to the demands of workers.

Some advantages of part-time work and more variety in work schedules are evident also from the workers' point of view. Others, simply reducing costs by unfair treatment and creating new sources of cheap labour, are not. I will come back to that.

The second point I want to mention is the role that part-time work may play in resolving the top priority problem of this decade: mass unemployment. Not only the creation of new jobs, but the fairer redistribution of jobs can play a major role. The White Paper of Mr. Delors, the President of the European Commission, entitled *Growth, Competitiveness, Employment: the Challenges and Ways Forward into the 21st Century*, explicitly mentions the role of part-time work in stabilizing the level of employment. If taken up as a broader policy to shorten working time in general, part-time work can play a role in some countries and some situations.

Is it not curious that whilst productivity rates have increased to a large extent during the past two decades, and that whilst the supply of labour is overwhelming, the average duration of full-time work for those who have not been hit by unemployment has also increased?

An interesting study that was recently published by Harvard economist Juliet Schor, entitled *The Overworked American: the Unexpected Decline of Leisure*, clearly outlines this trend. Since 1948 the productivity level of the American worker has doubled, but his or her average work week did not reduce to half, but instead increased by almost five hours – four weeks on a yearly basis! Instead of an increase in leisure time and time for other activities, the workload and pressure for overtime has risen, and this has not been compensated by double salaries and standards of living!

This brings me to the third reason for the importance of the issue of part-time work. It plays, and may play, an important role at the micro-economic level of the household, in the division of paid and unpaid labour between men and women. It is not a coincidence that part-time workers are for the most part women. Part-time work is part of the so-called "compromise strategy", that was analysed by another well-known OECD study, *Shaping Structural Change – the Role of Women*. Many women over the world are engaged in part-time jobs, because this is the only opportunity for them to combine paid work with family responsibilities. The study outlines the model for the future – the "new workers profile": women and men workers combining both paid labour and other tasks on a more equal basis. This profile was already sketched during the ILO's discussion on the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Workers with Family Responsibilities Recommendation, 1981 (No. 165), adopted at the 1981 session of the Conference. This Recommendation alluded to the role of part-time work and it was not by accident that this ILO standard speaks of "workers", and not just women, with family responsibilities.

The last, but obviously not the least important reason is the fact that the acquired general standards of employment security, of protection and working conditions, are being increasingly undermined and circumvented in terms of their application to a growing number of workers, who, paradoxically, are often called "non-standard" or "atypical" workers, although those types of employment are becoming more and more standard! In the ILO's struggle for social justice it is of unprecedented importance that we remain alert to such developments and formulate policies to prevent us from stepping back in history and having to start all over again with protective measures and elementary workers' rights for precisely these groups, that are often the weakest groups in society.

I have heard several voices in this Conference pleading for a policy of restraint with respect to the development of new ILO standards. "We have already enough standards", they say, "it is better to revise them, or even get rid of them". The Minister of Social Affairs and Employment of my country was speaking about the maintenance of standards as being opposed to the development of new ones. In my opinion this is rather inconsistent. Is it not so, that one of the major threats to maintaining adequate standards is that they are undermined and weakened by the fact that new trends in labour relations are not fully covered by them, and that the growing mass of workers falls outside their protection? This is the case for burgeoning numbers of so-called "self-employed" workers, for example homeworkers – a category that will be dealt with at next year's session of the Conference. And it is, fully or partially, the case for the vast majority of these millions of part-time workers all over the world. I want to remind you of the position of the Government member of Sweden last year, who stated at the beginning of the discussion of the Committee that the creation of a separate instrument for part-time work should not be necessary. Ideally, she would have been right. But, I am sorry to say, the reality is different. I recommend that those delegates who are still not convinced should read the excellent reports that the ILO edited at the different stages of the discussion. I understand that the Government of Sweden in the meantime has changed its position, and is now convinced that it makes a lot of sense to have such a separate instrument as an addition to the so dearly cherished traditional standards.

That brings me to a closer examination of the instruments we have developed during the valuable discussions in the Conference Committee on Part-Time Work both last year and this.

The first remark I want to make on the proposed Convention and Recommendation, that they are *additional* instruments. They do not develop fully new standards, nor are they restricted to an insignificant small, specific group. No. The Convention and Recommendation, as they are before you in the report, intend to make well-known, fundamental and broadly endorsed standards of the International Labour Organization applicable to all part-time workers. Elementary general principles, such as equality of treatment and human dignity, have been elaborated for their specific situation, as a guideline for practice in the member States, whereas at this very moment, part-time workers are in many cases deprived of these elementary rights and protection and suffer discrimination.

This general approach can be found in the definition of part-time work developed after a long discussion during the first reading last year. This definition makes it very clear that the aim is to cover part-time workers under conditions that are already widely accepted for full-time workers. A part-time worker is referred to in relation to a "comparable full-time worker", whose conditions of course vary from country to country, and from sector to sector.

This is a universal, flexible and widely applicable formula that takes into account all the differences and peculiarities of the different countries and branches of activity. It has been further refined this year, to make clear that the intention is to cover all part-time workers, and make them subject only to the justified provisions that apply to the full-time workers with whom they can be properly compared.

This approach of providing part-time workers with the basic protection that full-timers, in all worldwide variety, enjoy is set forth in the proposed Convention and Recommendation. Some basic rights, such as freedom of association and collective bargaining, and the right to act as workers' representatives, should be guaranteed fully to the same extent as in the case of full-time workers.

For other provisions equivalent conditions are the starting points. This is, as has been patiently explained over and over again by the experts of the ILO secretariat, a flexible concept that gives space for proportionality, because with respect to many subjects, as for instance wages and social security provisions, it is evident that a *pro rata* treatment referring to hours of work or earnings is adequate. In the proposed Convention, even more flexibility is provided for by allowing exceptions to a certain extent, for example, with regard to thresholds in social security systems. In the meanwhile, the use of such exceptions is conditioned through provisions for consultation and monitoring by the ILO, and – not least of all – by the guideline in the proposed Recommendation that such threshold requirements should be progressively reduced.

As the delegates who were not involved in the discussion in the Committee can see, sometimes the debates were highly technical. The specific regulations on different social security schemes might very probably not be so relevant for them. It could have seemed a typical European discussion from time to time. Sometimes I have the impression that our European countries played the role of a sort of "blocking avant-garde" especially with respect to the social security provisions. If there had not been such advanced and complicated systems, and if a somewhat more global and less introspective approach had been adopted from time to time, the proposed Convention and Recommendation could have been somewhat simpler. It was clear for many countries that these debates were not so relevant. But once again for these other countries, they do not impose any additional obligations on them.

The main provisions of the proposed Convention and the guidelines of the proposed Recommendation are universally relevant. The formulation of the provisions has the flexibility that many governments fervently pleaded for, with a view to making it easier to ratify the proposed Convention afterwards. I have the impression that we succeeded in satisfying all their needs. And I firmly hope that this will become clear not only in their votes tomorrow, but also in the number and the speed of ratifications after the adoption of the proposed Convention.

A second point on the content of the instrument. Besides the provisions in which equal or equivalent treatment is formulated, there are some specific provisions that derive from the specific character of part-time work. This is for instance the case with the provision on transfers from full-time to part-time work or vice versa. It is made clear that such a transfer should be voluntary and not unilaterally imposed upon a worker. The proposed Recommendation supplements this with the provision that a worker's refusal to transfer should not be seen as a valid reason for termination of employment.

In the debate about these provisions, we have been very careful not to prescribe in detail how exactly such provisions should be applied. It is fully up to individual member States to bring such provisions into line with "national law and practice". This is another "flexibility" clause which makes these proposed instruments easily applicable. It does not impose obligations on member States with regard to part-time workers that do not exist already for full-time workers. And as far as specific provisions are concerned – like the one on transfer which does not constitute grounds for termination of employment – they have been carefully brought into line with general principles from other well-known ILO standards and endowed with flexibility clauses.

A last remark on the proposed instruments refers to the promotion of part-time work. As you may know, the Governing Body placed two aspects of part-time work on the agenda of the Conference: protection and promotion. In my opinion this is in line with the intentions of the Director-General through his Report on the occasion of the ILO's 75th anniversary to intensify the debate on employment and living standards held at this session of the International Labour Conference. For, as I mentioned at the beginning of my speech, part-time work is an important phenomenon in the sphere of employment creation, and many governments want to promote it.

I hope that they will adhere to the position that I have defended on behalf of the Workers' group in our Committee as far as the promotion of part-time work is concerned, that providing adequate protection for and ensuring the human dignity of part-time workers are the best promotional measures that can be imagined. I am fully convinced that this concept works, and that under such conditions part-time work can play a modest or maybe even a major role with respect to improving the employment situation, the flexibility of enterprises, and equality of opportunity on the labour market, and thus help us to achieve higher standards of living and greater social justice in our global economy.

Finally, I would like to add some words on the proceedings in the Committee on Part-Time Work. Much was said about it already at the last sitting of the Committee. The predominating atmosphere at the Committee meetings was of outstanding constructive cooperation.

The Chairman of the Committee, Mr. Rood, who is attending this Conference, alas, for the last time, was a guiding factor in that, and inimitable in his courtesy and accuracy.

Of course, he was supported by the excellent preparatory work of Mr. Dumont and his staff, and his work was given the finishing touch by Ms. Samuel in the report before you.

Also, my co-Vice-Chairman, Mr. Noakes, was a fair and able counterpart. The decisions in the Committee on, in total, almost 100 amendments have, with very few exceptions, been adopted unanimously. This is to be attributed also to Mr. Noakes.

I regret that the Employers' group did not afford him the opportunity to give a more positive opinion about the final result of this cooperation. As a negotiator I know how hard it is not to receive support from the people you represent for an acceptable result in which you invested a lot of time and energy. I would have granted Mr. Noakes also a more positive evaluation from his "backbenchers" so that we could both be "winners" at the end of the race.

I sincerely hope that those Employers' delegates who planned to vote against the proposed Convention or abstain, will thoroughly reflect on their position, bearing in mind the prejudice that would be caused if this proposed Convention did not enjoy universal support and was not given its due importance, taking into account the unique and unprecedented consensus and unanimity in this Committee during its second year.

With a similar appeal to governments that tend to be reluctant or have not yet made up their mind, I want to end this speech.

I am convinced that we will render the 75-year-old ILO a perfect service by adopting this adequate, well-considered, modern, flexible proposed Convention and Recommendation at our meeting tomorrow.

It would clearly demonstrate the youthfulness and capability of the 75-year-old.

Mr. ROOD *(Government delegate, Netherlands; Chairman of the Committee on Part-Time Work)* – When I had the honour and the privilege of presenting the first report of our Committee to the Conference last year, I expected that its work would again be difficult this year, and although the subject matter remained delicate and complicated, one might say the difficulties were mastered in a satisfactory way. Thanks to the excellent preparation of the Office, and notably of Mr. Dumont and his staff, and the extremely constructive atmosphere in the Committee which, by the way, was composed of the nicest group of people you could ever meet in the world, we were able to produce the clever instruments which are now before the Conference. The experienced reporter, Mrs. Samuel, very rightly stated some minutes ago that they are flexible and widely ratifiable.

I particularly thank our two Vice-Chairpersons, Ms. Van Den Burg and Mr. Noakes. As all of you who have worked in Committees on amendments tabled by either group know, the situation can generally be described in such work by the saying, "You win some, you lose some".

Our Committee was especially privileged having such excellent Vice-Chairpersons. When they won, they were modest, and when they lost, they were gracious.

Now you will, I hope, allow me to make a few observations about the proposed Convention and Recommendation and about the considerations the Conference might have as regards the adoption or rejection of these proposals.

Of late, we have heard, read and spoken a lot about the future of the standard-setting task of the ILO. There are reservations because the effectiveness of new instruments appears to be threatened by the low degree of acceptance by member States, especially as regards the ratification of Conventions. We seem to be convinced of the necessity for the ILO to limit itself to truly fundamental issues only, and to produce less detailed instruments than it has allegedly been doing in past years.

Of late, it seems even to have become customary to think that the low percentage of ratifications by member States is being caused by exactly these factors, and therefore primarily by the ILO itself. I beg to differ with that conventional wisdom. It seems to me that other reasons induce, or at least also induce, member States to slow their pace of acceptance of new ILO instruments.

These last 20 or 30 years have seen the birth of new, different international organizations gradually producing a growing number of Conventions. Member States therefore nowadays are being confronted with more, and even considerably more, requests for ratification of international instruments. These instruments have been drafted and adopted in the United Nations, in specialized agencies or in other international organizations such as the Council of Europe. There is no legal need for member States to make choices between the different instruments presented ratification. They may ratify them all. However, I believe that the consideration of such choices takes time and slows the eventual decision of whether to ratify new ILO instruments.

Indeed, one feels inclined to think that the need to weigh the different instruments with a view to their possible ratification serves as a kind of alibi to postpone decisions.

It has been said that the ILO should limit itself to instruments dealing with fundamental workers' rights only. But what exactly are fundamental workers' rights?

Surely, no one can have reservations about labelling the right to organize freely and to bargain collectively as fundamental rights. But if, for instance, part-time workers are being denied equal or equivalent treatment compared with full-time workers – are we then dealing with fundamental workers' rights? And before you feel inclined to answer that question in the negative, please take into account that it so happens that most part-time workers are women. What position do we take when considering a lack of protection in the field of social security when dealing with part-time workers? I therefore humbly raise the question of whether the concept of fundamental workers' rights is really helpful when deciding on which matters the ILO should develop instruments.

You will undoubtedly understand that a Committee such as ours must deal with these and other difficult questions in the course of its discussions. It then tries to find practicable and acceptable solutions. I do hope that Governments, Employers and Workers alike, when considering their votes tomorrow, are willing to look at these matters from the perspective I have tried to present.

Now, there is one last point which I would like to state briefly. The session of the Conference has been further shortened this year. The Committee therefore had at its disposal, for the discussion and examination of approximately 100 amendments, two days fewer than it had last year. Although I am well aware that it is not for a simple Chairman of a Committee to decide the length of the annual session of the Conference, but rather for the ILO's top decision-makers – the Governing Body and the Director-General – I must say that I feel an irresistible urge to kindly but firmly ask you not to proceed further down this road. There are two really serious dangers. The first is that the quality of the instruments being drafted is at risk. The Office and Committee members lack the proper time for thorough consideration of texts and proposed solutions.

Indeed, the ILO's reputation is at stake as far as the quality of its instruments is concerned when we must come to conclusions within unreasonable time-limits. The second danger I see has to do with unduly large pressure which the new timetable exerts on everyone taking part in the discussions, the recording, the drawing up of the report and the translations which are, as we all know, essential.

In concluding, I would like to strongly emphasize that we should refuse to make exceptions to the provisions of our instruments on working time and on forced labour especially for the ILO's headquarters in Geneva, of all places in the world.

Ms. O'DONOVAN *(Workers' delegate, Ireland)* – Taking the theme of the Director-General's Report to this session of the International Labour Conference, *Defending values, promoting change*, the proposed Convention and Recommendation on part-time work provide this Conference and the ILO with a timely and valuable opportunity to translate these high words into meaningful action. The proposed Convention and Recommendation have been prepared with a view to addressing this twin objective and I believe that this difficult task has been achieved in the carefully balanced and realistic text which is before the Conference today.

One of the most fundamental changes which has taken place in the labour market over the last 15 to 20 years has been the widespread growth of part-time employment. In our discussions in the tripartite Committee, there was an acceptance and recognition that part-time workers constitute a significant proportion of the workforce in many countries and that this is set to continue and to grow in the future. It was also accepted that this change in the pattern of employment reflects the changing needs of both employers and workers. The reorganization of work, the impact of technology, the growth in the services sector and the introduction of new methods of production have created a greater demand on the part of employers for part-time workers.

On the other hand, many workers, particularly women workers, have opted for part-time work to enable them to combine paid employment with family responsibility. However, there is also a significant proportion of part-time workers who are forced into part-time employment because of the lack of full-time employment opportunities. This combination of circumstances and needs has given rise to the significant part-time workforce in many of our countries today.

The challenge now is to integrate this part-time workforce into the mainstream of the labour force and to guarantee them certain minimum rights and conditions. This is the primary objective of the proposed Convention and Recommendation before this Conference. The values which the proposed Convention and Recommendation seek to defend are the values of fairness, equity and equality. The terms used in the text of the Convention and Recommendation are terms such as "equitable treatment", "the same protection" and "equivalent conditions". These terms surely cannot be categorized as extreme or alien concepts in this forum. Are these not the fundamental values which underlie the work of the ILO as it seeks to improve the working conditions of workers throughout the world, particularly those who are most vulnerable?

The proposed Convention and Recommendation seek to extend to part-time workers basic trade union and employment rights which are already guaranteed to comparable full-time workers under a range of existing ILO instruments. These include such basic rights as the right to organize, to bargain collectively, to proper health and safety protection and the right not to be discriminated against in employment.

It seems to me that the question which should be before this Conference today is not whether or not part-time workers should have these basic rights but rather why it has taken us so long to get to this point. And I suggest that part of the answer to that question is the fact that part-time workers remain on the fringes of the labour market and also that the vast majority of these part-time workers are women who have difficulty having their voice heard and having their needs identified and recognized. A typical part-time worker in any of our countries is probably a woman with family responsibilities, engaged in semi-skilled or low-skilled employment, with minimum rates of pay, excluded from occupational benefits such as pension and sick pay, with access to very limited social security benefits and with no training and promotional opportunities.

But the proposed Convention and Recommendation are not only relevant to those countries which provide little or no protection to part-time workers. The proposed Recommendation in particular contains a very useful elaboration and development of the basic rights contained in the proposed Convention which could be used by countries which already have some minimum protection for part-time workers. These countries, which include my own country, the Republic of Ireland, should use the provisions of the proposed Recommendation to enhance their own legislation and use the detailed guidelines set down in the proposed Recommendation to move forward in providing protection for part-time workers.

In the absence of the kind of fundamental protection contained in the proposed Convention and Recommendation before this Conference, the majority of part-time workers are lost in a twilight zone on the periphery of the labour market. They are employees without basic rights and entitlements. They have to be available to employers as and when required and they are usually squeezed out of statutory social security systems.

The proposed Convention and Recommendation seek to change this and to give part-time workers the right to work with dignity alongside their full-time colleagues. On this the 75th anniversary of the ILO, this is surely a modest aspiration on their part.

Original German: Mr. WILLERS *(Government adviser, Germany)* – I hope the statement that I am about to make will not sound too academical. On behalf of the federal Government I welcome the report of the Committee on Part-Time Work and congratulate the members of the Committee on the successful conclusion of their discussions. In the same way as previous speakers, I should also like to emphasize the decisive role played by the Committee Chairperson, Mr. M. Rood, and the two Vice-Chairpersons, Ms. I. Van Den Burg for the Workers and Mr. B. Noakes for the Employers, in achieving these results and also in conducting the discussions with care, a spirit of compromise and expert knowledge.

I should also like to express my gratitude to the team of the International Labour Office under the expert guidance of Mr. Dumont and also the Reporter Mrs. L. Samuel, whose excellent report has made it so much easier for me to understand what I am talking about here.

I am convinced that the results achieved in the discussions will contribute considerably towards ensuring that part-time work is considered at its true value in social and labour market policy in the member States of the International Labour Organization. This must be based on the principles of free choice, both on the worker and the employer side, and also on the protection against discrimination and social protection.

Many today prefer part-time work because it is only in this way that they can fulfil themselves at work whilst pursuing private goals and family responsibilities. Above and beyond that, part-time work can make a contribution to reducing unemployment via a better distribution of available work. This point of view is becoming increasingly widespread because in the longer term and worldwide it will not be possible to attain the goal of full employment. In countries with a particularly high level of unemployment, part-time work often provides the only opportunity to escape, at least partially, the fate of unemployment.

Now whatever the reasons are for which workers opt in favour of part-time work, social justice decrees that part-time workers must be protected from discrimination. Only if legal minimum standards exist in the fields of labour law and social protection will it be possible to make part-time work acceptable as an equitable form of work, both on the worker and on the employer side. Since part-time work is engaged in, above all, by women, giving part-time workers an equal access to minimum rights also contributes to greater equality of men and women at work.

I consequently welcome the fact that for these reasons the Committee succeeded in approving minimum legal standards on the basis of a broad consensus. Admittedly the federal Government would have preferred Article 8 of the proposed Convention, which refers to the national social security systems, to have been drafted in a more flexible manner. The Federal Republic of Germany has an elaborate social security system with very broad social benefits. One-third of the gross domestic product is allocated to social expenditure under our social budget. But these comprehensive social security systems can only remain functional if they are protected from abuse and if precisely defined legal criteria are set for social benefit entitlements.

And this is why, in Germany, we have thresholds in the social insurance field linked to the monthly wage levels and the length of the working week. These preclude, for various objectively justifiable reasons, a share of part-time workers from the relevant social insurance scheme. What I should stress is that these workers have no specific social protection by virtue of their part-time work, but they are almost without exception insured in other ways for sickness, invalidity and other situations.

In this context the federal Government takes note of the statement of the ILO's Legal Advisor, Mr. Maupain, made in the Committee on Part-Time Work and my Government can agree with this. In paragraph 133 of the report, the Legal Adviser explains that Article 8 contains not only quantitative but also qualitative criteria, by virtue of the word "unduly" appearing before the words "large percentage". Accordingly a State that has ratified the Convention can exclude a relatively high percentage of part-time workers from the social security system if relevant grounds for so doing exist in their national system. Consequently the word "unduly" must be translated by the word "unangemessen" in the German version and not by the word "übermässig", which has hitherto been used in the texts provided by the Office.

In the light of this explanation the federal Government will be examining whether the objections to Article 8 of the proposed Convention can be withdrawn on the basis of this interpretation of that provision; and in order to ensure that there is no misunderstanding I can say that the German

Government representatives at the Conference will be voting in favour of the proposed Convention.

Mr. MOORHEAD *(Employers' delegate, United States)* – Something happens when we get involved in a technical discussion at the ILO. Instead of an inquiry into the need for a standard in a given area we become enmeshed in the process of producing a Convention and Recommendation. Presumably, the less it says the more ratifiable it is supposed to be.

With regard to part-time work, I have certainly not seen an overriding consensus on what evils needed to be addressed by a protective standard. The closest I have come to finding one is a statement by a representative of the Office in last year's discussion when he stated that "we are trying to place part-time workers on the same footing as full-time workers in respect of benefits". So we have a proposed Convention, much of it based upon European notions of national collective bargaining, that is supposed to apply to the whole world and cover part-time work.

Where are the studies that demonstrate the need for a protective standard? One study by the European Foundation for the Improvement of Living and Working Conditions, published last year on the Economic and Social Dimension of Part-time Work in the European Community, and covering eight member States of the European Union, resulted from a survey of managers and employee representatives. In most cases the employee representatives are members of unions. This is important because it is the employee representative bodies that usually negotiate with employers on the introduction of part-time work. Separate conclusions were noted, and some of those of the employee representatives are worth noting, and I quote: "In most cases part-time workers have no disadvantages in comparison with full-time workers. Part-time work has positive effects upon the labour market and increases employment opportunities for women. Part-time work does affect the working conditions of full-time workers, but the advantages (reduction of overtime and greater job security – which on the other hand means less job security for part-time workers) outweigh the disadvantages (pressure to increase productivity, a lack of solidarity in the fight for better working conditions)".

These are the views of the workers surveyed. Last December the Commission of the European Communities published a White Paper entitled *Growth, Competitiveness, Employment*. In that paper the Commission called for structural changes in the labour market and regulations limiting the expansion of certain sectors such as services. As we know, the services sector makes heavy use of part-time workers. This, the Commission felt, would make it easier to employ people and increase job growth. In the same paper, the Commission called for the "regulatory framework" to become "more enterprise-friendly".

The response of the ILO to this paper, as reflected by the work of the Part-Time Work Committee, is to propose a Convention and Recommendation which seeks to make part-time work more costly. The EC White Paper notes that social protection schemes have had a negative impact upon employment, and have been barriers to the employment of new entrants to the labour market. None the less, the Conference is now considering a part-time work Convention that does the opposite. It seeks to require the adaptation of statutory social security schemes, so that part-time workers enjoy equivalent conditions comparable to full-time workers.

Significantly, while we were meeting this year, the Finance Ministers of the European Union agreed to create an expert panel to root out bureaucratic barriers to jobs and to examine national regulations that impede job creation. Our response to this decision by the Finance Ministers is to propose a Convention and Recommendation regulating part-time work.

Again, while we were meeting this year, the OECD released a jobs study that called for the reduction and removal of provisions in the structure of tax and social security contributions that discourage hiring or part-time employment. Our response to this call is to propose a Convention and Recommendation regulating part-time work.

We should have been guided in our work by the Director-General's Report, from which I quote, "Whenever a Convention cannot be made ratifiable without first watering down the standards it sets, it would seem preferable to adopt instead a fully autonomous, clear, precise and detailed Recommendation, which might guide member States along their path to fuller development." I continue to quote, "The Conference should ... perhaps reconsider the practice of almost systematically adopting a Convention and Recommendation on the same subject."

Given how little is known about the nature of part-time work, the different stages of part-time work development in each country and the various forms into which it is constantly changing, this would have been good advice to take. Indeed, the Employers' group would have willingly supported such a Recommendation. Instead our Committee chose to propose a new regulation.

Last year I appealed particularly to developing countries to participate in the part-time work discussion and to examine the consequences of the regulation of part-time work on job-creation and economic development. I invite you again to consider the consequences.

Not one job will be created by the proposed standard. Indeed, because of restrictions it is likely to retard the development of part-time work and job-creation. Therefore, my delegation will oppose the adoption of the proposed Convention.

Mr. SANDRASEKARA *(Workers' adviser, Sri Lanka)* – I think I will accept the invitation extended by the previous speaker for a representative of a developing country to state what we feel about the proposed Convention and Recommendation concerning part-time work. Now, my country Sri Lanka is accelerating its efforts with a view to attaining industrialized status by the year 2000. At the same time, the whole global community is caught up in economic liberalization policies, deregulation policies, open economic strategies and a whole host of things that at one stage were considered well demarcated within industrially developed countries.

Now the situation has changed. It is changing, it will continue to change, and we do not wish to be left behind in the overall development process. Listening to the two discussions that I attended last year and this year, I find that there are specific provisions in some but not all industrially developed countries to protect the interests of part-time workers. But in our country, although there is some form of part-time work it is not structured. The safeguards available in the industrially developed countries are not available in our countries because we did not see this as a problem at that point of time. Now, with the globalization of the economy catching up with all of us, we have begun to think that part-time work will also trickle down as a part of our mainstream economic structure. Therefore, we believe that international guidelines that could be enforced by local legislation should be put in place to provide some sort of protection for part-time work.

I would like to highlight the fact that from available evidence part-time workers are mostly women workers. Today, the world led by the ILO is giving greater and greater emphasis to the need to provide equality to women workers, to give them more protection because it has been found that if some workers are to be sidelined it will be the women workers.

So taking account of all these factors, we believe, coming as we do from a developing country, that a Convention and Recommendation for part-time workers is necessary and we support this totally, unequivocally and clearly, and my appeal to the Conference is to give its full support to the adoption of these two instruments.

Mr. GRAHAM *(Workers' adviser, South Africa)* – South Africa, from whence I come, is a land of many contrasts. Not least of these is that the country is founded upon an economy that is predominantly a developing one; but there exists simultaneously a highly sophisticated and advanced developed-economy component. I therefore believe we speak from a rather unique position, and it is within that context that I wish to make several observations.

We come to this Conference likewise in a somewhat unique position. South Africa was a founder member of the ILO; however, because of the abhorrent system of apartheid, we were as a nation excluded from full participation and from playing an active role in all facets of this Organization for many years.

Our view is therefore seen from the perspective of one who has looked at the tapestry from afar, and has sometimes seen parts of it very close. Yet as we walk towards it, we observe the richness of the fabric, the intricacy of the stitch and the delicacy of the weave.

We South Africans tend to look upon things with an analytical and somewhat critical eye. We are straightforward and to the point. I would now like to address the report at hand. I would like to address three issues in dealing with that report.

First, much has been said both in the Committee on Part-Time Work, and even here, about the effect that the proposed Convention and Recommendation in the report of the Committee on Part-Time Work, that you have before you, will have on: the way we work; the profitability of institutions and enterprises; and national economies as a whole.

In attempting to address this matter, let us adopt a candid analysis of the instruments before you. Let us address the question of what those instruments really do or, perhaps more importantly, do not do. The thrust of the instruments, I submit, is to say that part-time workers, in appropriate circumstances, must be treated no less favourably than their comparable full-time counterparts. No less and no more. The mere fact that some workers work less hours than others is in itself no ground for lesser treatment – no ground for exploitation.

How does the proposed Convention achieve this laudable goal? It does so through words such as: "the same protection", when dealing with fundamental rights in article 4; it does so through "measures appropriate" in article 5; "in proportion" in article 6; "conditions equivalent" in article 7, and so on and so on.

Hardly the words of rigidity, inflexibility and overregulation. The proposed Convention instead enshrines the words of reason. We have gone through a long process to achieve that – the words of equity, the words of fairness and of justice. The aim is to surely eradicate injustice, exploitation and, what I would term, economic discrimination based merely upon the hours one works.

The proposed Convention is not without checks and balances that I believe will satisfy even the most ardent critics. There are words such as "where appropriate" – a phrase over which we had much debate; and the concept of thresholds. These are the protections built into the proposed Convention to address even its most ardent critics. These, we believe, are defensible arguments – dare I say it – unassailable arguments. Read the report and you will see that there are no in-depth cogent lines of reasoning raised to substantiate that part-timers do not deserve to be collectively bargained for, represented, organized, and the like. There are no convincing arguments why they should not receive occupational health and safety benefits, equivalent maternity protection, annual leave, and even sick leave. There are no cogent arguments, there is no convincing line of reasoning, I submit, why they should not be treated on a full and equitable basis with their comparable full-time counterparts. No cogent arguments were presented to show why this proposed Convention and Recommendation impedes further job creation in any way.

We have had the phrases bandied about, and this is where it has ended. I put it to you, on behalf of the South African labour movement, that flexibility does not mean exploitation, that flexibility cannot mean exploitation, and that it should not ever be allowed to equal exploitation. Heaven knows we have seen enough exploitation in our country. We want to see it disappear on all fronts.

Now, if you accept that proposition, then there is no reason to oppose this report. There is no reason to oppose this proposed Convention and Recommendation.

Second, let us have a look at the process, for I believe the process is a vital indicator of what actually occurred during the Committee discussions. One thing that immediately springs to mind is that the process that was followed in this Committee measures and compares extremely well against that followed in my own country to achieve our own settlement. In both cases, a set of radically differing views and propositions were reconciled into a realistic and positive compromise. No one was the winner, but no one was the loser either.

Like in our country, there are those that fear the settlement – the political settlement in South Africa, the Convention contained here. There are those that predict doom and gloom. I venture to suggest that history will prove all to be misguided and wrong.

Third, as several of my colleagues have alluded, the instruments are particularly pertinent in addressing the issue of disparity of working conditions between men and women. That is not a western phenomenon. It is not a developing country phenomenon. It is not only a developed country phenomenon. It exists throughout the world. In my country, many working women who are part-time workers are the single breadwinners of an entire household. The gender issue is extremely important to us, and it would be a sad day indeed were the exploitation of women workers allowed to continue, especially under the guise of their being called "part-time" employees. It is noteworthy too that there was much active participation during the Committee from the many women delegates. It was particularly so on the Government benches, and particularly so on the Workers' benches. This is, I submit, a further indication of the relevance and importance of this issue for women. So it is all those women that I salute, and that I urge you to salute, by adopting the proposed Convention and the Recommendation. In South Africa there is a well-known political saying which when translated into English means "power to the people". Perhaps just this once it should be "power to the women".

With these three points in mind, I have no hesitation on behalf of the South African labour movement, in unreservedly urging you all to support and to adopt the report, and to adopt the proposed Convention and the Recommendation. And I urge governments to ratify it.

Mr. STEYNE *(Workers' adviser, United Kingdom)* – Last year, I had the honour to be the very last speaker from the floor of the Conference. This year, I almost repeat that feat. I am one of the last of the trade union representatives to congratulate the President on his election at this session of the Conference. As one of the newest regular Workers at the ILO, it was good to know while we were interned in room 17 and sometimes I doubted if we would ever be allowed out that the Conference in this 75th year of the ILO was safely and properly in the hands of a worker and one who is amongst the most experienced in the ILO system.

Let me turn now to the report of the Committee on Part-Time Work. It is my honour, on behalf of the seven and a half million trade unionists represented by the Trades Union Congress in Britain, to support the adoption of the report. I should like to echo the comments of Professor Rood and of my trade union colleagues who have spoken before me. But I have to say, following Brother Graham's *tour de force* will be a hard task. I should like to make a few brief additional points. The Convention we have drafted recognizes the economic importance of part-time work. But, while it also recognizes that part-time work may, and I underline may, create additional employment opportunities, it in no way suggests or supports the replacement of full-time jobs with part-time employment.

Secretary Reich of the United States, in his speech to the high-level meeting on employment, noted that flexibility in hiring and firing had never led to higher standards of living. It is obvious to state that replacement of full-time jobs with part-time jobs may be of great benefit to employers, linked as it is to increased flexibility, productivity, and profitability; but the associated reduction in the income of families, who may depend, as Brother Graham said, solely on the one part-time income, can only compress demand in the market, and often excludes those workers and their families from participation as consumers of all but the basic necessities.

There are few industrialized countries with high-wage economies, where working people may be able to afford to choose part-time work freely, perhaps in order to pursue further education or to spend more time with their children. Those countries are few and far between. In my country, the United Kingdom, part-time work is largely associated with low pay. Five million workers, a quarter of the employed population, work part time. Ninety per cent of them are women. Only 11 per cent work in professional employment. These low-paid women workers cannot choose part-time work freely. Those with child-care responsibilities, and I hasten to add that my country still has far to go in equalizing those responsibilities between women and men, often have little choice because of the lack of affordable child-care facilities. This is indicated by the following figures: in 1990, 44 per cent of working women in Britain worked part time, compared with only 8 per cent of men. Of course, in some sectors, there simply is no full-time work available, as employers replace full-time workers with cheaper, more flexible part-timers. Here, the possibility of identifying comparable full-time workers with similar occupations in the same branch of activity, as laid down in the proposed Convention, is of central importance.

Part-time work is one of the most widespread forms of atypical employment relationship throughout the world. Most part-time workers, as I have said, are women. They deserve protection. The instruments we have placed before the Conference are flexible. They enshrine basic rights, central to the ILO as an entity, central basic rights of freedom of association, health and safety at work, and protection against discrimination in employment. They insist that part-time workers should enjoy the same pay, calculated proportionately, as comparable full-time workers. They provide for equal maternity protection for part-time working women. In response to the distinguished Employers' delegate from the United States, I would remind the Conference of Paragraph 16 of the Recommendation, which specifically calls for the adaptation of statutory social security schemes which discourage recourse to, or acceptance of, part-time work. But the instruments also allow for proportionality in a wide range of conditions, and also for some exclusions based on thresholds. We welcome the provision that those thresholds should be progressively reduced, and that they should be the subject of tripartite consultation.

In March this year, the House of Lords, the supreme court of the British judicial system, decided that thresholds that excluded a great many part-time workers from protection against unfair dismissal and from protective redundancy provisions were illegal because they amounted to indirect sex discrimination.

The TUC believes that that judgement will be extrapolated to other areas of discrimination against part-time workers. Last year, I referred, in my speech to the plenary on the adoption of last year's report of our Committee, to the abysmal record of ratification of my Government since 1979. I hope sincerely that the far less obdurate conduct of my Government in the deliberations of the Committee this year, following the House of Lords' judgement, will be reflected in a decision by our Government to support the adoption of this Convention on Part-Time Work, and in a decision to ratify the Convention and accept the Recommendation.

I have referred to part-time work as one of the most widespread forms of atypical employment relationship. Next year we will begin discussion of another – homeworking, an area in which, again, primarily women workers desperately require protection. It would have been most appropriate if, in this 75th anniversary year of the ILO, we had commenced, with the Convention before you today, a body of instruments to protect the most vulnerable and most exploited workers in the world. I would draw your attention to the identification by the Committee of Experts of contract labour as a major contributory factor to the extent of child labour in Thailand. It is therefore a source of even greater regret to the Trade Union Congress that the proposal of the Workers' group of the Governing Body to begin discussion in 1996 of a new instrument on contract labour was not accepted by Employers and many Governments on the Governing Body.

We hope that contract labour will be on our agenda here before we celebrate the 80th anniversary of the ILO.

With that concluding remark, which is intended to remind the Conference that the central role of the ILO is to protect working people, and that it should continue to fulfil that role for the elaboration of new and relevant international labour standards, it is my great pleasure to commend the report of the Part-Time Work Committee to the Conference. In doing so, I should like to add my voice to the appreciation already expressed for the excellent work of our Chairperson, Professor Rood and Mr. Dumont of the Office and his staff, Mrs. Samuels, our Rapporteur, of the Workers' and Employers' Vice-Chairpersons and to all my trade union colleagues for the long hours of hard work we have shared together over the past two years.

Original French: Mr. TOURE *(Employers' adviser, Mali)* – I am speaking to this assembly on behalf of the African employers in order to emphasize some of the particularities of our situation with respect to part-time work.

The question of part-time work which is being considered today is of definite interest, to workers and employers alike. It offers opportunities for the organization of working time for certain categories of workers.

Nevertheless, part-time work is a new concept for many developing countries. In mine, Mali, it was introduced in the legislation only in 1992. This is certainly not the case for industrialized countries which have been practising it for a number of years now already.

Some African employers wonder whether we should lay down regulations for part-time work in an international instrument such as a Convention. Our answer was no, because to adopt a Convention and to encourage our countries to ratify it means, for developing countries and in particular for the African countries, taking a short-cut to put them on the same level as industrialized countries. This is something we would not wish to do. We have tried to do it in other areas, and today we are continuing to pay the price for the consequences of this thoughtless action.

We agree to change and we agree to develop, but we want to do so at a rate that we can stand.

Neither the people nor the mentalities of our countries are ready to understand and adjust the system of part-time work to the countries' circumstances. Both national administrations and enterprises need to be restructured if a part-time work system is to be put into practice.

If we read the definition of part-time work that is given in the Convention, we realize that it is practically impossible for it to be understood by an African employer.

In our countries, definitions are one or two sentences long, with one or two commas, whereas in the proposed Convention the definition took four paragraphs and three subparagraphs. This is simply to explain to you the mentality of African employers so far.

For all these reasons, we wanted to have an instrument whose provisions we could adjust in the light of circumstances rather than a Convention that would impose almost insurmountable constraints on us.

Therefore, we have fears about the adoption of a Convention supplemented by a Recommendation. We can say frankly that we have reservations and even a certain amount of reluctance.

Apart from these few comments, we have nothing against the adoption of the report submitted to us.

Original French: Mr. WOOLFORD *(Employers' delegate, Canada)* – During the last few years and even at this Conference, the Members of the International Labour Office have been examining and discussing amongst themselves the role and work of the Organization and considering the possibilities for reform. If Members want a demonstration of the need for a reform process, they can find it in the Convention and Recommendation on part-time work.

(The speaker continues in English.)

All around the world countries are grappling with the challenge of finding work for their people. In my own country, in Canada, we are now in our third year of recovery and expansion since the recession of 1991 and yet unemployment is still around 10.5 per cent. In some European countries the unemployment rate is above Canada's, an absolutely unheard of circumstance. The rate for France is over 12 per cent. Employers' delegates like Mr. Touré from Third World nations spoke eloquently in our Employers' meetings about the pressing need in their countries to find work for their people. This problem is recognized by the ILO itself. Ministers held a special session here in the early days of our Conference. The leaders of this very group got together to consider what should be done about unemployment. I wish they had taken a few minutes in order to visit the Committee on Part-Time Work. I think, no I hope, they would have been shocked to discover what we were doing.

(The speaker continues in French.)

We need job creation. Part-time work is a growing phenomenon. In other words, we are seeing the creation of thousands of jobs and that is the main objective of all governments represented at this meeting.

And what is the response of the ILO? We set up a committee in order to propose how our member States should regulate and control this source of new job opportunities.

(The speaker continues in English.)

This is economically unwise and against the best interests of those millions of unemployed people in our countries. We now know that regulations are generally anti-employment. They raise the cost of hiring a person. They are likely to reduce the wages that he or she can be paid, and they constrain the flexibility with which individuals and firms can respond to changing circumstances. It is hard to understand why the ILO would take such a step.

There are a few other considerations Members should bear in mind as they approach the vote on these instruments. The service sectors are the sectors in which most new First World jobs are being created, both part-time and full-time. By their nature these sectors are heavily reliant on part-time work. I wonder if there are any delegates here today who plan to eat their meals at the Conference between the hours of 9 and 5.

Secondly, part-time jobs are very important to groups that are of particular concern to the ILO, that is, as several speakers have mentioned, women and young people. And yet the proposed Convention and the Recommendation could easily make it more costly for employers to hire these people in countries that bring additional regulation or legislation into place in order to comply with the ILO instruments. Many Employers' representatives from the Third World in our Employers' group noted that the proposed instruments are simply irrelevant to the realities that they face in their economies, and I think Mr. Touré made that point very tellingly just before me.

Finally, as speakers from governments and the Workers' and Employers' groups variously noted over the course of our Committee's work, part-time workers are already covered by many ILO instruments. For these reasons, on behalf of Canadian Employers, I cannot support the proposed Convention and Recommendation. I would urge others who share my concerns not to do so either.

Original Spanish: Mr. DE ARBELOA *(Employers' adviser, Venezuela)* – First of all, I would like to congratulate the President on having being elected to preside over this 81st Session of the International Labour Conference, which commemorates the 75th anniversary of our Organization. I should also like to extend my greetings to his "family" of trade unions. As we know, they have been involved for many years in labour causes in the United States and the world and campaigned for democracy and trade union pluralism in Latin America.

I should just like to take a few minutes to explain the reasons why we have decided to vote "no" to this Convention. Venezuela is a developing country which is trying to overcome a very critical economic and social situation. Nevertheless it has ratified considerably more Conventions than the overwhelming majority of developed countries.

In this context, we, in the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS) are particularly concerned that on the grounds that there is a lack of machinery for tripartite discussion in our country, we have had to submit a complaint to the ILO with the support of the International Employers' Organization, because we believe that our labour legislation violates a number of these Conventions.

Furthermore, as was noted by the Committee on the Application of Standards and in accordance with the reports of experts our Government is in the process of dealing with a series of questions in relation to this complaint and other cases of failure to implement standards. As the President of FEDECAMARAS, Mr. Romero Nava, said in his statement to the plenary, we are confident that the new Government of Venezuela, which is headed by an illustrious compatriot, will, in the near future, take the necessary measures to compensate for or resolve these aspects to which I have referred.

Given our present situation, it is essential to promote conditions that will stimulate national and international investment for the creation of productive employment, contribute to the elimination of poverty and improve the low standards of living of the overwhelming majority of Venezuelans. Finally, the employers of our country, a developing country, believe that present circumstances require more opportunities for employment, above all for young people, older people and those of low skill levels so that they might have better access to the labour market.

We therefore feel that the time is not ripe to place – either directly or indirectly – further obstacles to the creation of productive employment, whether this takes the form of full-time, or in this case, part-time jobs. For these reasons, the delegation of the Venezuelan employers feels that it is bound to err on the side of caution with respect to the adoption of any new standards or Conventions which would stand in the way of overcoming the critical problems of unemployment and underemployment – which does not facilitate the necessary economic integration of our country.

Therefore, we must once again state that we do not agree with and we shall vote against this proposed Convention.

Mr. JONATHAN *(Workers' delegate, Lesotho)* – The Lesotho workers join me in extending their heartiest congratulations to the President and his Officers on their unanimous election at this session of the International Labour Conference. I wish to echo the feelings that have already been eloquently expressed by the distinguished delegates who spoke before me.

On behalf of the Lesotho workers, I would like to express my full support for the report of the Committee on Part-Time Work and the proposed Convention and Recommendation concerning part-time work, annexed to the report. I very much hope that the Conference will adopt the report as well as the Convention and Recommendation. The words contained in the proposed Convention and Recommendation have taken us two years of hard work and overall we have achieved a good result. I would therefore like to congratulate the Chairperson of the

Committee, Mr. Rood of the Netherlands, and also the Employer and Worker Vice-Chairpersons, Mr. Noakes and Mrs. Van Den Burg, for their work, especially in steering this Committee to the stage we have reached.

At a time when we are celebrating the ILO's diamond jubilee, it is important to reflect not only on the ILO's past achievements. Impressive though they may be, it is just as important to look at the situation with regard to the overall labour market and see what changes have taken place over the years. In my view, the phenomenon of part-time work has in many parts of the world become very important. What is more, it is not restricted to workers who simply want to occasionally want to supplement family incomes when it is convenient, but also to workers whose livelihood depends on the earnings they receive as part-time workers. This is an area where workers remain unprotected. I am thinking here of professional men and women who for a variety of reasons have to work on a part-time basis. In some cases this is due to family responsibilities and in others it can be because of physical disabilities. I am therefore happy to see that in article 7 of the proposed Convention some basic rights are covered.

The issues of termination of employment, maternity protection, paid annual leave and sick leave cannot be said to be anything but very basic conditions of employment. A lot of part-time workers, especially those working at home with machines, get injured, but they are often not covered adequately by legislation. I am therefore pleased to see that the proposed Convention mentioned this important area.

In the part of the world where I come from, I see that a lot of female teachers and farm workers, especially in the case of the latter, work on a part-time basis during peak periods. In the case of farm workers, this phenomenon is linked with seasonal work. The right of these workers to seek employment is very important.

I am therefore happy to express my fullest support to the request of Mrs. Van Den Burg, Vice-Chairperson of the Committee, that the report, the proposed Convention and the proposed Recommendation be adopted by this Conference. Such a decision by the Conference will signal an important development in the extension of the basic conditions of employment of part-time workers.

Mr. SIMANJUNTAK *(Government adviser, Indonesia)* – My delegation supports the view of the Committee that part-time employment has been of particular significance for both developed and developing countries. It is very important not only when unemployment continues to be a major social and political problem, but also when industrial capacity to absorb an ever-increasing labour force is limited. In many developed countries, the existence of part-time work may be due to greater freedom of choice of workers and flexibility of working time arrangements. It creates greater opportunities for employers to react to the demands of new technologies and for households to reconcile professional and family aspirations.

In many developing countries part-time work appears as the only choice for the labour force because there is not enough full-time employment available. In my country, Indonesia, the rate of unemployment is rather low, about 2.5 per cent, but the rate of underemployment in terms of working hours is quite high, over 30 per cent. In our work definition, those who are working less than 35 hours per week are categorized as underemployed. They can also be categorized as part-time workers in terms of working hours and their low level of productivity. They have to accept such conditions because full-time productive employment is not enough for the whole labour force.

In such conditions, my Government is concerned with three objectives. First, to create about 2.5 million new jobs every year, including part-time employment. Second, to increase the productivity of underemployed workers. Third, to improve protection for part-time workers or for underemployed workers.

My Government must strike a balance among the three employment objectives. My Government realizes that over-protection of part-time work may not only hinder new employment creation but also reduce existing employment.

Therefore, the application of standards to protect part-time workers should not be counter-productive in preventing the creation of new employment opportunities. Moreover, the application of such standards should be aimed at increasing the productivity and improving the working conditions of part-time workers without any reference to trade, domestically or internationally.

The PRESIDENT – We will now proceed with the adoption of the report itself, paragraphs 1 to 270.

May I take it that the report is adopted?

(The report is adopted, paragraphs 1 to 270.)

PROPOSED CONVENTION CONCERNING PART-TIME WORK: ADOPTION

The PRESIDENT – We now proceed to the adoption of the proposed Convention concerning part-time work. I submit the Preamble for adoption.

(The Preamble is adopted.)

The PRESIDENT – We now proceed to adopt the proposed Convention, Article by Article.

(Articles 1 to 11 are adopted seriatim.*)*

The PRESIDENT – In the light of the comments made, of which due note has been taken, may I take it that the proposed Convention as a whole is adopted?

(The proposed Convention is adopted as a whole.)

The PRESIDENT – In accordance with article 40, paragraph 7, of the Standing Orders of the Conference, the proposed Convention concerning part-time work will be submitted to the Drafting Committee of the Conference for the preparation of the final text.

PROPOSED RECOMMENDATION CONCERNING PART-TIME WORK: ADOPTION

The PRESIDENT – We now move on to the adoption of the proposed Recommendation concerning part-time work. I submit the Preamble for adoption.

(The Preamble is adopted.)

The **PRESIDENT** – We now proceed to adopt the proposed Recommendation, Paragraph by Paragraph.

(Paragraphs 1 to 22 are adopted seriatim.*)*

The **PRESIDENT** – In the light of the comments made, of which due note has been taken, may I take it that the proposed Recommendation as a whole is adopted?

(The proposed Recommendation is adopted as a whole.)

The **PRESIDENT** – In accordance with paragraph 7 of article 40 of the Standing Orders of the Conference, the proposed Recommendation concerning part-time work will be submitted to the Drafting Committee of the Conference for the preparation of the final text.

We have now completed the consideration of the report, as well as the proposed Convention and Recommendation submitted by the Committee on Part-time Work. I certainly want to express my gratitude to the Chairperson, the Vice-Chairpersons, the Reporter, the members of the Committee and the staff of the secretariat for the excellent work they have done.

(The Conference adjourned at 5.15 p.m.)

Corrigendum

Provisional Record No. 22

Page 22/7, first column: the fourth paragraph should read "Mr. HERMINIE, Minister of Employment and Social Affairs, Seychelles".

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28

Twenty-eighth sitting

Friday, 24 June 1994, 10.15 a.m.

President: Mr. Gray

FINAL RECORD VOTE ON THE CONVENTION CONCERNING PART-TIME WORK

The PRESIDENT – The first item on our agenda is the final record vote on the Convention concerning part-time work, the text of which can be in *Provisional Record* No. 23A.

I give the floor to the Clerk of the Conference.

Original French: The CLERK OF THE CONFERENCE – Throughout the Conference and last week in particular you have had the opportunity to carry out test votes, using the little machine before you on your table, and to check whether your badge works and is properly coded.

The procedure for the vote that is about to be held is very simple. As you have seen in the *Daily Bulletin*, we are going to open a vote during the first hour of this sitting. This means that all delegates will have the opportunity to vote during that hour on the Convention concerning Part-Time Work, whether they are in the room now or arrive later, following which that vote will be closed and the vote on the Recommendation will be opened.

The instructions are very clearly indicated on your voting station. You insert the badge and a message appears telling you exactly what to do; you are asked a question and you answer "yes", "no" or "abstention", making sure to confirm your vote by pressing the "valid" button twice. If your vote is not confirmed by the "valid" button, it will not be registered. When you withdraw your badge, you will hear a "beep" if your vote has not been recorded, in which case you must repeat the procedure and confirm your vote. If you have any difficulty, there are people stationed in the room to help you out at any time.

We shall therefore proceed to the vote. As you see, the electronic voting procedure has been initiated and you can begin to vote.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The PRESIDENT – The result of the vote on the Convention concerning part-time work is as follows: 258 in favour, 88 against, with 43 abstentions. The quorum is 271. As the required two-thirds majority has been attained, the Convention concerning part-time work is adopted.

(The Convention is adopted.)

FINAL RECORD VOTE ON THE RECOMMENDATION CONCERNING PART-TIME WORK.

The PRESIDENT – We shall now proceed to the final record vote on the Recommendation concerning part-time work, the text of which can be found in *Provisional Record* No. 23B.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The PRESIDENT – The result of the vote on the Recommendation is as follows: 291 in favour, 35 against, with 71 abstentions. The quorum is 271. As the required two-thirds majority has been attained, the Recommendation concerning part-time work is adopted.

(The Recommendation is adopted.)

The PRESIDENT – I have several requests for the floor from delegates who wish to explain their vote.

Original French: Mr. BRANDT *(Government adviser, Switzerland)* – I would like, in this brief declaration, to explain the attitude of the Government of Switzerland in respect of the vote that has just been taken.

We abstained on the vote on the Convention concerning part-time work. Indeed, one of our social security laws, a federal law on old age, survival and invalidity, does not meet the requirements of Articles 6 and 8 of the Convention.

The differences between the text of the Convention and the above-mentioned legislation are rather important.

According to its policy in the matter of ratifying international labour Conventions, Switzerland could not have ratified this Convention in the near future.

Under Article 4 of the Convention, finally, while there is no legislation on this question in Switzerland, it seems that the application of this provision through collective agreements could also cause serious problems for a specific industrial sector, mainly the Swiss machine tool industry.

Original French: Mr. RAMOND *(Government delegate, France)* – The French delegation wishes to explain the reasons for its abstention.

Indeed, we would have liked to vote in favour of a good Convention likely to be ratified by a large majority of States. Our legislation induced us to regard the discussion on this Convention to be under particularly favourable auspices. Unfortunately, it appeared that the quality of our national legislation, which allows wage compensation to persons obliged to cease their part-time work, was incompatible with the provisions of Articles 6, 7 and 8 concerning social security.

Our experts tried, through various attempted amendments, to reduce the risks for our country. Not only were they unable to achieve this but, on the initiative of one of the IMEC countries, matters were complicated still further.

So, after a study of the Convention, our technical services informed us that, for the time being, it was impossible for us to ratify it. Were we therefore to adopt the attitude of many delegations who voted in favour of the Convention knowing full well that it will be impossible for them to ratify it?

Their attitude can easily be understood. They consider, indeed, that by voting for a Convention they will not ratify, at least they will not prevent other countries from ratifying it if they so wish. We understand this reasoning, but what will happen if there are not enough ratifications for this Convention to be implemented? Does it contribute to the progress of international law if there are a number of Conventions which are voted but not ratified, as has been the case for the past ten years? Are we in the process of obstinately building a museum of prototypes of international Conventions? We thought that it would be preferable today, for purely political reasons relating to the future of the ILO, to stop this motor which seems to be running in neutral in the interests of the very credibility of the ILO as an institution. This is why my country has abstained.

Mr. AHMED *(Workers' delegate, Pakistan)* – I want to make a special request. Due to an unavoidable reason I could not vote. I should be very glad if my vote could be taken as affirmative.

REPORT OF THE COMMITTEE ON SAFETY AND HEALTH IN MINES: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT – The next item on our agenda is the consideration of the report of the Committee on Safety and Health in Mines.

I have the pleasure of asking Mr. Bekes, Government adviser, Hungary, Chairman of the Committee; Mr. Pirie, Employers' adviser, Canada, Employer Vice-Chairman; Mr. Maitland, Workers' delegate, Australia, Worker Vice-Chairman; and Mr. Thompson, Government adviser, Australia, Reporter of the Committee, to come to the rostrum.

I invite Mr. Thompson to submit the report to the Conference.

Mr. THOMPSON *(Government adviser, Australia; Reporter of the Committee on Safety and Health in Mines)* – First of all, I would like to take this opportunity to congratulate our President, Mr. Charles Gray, on his election to lead the work of this historic 81st Session of the International Labour Conference.

I say historic for several reasons. Firstly, it coincides with the 75th anniversary of the International Labour Organization. Secondly, it sees the return to this unique international tripartite forum of the Republic of South Africa – one of the world's great mining nations. Thirdly, on the agenda we have the first discussion of safety and health in mines. This item is of paramount importance because mining is regarded as one of the world's most hazardous occupations and is characterized by many unique hazards and constantly changing working environments.

Accordingly, I am both pleased and proud to submit to the 81st Session of the International Labour Conference the report of the Committee on Safety and Health in Mines. The report, which can be found in *Provisional Record* No. 26, covers the proceedings of the meetings which, on the basis of a first discussion, have led to conclusions proposed with a view to a Convention and a Recommendation.

The report also contains the text of a resolution passed unanimously by the Committee. It calls for the item entitled "Safety and health in mines" to be placed on the agenda of the next session of the Conference in 1995.

Our Committee held 13 meetings over nine days and examined 206 amendments during approximately 38 hours of discussion. Some of these amendments required lengthy deliberations and careful analysis and had far-reaching effects on the final text. I should stress, however, that the discussion in the Committee clearly demonstrated a shared concern for the protection of the safety and health of mineworkers. As a result of this, the Committee was able to arrive at a consensus or an acceptable compromise on the majority of issues.

It must also be stated that our task was somewhat facilitated by the previous work of the ILO, including the Conventions and Recommendations listed in the Preamble to the Proposed Conclusions, as well as by the two most recent ILO codes on safety and health in underground mines and in opencast mines. The two reports produced by the Office and which form the basis of this discussion, namely, Safety and health in mines, Reports V(1) and V(2), were also useful and valuable references.

In regard to the document itself, the first section of the Proposed Conclusions deals with definitions, and the scope and means of application which have been proposed with a view to a Convention. It suggests that the instrument should cover both underground and surface sites where exploration and mineral extraction activities are carried out, and that it should apply to all types of mining enterprises. To provide some flexibility, however, the possibility of excluding certain categories of mines exists, but only after consulting with representative groups of both employers and workers, and only so long as the safety and the health of workers is not compromised. Reference is also made to the progressive covering of the categories of mines which are subject to such exclusion, and to an obligation to report the reasons for the exclusion to the International Labour Office, to ensure scrutiny. This section also requires member States to consult with employers and workers and to formulate, implement and periodically review a coherent national policy on safety and health in mines.

The next section is entitled "General provisions". It specifies provisions in national laws and regulations to ensure implementation, including the designation of the competent authority to monitor and regulate the various aspects of safety and health in mines, procedures for reporting and investigating mine disasters, accidents and dangerous occurrences, and the publication of relevant statistics. We also have included requirements relating to the provision of mine rescue, first aid and appropriate medical facilities, an obligation to provide self-rescue respiratory devices for underground mineworkers, provisions concerning the handling, transport and use of explosives and initiating devices, requirements for the safe storage and disposal of waste and protection measures for abandoned workings. All these will need to be addressed in national laws and regulations.

National laws and regulations will also have to provide for the establishment of procedures to ensure respect for the right of workers to participate and be consulted on safety and health issues and to ensure the rights of the persons selected by workers to represent them in these matters.

Workers will also be assigned several responsibilities in relation to health and safety, as follows: they will have to take reasonable care for their own safety and health and that of others, to comply with prescribed health and safety measures and to report hazards to their supervisors. Workers must, however, be given proper training in regard to these responsibilities if they are to be held accountable.

The next section deals with preventive and protective measures to be taken by the employers at the mine. Here the primary duty of the employers is clearly defined. Is to take all necessary measures to eliminate or minimize the risks to the safety and health of workers in mines. These include technical measures regarding the design, construction, commissioning and decommissioning of mines, measures to monitor and maintain ground stability during mining operations, regular inspection and monitoring of the working environment to identify and assess hazards, developing safe systems of work for areas susceptible to particular hazards such as mine fires, gas and rock outbursts, rock falls and the like, providing two means of exit from underground workplaces, ensuring workers are evacuated in dangerous situations and maintaining adequate standards of ventilation in underground mines.

Employers' duties in relation to workers who are exposed to certain physical, chemical or biological hazards specific to mines are also defined here. Reference is made to the employer's duty to inform workers of these hazards and the associated health risks and to take appropriate measures to eliminate or minimize the risks of exposure, including the provision of appropriate protective equipment at no cost to the workers.

Other duties outlined include the provision of adequate training and supervision, investigating and reporting accidents and dangerous occurrences, developing emergency response plans for industrial and natural disasters and ensuring the provision of regular health surveillance of exposed workers.

The next section, entitled "Implementation", refers to the establishment of inspection services and appropriate penalties and corrective measures to be taken by member States to ensure the effective enforcement and implementation of these provisions.

The Proposed Conclusions with a view to a Recommendation, provide further elaboration and gives guidance concerning the measures to be taken, in accordance with national laws and regulations, to give effect to the provisions of the Convention. Substantial proactive measures to improve the safety and health of workers are also provided and should have a real impact on reducing the incidence of injury and occupational disease in the industry.

Although a large number of amendments placed a heavy burden on our Committee, our deliberations were greatly facilitated by the able guidance and sense of humour of our Chairman, Mr. Bekes. Thanks to him, the final conclusions were accepted in a spirit of cooperation. Our equally able Vice-Chairmen, Mr. Pirie from the Employers' group and Mr. Maitland from the Workers' group, in addition to being professionals, shared a strong sense of concern and responsibility for mineworkers' safety and health. They also showed tolerance for the ideas of others and demonstrated creativity in the development of solutions to key issues.

The other Government delegates and advisers who considered the 206 amendments in the development of this report are also to be commended for their active participation and for the high level of technical expertise demonstrated in their contributions.

In addition, I would like to acknowledge the work of those who served on the drafting committee. They all have earned a special word of thanks.

Last, but not least, I would like to express the gratitude of our Committee for the help and assistance we received from the representatives of the Secretary-General, Dr. Pinnagoda and his team of experts, legal advisers, secretaries and translators, clerks, typists and others. They were all available at all times and responded to our wishes with both humour and efficiency. In my opinion, their hard work and dedication helped bring the activities of our Committee to a very successful conclusion.

I would like to propose inserting one additional paragraph to the report. It should be numbered as paragraph 179, and should read as follows: "The report of the Committee, the proposed Conclusions and the resolution to place on the agenda of the next ordinary session of the Conference an item entitled: Safety and health in mines, are hereby submitted for consideration."

Finally, it gives me great pleasure to submit the report of the Committee on Safety and Health in Mines and the resolution to the 81st Session of the International Labour Conference and to recommend their adoption.

The PRESIDENT – The discussion of the report is now open.

Mr. PIRIE *(Employers' adviser, Canada; Vice-Chairman of the Committee on Safety and Health in Mines)* – This first discussion has produced proposed conclusions with a view to a Convention and a Recommendation. I wish to take this opportunity to remind everybody that this was just the first discussion. These first discussion results are a long way from being the finished product; there is an enormous amount of work to be done between now and the second discussion in June 1995. There are also a number of contentious issues to be settled during next year's discussions. Let me also remind everyone that the employer community will continue to strive for a Convention based on fundamental principles that will enhance health and safety for the maximum number of workers in mines around the world.

The mining industry is very diverse in its applications and methodologies. No two bodies are identical. No two extraction techniques are the same in terms of application. The health and safety challenges are not identical. Thus, we are committed to producing a Convention based on fundamental principles that can be adapted to the wide variety of situations that exist in the world's mining areas.

Let us also not forget that we, as employers, know who has the primary responsibility for health and safety policy procedures and their implementation. We do not intend to avoid that responsibility – on the contrary we intend to continue to exercise it. The responsibilities contained in the results of this first discussion are important. That is why it is also so important to produce a Convention that can be adapted to the wide variety of conditions, one that is based on sound fundamental principles that can be ratified by the largest number of member States.

We believe widespread ratification is necessary if our finished product, following the second discussion, is to be of benefit to most of the world's workers in mines. Therefore the Convention cannot and must not be loaded down with detail that will work against ratification. That is why, next year, we will continue to remind people that this is to be an instrument for the health and safety of workers in mines; that it is not an instrument to deal with social issues. It is not an instrument to deal with environmental issues. It is an instrument to give direction to those people in the member States who draft national laws and regulations in consultation with the parties concerned. We are not here in Geneva to draft these laws and regulations. Our purpose here is one of direction-giving, based on fundamental principles. Thus, the Convention should not be filled with such details as worker representative activities that take place at the mine site, and which are adapted to local conditions. Details of this nature will work against ratification. Ratification is essential.

Obviously, my preceding comments reflect philosophical differences between ourselves and some of the others involved in this process. Nevertheless, our discussions were conducted in an informative, cooperative and civil manner. Much of the credit for that goes to Mr. Maitland, Worker member and Vice-Chairman. While we obviously have different viewpoints and methods, I sincerely admire and respect his devotion and dedication. Thank you very much Mr. Maitland. The Reporter, Mr. Thompson, and his drafting committee did a wonderful job of sorting out and giving order to the results of our deliberations. They had an especially challenging job with the Recommendation. Thank you very much Mr. Thompson. The secretariat met the challenge of a shortened work schedule and 206 amendments. The report in front of you is evidence that they not only met the challenge but that they met it with flying colours. Thank you Dr. Pinnagoda and all your staff. And finally, Dr. Bekes, our Chairman, was also equal to the challenge. He exercised his leadership with humour, intelligence, wisdom and courage. He certainly was adaptable. My most heartfelt thanks to Mr. Bekes from the employer community. And finally one last reminder. We, as employers, certainly intend to be here next year to exercise our responsibilities.

Mr. MAITLAND *(Workers' delegate, Australia; Worker Vice-Chairman of the Committee on Safety and Health in Mines)* – I take this opportunity on behalf of all mineworkers, their families and their communities to thank the Governing Body for the decision to place on the agenda of the 81st Session the question of safety and health in mines.

We are particularly proud that the discussions on safety and health in mines are taking place in this historic 75th anniversary year because this year marks the return of the Republic of South Africa to the ILO, a return which is welcome. South Africa is a world leader in mining and a country whose workers can gain much from the development and adoption of instruments on safety and health in mines.

It is also very important because, as recorded in ILO Report V(1), mining continues to be one of the most hazardous, if not the most hazardous, occupation for workers. The industry continues to experience heavy loss of life because of the exposure of mineworkers to the multiple hazards of the working environment unique to mines.

The industry's tragic loss of life which is measured by official statistics to be more than 15,000 per year, and probably unofficially closer to more than double that number, caused by mining diseases and other violent and catastrophic events, creates enormous economic and social upheaval within the community.

The economic importance of mining cannot be overstated. In many countries, it provides national income for medical, welfare, educational and social programmes.

However, mineworkers in many countries continue to be denied basic freedoms. In some countries mining trade unionists carry out their work under constant threat. Therefore, there is a need to protect workers' rights, and address such issues as: the right to freedom of association; the elimination of child labour; and forced labour, the right to collectively bargain; and the right for safety and health at the workplace.

In a world beset by economic problems, ethnic tensions, doubt and uncertainty, a strong instrument on safety and health in mines will not only protect mineworkers faced with specific hazards but it can also demonstrate that the ILO, its member States and participating organizations can continue to take the lead in protecting workers' rights, promoting social and economic justice and developing international labour codes.

The discussion of this Committee has been vital in setting the course for the development of a progressive instrument which will establish the highest degree of protection for workers in a sector which is crucial to industrial development.

I commend the report to the plenary and also take the opportunity to thank the officers and staff of the ILO for the great support which they have given the Committee. I also wish to thank the Workers' delegates and deputies for their dedication and contribution to the work of the Committee. They have served their membership well.

I wish to thank the Workers' Bureau consisting of Mr. Stendalen (Worker member, Sweden), Mr. Mbonini (Worker member, Botswana), Mr. Main (Worker member, United States) and Mr. Padilla (Worker member, Philippines), with a special thanks to our secretary Damian Roland and also particular acknowledgement for the work done by Mr. Benjamin (Worker member), South Africa on our Preparatory Committee. I take this opportunity also to thank the Government and Employer groups for their input and, in particular, the Employers' spokesman, Mr. Pirie (Employer member, Canada), for the manner in which he conducted the negotiations. I also want to thank the Committee Chairman, Dr. Bekes, who at times had to deal with some very difficult situations but handled the job admirably. Finally, I want to thank the Workers' group for electing me to be their spokesperson. This task has been a very great honour for me.

In conclusion, I want to thank the Reporter, Mr. Thompson, and I wish to issue best wishes for a safe journey home to all, and indicate that we are looking forward to continue our work next year.

Mr. BEKES *(Government adviser, Hungary; Chairman of the Committee on Safety and Health in Mines)* – As Chairman of the Committee on Safety and Health in Mines, and on behalf of all its members I should like to express our appreciation to the Governing Body and to the International Labour Organization for the timely decision to place an item on safety and health in mines on this year's agenda of the 81st Session of the International Labour Conference. As we have already heard, despite the lack of adequate statistics, it is considered that over 1 million miners suffer from occupational injury or disease, and around 15,000 miners are killed at their workplaces each year. In view of this, the first discussion of this important subject has reaffirmed the urgency of preventive action and the key role that the ILO can play in strengthening the efforts of member States in this area. I believe that the Organization has recognized and appreciated the magnitude and complexity of the task of securing the safety and health of miners and the usefulness of a unified approach that embodies both national and international experience.

The Committee has deliberated thoroughly on the ramifications of the issues pertaining to safety and health in mines. In the course of the discussions, the members of the Committee presented and discussed forceful arguments on matters of real substance. We were able to achieve our goal within the framework of tripartism and in a spirit of cooperation, goodwill and dialogue. I am pleased to report to the Conference that all the points raised in the Committee were made in a constructive spirit of collaboration. These points and arguments are clearly expressed in the report of the Committee. It has thus proposed corresponding texts of conclusions as a basis for the second discussion at the next session of the International Labour Conference in 1995, with a view to the adoption of a Convention and a Recommendation. It is important to note that these conclusions have been structured so as to provide the flexibility that will enable the member States, when ratifying them, to apply appropriate practical measures in accordance with national law and practice.

My task as Chairman of the Committee would have been impossible to accomplish without the support and cooperation I enjoyed from all the Officers and members of the Committee. I should particularly like to thank the Government members, both as individuals and as groups, for having put their vast professional knowledge at the disposal of the Committee. My thanks also go to the Vice-Chairmen and the Employer and Worker members of the Committee. The Vice-Chairman of the Employers' group, Mr. Pirie, is an excellent manager with extensive technical expertise. The ever-resourceful Worker Vice-Chairman, Mr. Maitland, made many significant contributions to the work of the Committee, and he did it by making effective use of the expert knowledge in his group. I would also like to extend my appreciation to the Reporter of our Committee, Mr. Thompson, for his hard work in the Committee, in which he spared no effort in applying his expert knowledge to produce an accurate record of our work. Finally, this speech would be incomplete if I failed to acknowledge the role of the representative of the Secretary-General, Dr. Pinnagoda, and his team of devoted experts, secretaries, translators, clerks and support staff.

In conclusion, I would like to call on the Conference to approve the Report and adopt the proposed conclusions, as well as a resolution to place on the agenda of the next session of the Conference an item entitled "Safety and health in mines". I am confident that the new instruments, when adopted, will be an important step forward towards the protection of safety and health of mineworkers.

Mr. GHATOWAR *(Deputy Minister, Health and Family Welfare, India)* – The occupational health and safety of workers is an area in which the ILO has done significant work over the years. The Organization has also established a number of Conventions in this area in the course of nearly four decades. What has been lacking, however, is a Convention specific to mineworkers.

Conventions are always ratified with reference to specific industry situations in the member States. Where several industries are involved, disparate Conventions present serious difficulties in ratification.

India is a typical example of a country where the standards now contemplated in the report of the Committee on Safety and Health in Mines already exist as a result of national laws and infrastructures. But the disparate ILO Conventions hitherto formulated have not been ratified in the context of the mining industry because these Conventions are applicable to several industries in which they cannot yet be applied in India.

It is, therefore, indeed timely that the ILC should now adopt international standards in the form of a specific Convention applicable to mines and containing standards relating to radiation, noise, air pollution, chemical safety, occupational health and major industrial accidents.

We in India have a long tradition, dating back to the commencement of this century, of state intervention in respect of ensuring safety and health in mines. Our Constitution also directs the State to provide for just and humane conditions of work. We have established national statutes and a network of supervisory and regulatory mechanisms.

In my country, over the last four decades, there has also been a spectacular expansion of the mining industry in the fuel, metallic and non-metallic sectors. Nearly a million workers are employed in this industry.

Adoption of modern mining techniques and intensive mechanization has added new dimensions to the issue of occupational safety and health for mineworkers.

Safety and health concerns cannot be imposed on mining enterprises. An appropriate culture for ensuring the safety and health of workers has to develop endogenously within the enterprises. Investment in this area should be construed by the employers as investment in the industry. The workers should individually and collectively make it a part of their daily routine voluntarily to safeguard safety and health.

We have evolved in our country bilateral and tripartite mechanisms to ensure safety and health at the enterprise and national levels. I would make particular mention of enterprise-level works inspectors.

Statistical data on fatal and serious accidents and health disorders should be carefully scrutinized by the management and the official machinery to detect trends and tendencies should be set in motion, so that preventive steps are taken on time. In fact, a whole national system of monitoring could be established, based on the study of the statistical data.

Often, concentration on problems of safety results in health concerns not being given due attention. I understand that a proposal for mandatory health inspections of the workers has not found universal approval in the Committee. Health problems could be latent and lurking killers; all the ILO constituents should give serious reconsideration to the concept of mandatory health inspections.

Mineworkers are especially subject to stress in the workplace. This could result in psychiatric disorders and affect the productivity of the workers adversely. This is, therefore, an area which deserves special attention by the employers, workers and medical professionals. Some of the speakers at the Thirteenth World Congress on Occupational Health and Safety, held in New Delhi, also drew special attention to this stress factor at the workplace.

The Committee has sought to define the term "employer". Mining operations and the employer-employee relationship could vary extensively from country to country. It would have been more practical to stipulate that persons responsible for the safety and health of workers in mines should be clearly identifiable, and to leave it to the member States to specify, in their national laws, who should be construed as employers for this purpose.

The establishment of an international standard for mine safety is no doubt very vital in itself. In order to secure ratification and implementation of this standard, there should be concurrent ILO projects for technical cooperation to build national capabilities. The need for such action programmes to promote ratification and conformity to standards has also been emphasized by the Director-General in his Report to the International Labour Conference.

The ILO has at least three projects, with an outlay of US$5 million, in the pipeline for implementation in the area of mine safety in India. These are to be funded by mobilizing extra-budgetary resources. We look forward to the early implementation of these projects.

The PRESIDENT – There being no further speakers, we will move on to the adoption of the report. I take it that the body of the report, that is paragraphs 1 to 178, is adopted.

(The report is adopted, paragraphs 1 to 178.)

PROPOSED CONCLUSIONS, SUBMITTED BY THE COMMITTEE ON SAFETY AND HEALTH IN MINES: ADOPTION

The PRESIDENT – We now move to the adoption of the Proposed Conclusions, point by point. May I take it that the Proposed Conclusions, points 1 to 49, are adopted?

(The Proposed Conclusions are adopted.)

RESOLUTION TO PLACE ON THE AGENDA OF THE NEXT ORDINARY SESSION OF THE CONFERENCE AN ITEM ENTITLED "SAFETY AND HEALTH IN MINES": ADOPTION

The PRESIDENT – Let us now proceed to adopt the resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Safety and health in mines". If there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

The PRESIDENT – We have now completed the consideration of the report, the Proposed Conclusions and the resolution submitted by the Committee on Safety and Health in Mines.

I would like to express my deep thanks and gratitude to the Chairman, the Vice-Chairmen, the Reporter, and the other members of the Committee, and the secretariat, for the excellent work they have done.

REPORT OF THE COMMITTEE ON THE APPLICATION OF STANDARDS: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT – We shall now move on to the next item on our agenda, the report of the Committee on the Application of Standards, contained in *Provisional Record* No. 25.

I invite the Chairman of the Committee, Mr. Elmiger, Government delegate, Switzerland; the Employer Vice-Chairman, Mr. Wisskirchen, Employers' adviser, Germany; the Worker Vice-Chairman, Mr. Peirens, Workers' delegate, Belgium; and the reporter, Ms. Dlamini, Government adviser, Switzerland, to come to the rostrum, and invite Ms. Dlamini to submit the report to the Conference.

Ms. DLAMINI *(Government adviser, Swaziland; Reporter of the Committee on the Application of Standards)* – It is my honour to address this plenary to put before you the report of the Committee on the Application of Standards. It is a great privilege for me to take part in this session of the International Labour Conference marking the 75th anniversary of the ILO, an anniversary that represents 75 years in the pursuit of social justice.

The Committee was set up under article 7 of the Standing Orders of the Conference and proceeded to examine item III on the Conference agenda, "Information and reports on the application of Conventions and Recommendations".

The Committee held 19 sittings. The work of the Conference Committee, as in the past, was based upon the *Report of the Committee of Experts on the Application of Conventions and Recommendations*, the green Report III (Part 4A) of the Conference documents. Part One is the general report of the Conference Committee report; it focuses on the general report of the Committee of Experts.

Part One contains five sections (A-E). These include an introduction, and deal with general questions relating to international labour standards, reports requested under Article 19 of the ILO Constitution – this year on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) – the future of the ILO's standard setting, and compliance with specific obligations.

Concerning relations between the Committee of Experts and the Conference Committee (paragraph 17), the Committee again this year hailed the high quality of the Report of the Committee of Experts, prepared as ever on the principle of independence, objectivity and impartiality. It again welcomed the presence of Mr. Ruda, Chairman of the Committee of Experts, during the Conference Committee's general discussions, as it will enable him to see more closely how the present Committee works with its own customs and traditions. This should lay the groundwork for better mutual understanding between the two committees.

Concerning ratifications and denunciations of Conventions (paragraph 28), the Committee recognized the record number of Conventions ratified by member States in the year 1993, that is, 398 ratifications from 38 member States. This brings the total number of ratifications to 6,050 as at 31 December 1993. This is encouraging as a concrete and immediate sign of the support of member States and the employers' and workers' organizations for the principles and values of the ILO. A number of the Committee members spoke of the experiences in their countries concerning recent ratifications.

The Committee turns its attention to reporting obligations at paragraph 36. It again expressed its concern at failures to meet the constitutional obligation to supply reports, as noted by the Committee of Experts. The Committee felt that this was the very essence of the reporting system since it is the very basis of the system of periodic supervision.

In paragraph 44, the Committee welcomed the new cases of progress in the application of ratified Conventions: 42 cases in 30 States and one non-metropolitan territory. In each of these cases, concrete steps have been taken to change the national law or practice as requested by the Committee of Experts. This is tangible proof of the impact of standards and the efficiency of the supervisory system. Some members of the Committee considered the progress too slow sometimes and regretted that the supervisory bodies in some cases had to return to cases discussed for several years.

The Committee paid particular attention to the importance of the roles played by the employers' and workers' organizations in the supervisory system (paragraphs 53 and 54). It shared the views generally expressed by the Committee of Experts that progress in the organization of consultations could help solve problems in applying standards at the national level and avoid reference to an international body.

Turning to the questions concerning the application of certain Conventions, the Committee noted that the Committee of Experts quite urgently gave special attention to the problem of contemporary slavery, especially of children. The Committee called attention to the fact that child labour in most cases is forced labour, and is often a form of economic exploitation which violates the fundamental rights of the child as well as basic human rights as set out in many United Nations instruments. Members of the Committee noted that political will is essential if child labour is to be stopped. The same members felt that poverty is of course partly responsible for the problem, but child labour was most often due to inequitable income distribution policy and limitations on equal opportunities, especially as concerns educational opportunities.

There were different views expressed – starting at paragraph 60 – in the Committee on the issue of employment policy. Workers agreed with the Committee of Experts that most often macroeconomic policy objectives tended to favour overcoming inflation and public finance. They stressed the predominance of monetary policy objectives, which meant that employment was really only a dependent variable, indeed, a secondary objective. As noted in paragraph 65, the Employers did not share the concerns expressed by the Committee of Experts, that governments favour growth over employment. They felt that the stimulation of economic activity required monetary stability, a solid national budget, a responsible political economy, a reasonable and effective system of collective bargaining and labour legislation, and a responsible policy on wages and working time – all of them encouraging private initiative and production. The Employers believed that full employment could not be an absolute objective and could not be realized to the detriment of other aims in the long term.

Other objectives covered in the general discussion included the application of international standards in export enterprises and industrial zones, technical cooperation and standards, and relations between ILO and international organizations.

The Committee held an important discussion on the General Survey of the Committee of Experts, which this year examined the effect given to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The Committee unanimously welcomed the choice of Conventions Nos. 87 and 98 for the 1994 General Survey, particularly given that this year the ILO was commemorating a double anniversary: the founding of the Organization and the Declaration of Philadelphia. The fact that the principles of freedom of association, along with tripartism, are the cornerstone of the ILO's actions and policies escaped not a single speaker in the discussions of the General Survey. Of course the discussion on the General Survey was at once broad-ranging and detailed. Its importance does, however, merit special attention; yet pointing out any one paragraph of the Conference Committee report could not do justice to the complexity of the debate. Let me highlight the Committee's conclusion, found at paragraph 180. There, the Committee expressed the hope that the General Survey and the discussion in the Conference Committee would contribute to the recognition and promotion of the principles of freedom of association embodied in the ILO Constitution. The Committee made a solemn call for the ratification of these fundamental Conventions, the principles of which were at the core of the ILO mandate, and the respect of which was an indispensable prerequisite for the defence of workers' and employers' interests throughout the world. This was particularly so in an international context characterized by very rapid changes and accelerated globalization of the economy.

As Reporter of the Committee, I wish to amplify its sentiments to my fellow Conference delegates.

In commemorating the 75th anniversary, this year the Committee devoted a special session of its general discussion to the theme of the future of ILO standards. Most members of the Committee believe that the Conference Committee on the Application of Standards is especially well-equipped to conduct a structured dialogue on the future of standard setting since it is, by the very nature of its activities, extremely familiar with both the potential and the limits of the standard-setting and supervisory system. This was confirmed by the very large number of speakers from the three groups in the Committee, the scope and richness of the discussions, and the interesting technical and fundamental proposals and suggestions made. These all appear in paragraphs 181 to 257.

Following these general discussions, the Committee expressed the hope that all the views voiced in the general discussion, and in particular the special sitting on the future of standards, would be documented for the Governing Body and its Committee on Legal Issues and International Labour Standards for future reference. It requested that the Director-General do everything necessary to ensure this.

Turning now to Part II of the Conference Committee's report, entitled *Observations and information concerning particular countries*, the Committee first took up the difficulties of individual countries' compliance with fundamental reporting obligations under the ILO Constitution. These difficulties included problems involving timely submission or failure to submit Conventions and Recommendations to the competent national authorities; failure to supply reports and information on the application of ratified Conventions; and failure to supply reports on unratified Conventions and Recommendations.

In addressing these difficulties, in paragraph 271, the Committee expressed concern at the gravity of the situation and requested the Director-General to adopt all possible measures to improve the situation and solve the problems referred to in the discussion as quickly as possible. The Committee hoped, in particular, that the multidisciplinary teams would give priority to their work in the field to the fulfilment of standards-related obligations.

The Committee considered it appropriate to draw the attention of the Conference to its discussion of the case of India, mentioned in paragraphs 276 to 278 of this report. The Committee trusted that the Government of India would take all measures necessary to correct the deficiencies noted in respect of the application of the Forced Labour Convention, 1930 (No. 29) and invited it to consider appropriate forms of ILO assistance, including direct contacts, to ensure that real progress was achieved by the following year in the observance of its obligations under the ILO Constitution and the Convention in question.

Before closing its work, the Committee held a special session to pay homage to Mr. Edward Hickey, Worker member of the United States, who has served on the Committee for 30 years now and is this year retiring from this service.

In closing, I would like to note that this year's discussion was held in a spirit of cooperation, and that there has been genuine, and indeed intense, dialogue between the three groups. Beyond the differences in views, there has been a willingness and determination to continue the dialogue with a view to promoting a better application of international standards. This was despite concern expressed in the Committee over the short duration of the Conference this year.

With this summary, I leave the fate of the Report on the Application of Conventions and Recommendations with the plenary and recommend its approval. This is one of the essential elements for the success of the work of the 81st Session of the International Labour Conference in its 75th year of existence.

Original German: Mr. WISSKIRCHEN *(Employers' adviser, Germany; Employer Vice-Chairman of the Committee on the Application of Standards)* – This year, our Committee is submitting to the plenary of the Conference a report which is exceptional from the point of view of its volume and contents. Despite the fact that we had less time than usual, we were able to have very intensive and useful discussions, and they are well documented in the report. The Reporter has, and I must thank her for this, already referred to a number of important points. And we are also bound to restrict our comments to a few specific issues.

In the first general discussion in our Committee, we always deal with questions of principle connected with our work, that is the question of the content, the duties and the practical application of the supervision of labour standards. From time to time, old differences between our Committee and the Committee of Experts arise, but, in the main, these are clarified. The Workers regularly say that they agree unreservedly with the position of the Committee of Experts and that it coincides entirely with their own.

In these circumstances, we can say that we are all in agreement; indeed, since 1991, the Committee of Experts has been consistently and quite rightly stressing that they do not take any decisions which are binding, that their rulings do not have ergaomnes effect, and that the Conference Committee may, indeed, adopt divergent positions on these questions. The Conference Committee, in particular both sides of industry, quite naturally make use of this opportunity to put forward their own views rather than those of the Committee of Experts. Therefore, in theory and practice, there are no real differences as far as this question is concerned – although the various statements made in the discussions might not always give this impression.

In a broader context it is striking that the Committee of Experts drew on historical facts and developments in their report this year. The experts describe their job as technical and legal supervision, whereas the Conference Committee is tripartite, and therefore a political forum, and its task is to hold a dialogue with the governments. According to the Office documents, which establish the terms of reference for both bodies, it is clear that the Committee of Experts has to give an opinion as to the facts, but it does not have any precedence with regard to legal interpretation. We have quoted our exact references. You will find these references in paragraph 21 in the report of our Committee.

We hope that the emphasis placed by the Committee of Experts on the tripartite and political nature of the Conference Committee does not imply any idea of hierarchy or rank. Such an intended implication would be difficult to understand in an Organization like ours, because our main special and highly praised feature is tripartism. All the main organs are tripartite and thus – in terms of what has been said – "political".

Our Organization has known for a long time now that its objective to promote social justice cannot just be achieved by issuing new standards. We will come back to the point. But also the supervisory machinery for some time now has become multi-layered. These layers now include different forms of consultations, support and technical assistance. In this connection, we feel that the relationship between standards and technical cooperation should be thought out anew and in greater depth. The traditional idea whereby technical cooperation could, almost on its own, bring about the application of standards is simply not enough today.

Part One of the report of the Committee (General Report) contains a brief summary of the Convention to which we are paying particular attention this year, i.e. the Forced Labour Convention, 1930 (No. 29). We have laid particular emphasis on the exploitation of children through prostitution. We are all disgusted that such circumstances exist, and we fully support the appeal being launched to all member States to make greater efforts to do away with these inhuman practices.

Traditionally, the experts also examine, in the General Report, the issue of employment policy, as described in the Application of the Employment Policy Convention, 1964 (No. 122). The experts have expressed their concern that – and this is possibly a new trend – economic growth is not being accompanied by growth in employment. These doubts are not verified empirically. We think that the destructive criticism of growth is a very poor counsel if you are trying to solve problems. There is, in any case, no proof that the job-reduction effect of higher productivity is greater than the job-creating effect of the growth of production. We must not forget factors which reduce the level of employment, for example, the increase in the service sector, the slowing rate of capital investment, the reduction in average working time and a greater proportion of part-time jobs.

The number of people employed in the OECD region from 1970 to 1992 increased by more than a quarter – i.e. by nearly 80 million workers. However, this impressive rate of growth has not kept pace with the growth in the number of people looking for jobs; therefore we need more growth and economic activity. But the real problem is not so much the reduction in the number of jobs but the fact that not enough new jobs are being created. We know that only sound conditions, such as a stable currency, a responsible financial and economic policy and effective labour and legislation and collective bargaining are capable of creating confidence which encourage private initiative; and only profitable jobs really promote employment; indeed there is no state authority, no "secret recipe", which can create jobs artificially, or maintain such jobs.

Therefore, we must resist a tendency to exaggerate the importance of the labour market and employment policy in such a way that a second and artificial labour market is established. This would inevitably result in negative repercussions on the real labour market. In order to retain unprofitable jobs, we must exact a greater toll from profitable jobs.

I would just like to conclude my comments on employment policy with a general thought. We really cannot praise and celebrate the end of the centrally-planned state and the related lack of human freedoms, and at the same time increase our calls for state intervention in the economy and society.

The General Survey this year under article 19 of the ILO Constitution is devoted to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). Without any doubt these are fundamental issues. It is regrettable that for reasons of time we can only raise a few points here.

We employers share the view of the experts on most of the questions on which they have taken a position – at least, as far as several principles are concerned. These principles are, of course, derived from the Conventions themselves; but in a few places we would like to have seen more qualified reflections, leading to slightly different results. But this does not alter the fact that we have reached a wide consensus on these problems.

But we cannot agree at all, in any way, with the wide-ranging statements made by the experts in Chapter V of their report which deals with the right to strike. What the experts have been gradually developing on this subject here, cannot be seen as a binding right to strike for member States. This is rather an attempt at producing new jurisprudence.

In order to avoid any misunderstanding, we do not dispute the fact that there are strikes and lockouts and that they have to exist; and we recognize the fact that the social partners have every liberty to resort to such measures. What is in dispute however is the detail and the limits placed on such measures. These are not taken from the Conventions, because the Conventions do not say anything on this subject.

We know that the extremely detailed right to strike, which has been developed by the experts, does exist in some countries. However, most States, if they do recognize labour disputes, have widely varying laws on these questions, and the experts have quite rightly pointed this out.

In part, the experts use historical arguments in this connection and say that the right to strike was mentioned on many occasions when these two Conventions were being prepared. But, at the Conference in 1947 and 1948, no specific amendments were tabled in this connection. And so this reminder of history given to us by the experts is incomplete and does not go back far enough because, in the Office report to the 31st Session of the International Labour Conference in 1948, it is stated explicitly that the proposed Convention only refers to freedom of association and not to the right to strike – a question which was to be dealt with in a later connection.

The same observation was made in the discussion in the plenary in 1948 and, during the discussion of the corresponding Convention No. 98, three explicit amendments were tabled to the effect that a guarantee for the right to strike should be included in the

Convention. These amendments were rejected on the grounds that the question of the right to strike was not covered by the proposed text and that the question should be dealt with at a later stage. The exact references are contained in paragraphs 115-148 of our report in particular in paragraph 118.

Given this historical background and the fact that strikes and lockouts are not referred to in the instruments, it is difficult to understand – and also unacceptable – that the experts have developed a comprehensive and highly detailed right to strike. This gradual attempt at jurisprudence extends from the first reference of the right to strike in the Committee of Experts' report of 1959, where it was only mentioned in one paragraph, to the very comprehensive Chapter V which contains 44 paragraphs this year.

When all is said and done, the experts base their arguments on the premise of an unlimited right to strike and for any limitation, demand a special – yet only seldom admissable – justification. Because of this false assumption, most of the individual statements they make on the right to strike are unacceptable. In this context, we shall make a brief reference to the political strike. This is always recognized by the experts, so long as it is not a so-called "purely political strike".

In practice, however, there seems to be no such thing as a purely political strike because the Committee of Experts always see in a strike something of protest against government policy. Therefore, the strike is usually considered to be permissible. In this connection, however, we are very worried that experts also apply this formula if a strike is quite clearly against decisions taken by a democratic parliament which has been freely elected in equitable and general elections. In a democracy, you cannot have a strike against the supreme sovereign authority.

In these circumstances, it does not get us anywhere to have in a discussion inflexible and categorical statements instead of arguments. The only help would be for the Committee of Experts themselves to find a return route, or if the true legislator in this Organization, i.e. the plenary of the Conference itself, were – after very careful preparation – to deal explicitly and for the first time with this subject, as was the intention in 1948 but as has never actually occurred. Only in this way could this important batch of questions on the right to strike be removed from the twilight zone of unfounded, creeping jurisprudence. A clean-up of this type would also be salutary for the effectiveness and credibility of the supervisory system.

In all these controversies, however, we should not lightly forget or underestimate the fact that we have wide-ranging consensus on core questions of freedom of association.

This is something we all know, and, every year in our discussions we feel that many member countries have specific problems in this connection but we are sure that we can work together effectively in this area.

The third part of our general discussion dealt with the future of standard setting in the ILO. In its traditional supervisory function, our Committee learns each year which standards are causing problems in practice and for what reasons. This knowledge is a virtually automatic outcome of our work. The ILO must draw lessons from this situation. It cannot go on acting as if nothing has changed. It is being signalled so clearly that the existing ILO standards edifice is no longer completely in order and that we cannot go on piling up new comprehensive and detailed standards from year to year, as we have done in the past. One warning signal to this effect is the clearly falling number of ratifications over the past two decades. Absolute figures may not give a clear picture because they do not make allowance for the increasing number of member countries.

As is being perceived increasingly at a national level, it is no longer possible to regulate all and everything with specific provisions. We also need to realize this internationally within the ILO. Every potential legislator must also check much more carefully whether to issue new regulations to achieve a specific objective and what consequences they would have, or whether it would be better to refrain from legislating and try to deal with the problem another way.

Nowadays, the ILO too could attain many of its just as essential objectives by other means than standards. Moreover, it is unlikely that the ILO's standard-setting function will be put out of action. Only, in the future, it will have to check more thoroughly what should be the subject of a standard, what should be the content and when the standard should be prepared. And, in particular, we must be looking at alternatives to standard setting. Certainly standard-setting procedures are in many ways in need of improvement.

The Employers have made substantive proposals on all these questions. They have been presented in an exemplary fashion in the report of the Committee, so I do not have to comment on them now. I will just draw your attention, for example, to paragraphs 195 to 224 of the report of the Committee. What came out of the discussion we had this year on the social clause often seemed the product of goodwill on this subject; but it scarcely seemed to be supported by practical and specific proposals. For example, one cannot see how it will be possible to maintain the ILO's fundamental principle that member States assume their responsibilities and their obligations voluntarily. On the other hand, the dangers of the proposed social clauses became that much clearer: in the end, free world trade may be restricted and there will be a further push for protectionist measures. We feel that the ILO has to act with extreme caution in this area.

Because of the shorter Conference time and the additional general debate, the Committee could only devote four-and-a-half days to its main task this year, of checking whether and how far member countries are fulfilling their obligations to the ILO. We discussed problems of application with 28 member countries and the "automatic" or "reporting" problems with several dozen others. For the second time, this year, we grouped all the automatic cases into a single afternoon, and this proved satisfactory. Most countries accepted the invitation and, this year, it was perhaps even more clear that the basis and the solidity of the supervisory machinery depends on as many countries as possible fulfilling their obligations and fulfilling them in good time. However, the number of countries which fall short of their obligations is still frighteningly high. We hope, therefore, that the modifications in the reporting system decided on by the Governing Body in November will have positive effects.

This year, the substantive cases related to 11 different Conventions. The main focus, as it so often is, was on protection of freedom of association under the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). In all cases, the Committee came to a unanimous consensus conclusion. In dealing with child forced labour, the Committee felt that the Indian Government was not being energetic enough in taking all the necessary steps to put a desired end to this phenomenon. Under these circumstances, the Committee's conclusions were included in a special paragraph in the general section of the report.

It proved possible to carry out the comprehensive tasks of our Committee only by a strenuous joint effort by all parties. We were very fortunate to have a very competent Chairman who had the right mixture of liberal and target-oriented leadership in guiding the discussions in the Committee, and we owe much of our progress to him. We would also like to thank the Reporter for her presentation of our report and the many visible and less-visible staff members led by Mr. Bartolomei de la Cruz. They made an enormous contribution to the work of our Committee and we would like to pay tribute to them. The Committee's need to work by consensus calls for a considerable degree of cooperation within the Committee. This cooperation was possible and was in fact put into practice. We would particularly like to thank Mr. Peirens (Workers' delegate, Belgium), the Spokesman of the Workers' group for this.

As the Reporter has already mentioned, we would like to wish a very warm farewell to the departing Workers' adviser of the United States, Mr. Hickey. For decades he has been an institution in the Committee, and we would like to thank him for his very special contribution.

And my concluding words of thanks go to the Employers' group. In the Committee it was a particularly active group this year, and I would particularly like to thank all the members for their unfailing support and above all my friend, Mr. Potter (Employers' adviser, United States), for his special contribution.

We recommend that the plenary of the Conference adopts this report. I must also say it is well worth reading.

Original French: Mr. PEIRENS *(Workers' delegate, Belgium; Worker Vice-Chairman of the Committee on the Application of Standards)* – An important part of the work of our Committee was devoted to this very in-depth discussion of standard-setting activities now and in the future, as well as the general survey on freedom of association and collective bargaining.

A very large consensus emerged around many essential issues, despite the fact that differences remain on a number of questions.

The acknowledgement of the universality of standards and of the ongoing relevance of the fundamental objectives of the ILO and the need to strengthen the system of supervision, were in general a matter of agreement in our Committee.

In a changing world the importance and the relevance of international labour standards and international labour law have been explicitly recognized.

The ILO, its principles and values, are now more than ever an essential counterweight to unbridled competition, social exclusion and poverty, both in developing and industrialized countries.

That is why we would like to draw your attention to the fact that respect for standards is not merely a legal, moral and social obligation, but also an economic necessity.

The Worker and Employer members all stressed the need for universal labour standards as a framework for economic activities and in order to determine the rules of play applicable throughout the world.

Both groups, Employers and Workers, recognized the importance of a good system of industrial relations and social legislation, ensuring humane working conditions, to establish and to maintain a climate of confidence which is essential to economic growth and employment.

In this context we would like to draw your attention to the position taken by the Committee of Experts on the Application of Standards which appears in paragraph 21 of its report and in the final comments of its general survey. The experts are of the view that standards relating to fundamental human rights are essential regardless of national circumstances or economic fluctuations.

This official position adopted by the Committee of Experts we believe is crucial. Fundamental standards provide countries, workers and employers, as well as their respective organizations, with the possibility of progressively developing their economic and social system.

The Workers' group insisted that all countries, whatever their social and economic circumstances or their political system, should respect the principles and Conventions on freedom of association, collective bargaining, prohibition of forced labour, child labour and non-discrimination in employment.

These principles and Conventions are the heart of a world social platform or world social charter as envisaged by the Committee of Experts and the Workers' group. And it is in this context that we must view the proposal made by the Workers' group for the inclusion of a social clause in trade and cooperation agreements.

This social clause, as we see it, has nothing to do with protectionism.

Respect for this social platform, and as a result for the social clause, would provide for a better distribution of the fruits of economic development and possible economic growth, both within and among countries. Ultimately, it will stimulate international trade since this respect will ensure the equitable distribution of purchasing power among the population.

The social clause gives rise to a number of questions on the part of the Employers' group in the Committee. However, it is important to note that these are basically questions of form rather than substance. On behalf of the Workers' group we urge the Employers' group to analyse our proposals before they adopt any definitive position on the social clause.

The social clause is not an alternative to dialogue and persuasion – it is the basis of the philosophy of the supervisory system. And that is why the lack of cooperation with the supervisory bodies, non-respect for obligations to reply to the supervisory bodies and the absence of a follow-up to the conclusions of our Committee with respect to fundamental Conventions, should be taken into account in the application of the social clause.

The clause will go a long way towards strengthening dialogue and persuasion and as the Director-General said, here in this room yesterday, the ILO will actively pursue discussion on this issue.

Given the radical changes that have taken place internationally, the globalization of the economy, fragmentation of enterprises and growing competition, our Committee feels that it is necessary to strengthen the supervisory system. It is important for the ILO to be able to intervene quickly, effectively and with authority. The strong points of the system, such as dialogue and cooperation among governments and supervisory bodies, will in this way be strengthened further.

In this respect the Committee of Experts made a number of very interesting suggestions, most of which were favourably received by members of the Workers' group.

I refer, in particular, to strengthening workers' and employers' organizations and the establishment of tripartite committees similar to the Committee on Freedom of Association for forced labour and the prohibition of discrimination in employment.

Employers, as well as certain governments, also put forward a number of proposals that deserve very careful consideration.

On the other hand, the position of the Employers on the respective roles of the Committee of Experts and our Committee provoked some reactions within our group. Despite the fact that the Employers endorse most of the positions adopted by the Committee of Experts, they reserve their right to criticize in particular with regard to the right to strike.

Such an attitude, which we believe is based more on opportunistic and political considerations than legal arguments, runs the risk of undermining the authority of the experts and thereby the entire supervisory system, including, those aspects which have absolutely nothing to do with the specific modalities of the right to strike. The problem arises even more during the discussion of individual cases.

For our group, we feel that the two Committees are complementary. The Committee of Experts provides technical analysis and our Committee ensures the contributions of those on the ground Reports sent in by member States are the basis for the supervisory system and our Committee noted with great concern that a considerable number of the member States either do not respect this obligation or only partially comply. We reject the arguments of administrative constraints or overwork.

Most of the questions only require simple answers, so it is really a mater of establishing priorities on the part of governments.

Our Committee expressed its firm hope that by adjusting the procedures for requesting reports, as approved by the Governing Body in November 1993, we can in this way improve the situation considerably and we will continue to monitor what happens and evaluate the situation on a regular basis.

Our Committee also urged the Director-General to take all necessary measures to rectify the situation. We also stressed the need for the multidisciplinary teams to give absolute priority to ensuring that member States respected standards and obligations.

The Worker and Employer members, as well as the experts, unreservedly condemned the exploitation of children, particularly through prostitution and pornography in relation to a certain type of tourism.

We would therefore advise you to read very carefully paragraphs 89 and 90 of the Report of the Committee of Experts on the application of Forced Labour Convention, 1930 (No. 29).

The Committee of Experts and our Committee stressed the need for tourists' home countries to forbid any advertising or promotion of tourism which is linked to the sexual exploitation of children.

With respect to child labour, the Workers' group stressed that for the most part its abolition depended on the political willingness to do so.

While poverty is one of the reasons for child labour, such labour is most often the consequence of any absence of an effective social, fiscal and educational policy.

We delved deeply into the problems of the application of the Employment Policy Convention, 164 (No. 122).

We would like to point out that the Committee of Experts is very concerned about the failure to regard full employment as the objective of convention No. 122 and the lack of social dialogue and tripartite consultations.

Despite the statements that have been made in all international and national fora by governments concerning the importance they give to employment policy the reality is quite different.

Monetary policy dominates everything.

The recommendations or conditions made by the Council of Ministers of Finance of the European Union (ECOFIN), the IMF, the World Bank and the OECD demonstrate that employment is regarded as a mere variable.

In addition, some of their recommendations run counter to collective bargaining and tripartite consultation which are constitutional principles of the ILO.

The Committee of Experts also highlighted an important structural change, namely that economic growth does not generate additional employment.

We would like to clarify a misunderstanding which occurred among the Employers on the one hand and the Workers' group and the experts on the other. We do of course believe that economic growth is essential to the growth of employment.

However, economic growth is not enough in itself. Governments, international and supranational bodies as well as the social partners must in this new context develop a dynamic programme of employment promotion.

As the experts have stressed, this action this action cannot be limited merely to an active market policy. The discussion of the general survey on freedom of association and collective bargaining continued over four meetings. I would like to stress here certain aspects of this very in-depth discussion which took place.

Our Committee has recognized the quality of the General Survey in an international context characterized by very rapid changes and globalization of the economy.

It expressed the hope that this study might contribute to the recognition and promotion of the principles of freedom of association and collective bargaining.

Our Committee solemnly appealed for ratification of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the

Right to Organize and Collective Bargaining Convention, 1949 (No. 98). Out of the nine chapters of the General Survey, the Committee for the most part supported eight. The Employers and certain Governments have some reservations on one or two specific points in the eight chapters.

However, the chapter on the right to strike provoked a reaction on the part of the Employers. There was consensus on the principle of the right to strike. As Mr. Wisskirchen has just recalled, the Employers expressed their disagreement on the question of whether or not Conventions relating to freedom of association should comprise extended and detailed regulations on the right to strike.

They criticized the position taken by the Committee of Experts. The Committee, however, had unanimously adopted its position which is that the right to strike is an essential element of freedom of association.

We would like to draw your attention to the fact that all the Workers and Governments who spoke during the debate supported the position taken on the right to strike by the Committee of Experts.

There were certain reservations by some Governments on the right to strike in the public service. The experts also noted that in most member States, practice on the right to strike is to a large part consistent with Convention No. 87.

We also discussed the problems of application in 27 countries (29 cases in all). These are fewer cases than in previous years, as a result of the time constraints as due to the shortening of the Conference. The new Conference schedule may well dilute the quality of the supervisory system.

We also devoted a meeting to countries which have failed to respect their obligation to submit reports or to submit Conventions to the appropriate national authorities.

Our Committee was able to draw up a balanced list of individual cases. The selection criteria were correctly summarized by the United States Government member during the discussion of the case of New Zealand in respect of the Equal Remuneration Convention, 1951 (No. 100). Our Committee cannot limit its discussions only to the most flagrant violations of fundamental rights. We should also discuss problems of application and cases of progress in relation to technical Conventions. Moreover, we must analyse social policy developments in certain countries in order to promote the application of standards in those countries.

We have placed the conclusions on forced child labour and bonded labour in India (Convention No. 29) in a special paragraph of our report.

The situation is still very worrying. This case has been repeatedly discussed and we are unfortunately unable to note any progress. Moreover, India did not send in its report on time, so it is our hope that the special paragraph will serve to encourage the Government to respect Convention No. 29.

We are also carefully following the situation of child labour in Thailand. We hope that the direct contact mission will have a decisive impact.

Equal Remuneration Convention, 1951 (No. 100) creates problems in all countries, but wage differentials are more pronounced in countries where governments have not established effective legal machinery and have not taken dynamic action. That is why we discussed the cases of Saudia Arabia, Japan and New Zealand.

With respect to New Zealand, the essential issue was whether or not the existing actions and machinery were sufficient to guarantee equality of treatment in a deregulated labour market. The conclusion was negative.

We also discussed issues of substances as to the organization, operation, performance and solidity of the private pension system in Peru. We have serious doubts in this regard. The reply of the Government to the Committee was not convincing. The system in Peru is a carbon copy of the Chilean pension scheme.

Peru's employment policy is not consistent with the Employment Policy Convention, 1964 (No. 122). The Government has not organized consultations with workers' and employers' organizations. But, as stressed by the Committee of Experts, social dialogue is of particular importance during periods of structural change.

The Government alleges that social protection is the main obstacle to employment. The possible costs and benefits of structural adjustment programmes are not equitably distributed. This should be a priority objective for governments and international organizations such as the IMF and the World Bank, and the ILO should be actively involved in the programmes, studies and regulations of the IMF and the World Bank.

We also discussed violations of such fundamental Conventions as the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) in Germany (denial of the right to strike of civil servants in the very broad sense of the term), Bangladesh, Cameroon, Colombia, Indonesia, Malaysia, Morocco, Myanmar, Pakistan, Sudan, Turkey and the United Kingdom. Despite the fact that these are fundamental Conventions, the situation has improved little or not at all, or if there has been progress it is much too slow in the great majority of the countries.

As I mentioned, although there was considerable consensus and unanimity, there are still differences of view and approach, first of all with the employers in relation to the right to strike. Of course, they recognize the right to strike in principle, but when it comes to practice and the realities of actually exercising the right to strike, views tend to diverge.

Secondly, different emphasis is placed on the importance and above all the universality of standards. The Workers' group continues to stress the fact that even, and indeed above all in the context of globalization, standards and their universality should be respected in order to ensure balanced growth, giving priority to the improvement of living and working conditions.

One has the impression that the employers and certain governments, without calling into question the importance of standards, are stressing above all deregulation as an essential condition for economic development.

Priority is therefore given to adaptation to prevailing national circumstances and to flexibility. Standards become and I quote "one means among others". There is much talk of excessive regulation being a brake on economic and hence social development.

We have seen this difference of approach in our general discussion as well as in the discussion of individual cases, particularly in relation to Spain and the Termination of Employment Convention, 1982 (No. 158).

We are very much aware that the debate on these points will continue in the years ahead.

In conclusion, I should like to thank and pay tribute to our Chairman, Jean-Jacques Elmiger, who conducted the dialogue with such talent and humour. We would also like to thank our Reporter, Mrs. Khabo, the representative of the Director-General, Mr. Bartolomei de la Cruz, Mr. Zenger and Mr. Gernigon, as well as all the Office staff, and Mr. Coen Damen of the Bureau for Workers' Activities. We also thank the interpreters for their efforts and devotion.

I would also like to thank all the members of our Committee – the Government delegates, the Employers and particularly their spokesperson, Mr. Wisskirchen, for his spirit of dialogue.

I also wish to extend warm thanks to the members of the Workers' group and, above all, to the Officers of our group, our friends Ken Thomas, Ahmed, Venturini and Agyei, and lastly to Ed Hickey who has for 30 years aided and supported the Workers' group of the Committee. We organized a special sitting to thank him for his help, his great wisdom and his sense of dialogue. The conclusions of that special sitting are recorded in paragraph 293 of the report.

Our report was adopted unanimously by the Committee and I also commend it to you for adoption.

Original Arabic: Mr. AL-KHALIDI *(Government delegate, Saudi Arabia)* – In the Name of God, the Merciful, the Compassionate! I would like to congratulate the President first of all on his election to the presidency and to commend him on the way in which he has guided the work of our Conference and enabled us to be successful in our deliberations. I would also like to address my thanks to the Chairman of the Conference Committee on the Application of Standards, Mr. Elmiger, and to the Vice-Chairmen. All three helped us in our work and we have been able to produce a report which is certainly voluminous, but also extremely objective.

This report adopted at the current session of the Conference, which in my opinion is the international standards session, is one of the most important achievements of this session of the Conference. In fact, a chapter of the Director-General's Report was devoted to standards, and he went into some detail on this subject. It was also an important issue for general debate. The Committee on the Application of Standards held a meeting which was attended by the Director-General and which was devoted to the future of standards. The report records a considerable amount of the comments made during that session by the various groups. The views expressed during the discussion on the Director-General's Report reflect the views of the 171 member States of this Organization, and of the social partners of those States. All these members represent the international community. When the Organization was founded, there were only 42 Members. This means that the new international community which you all represent, and which is represented by these 171 flags at the front of the hall, is a new reality and a global civilization which is embodied in this Organization. These flags are the symbols of countries, peoples, and social, cultural and economic values. They reflect different levels of development, depending on the individual country and its society. These countries come to meetings of this Organization to express their different realities.

The future of the standard-setting procedure and the supervisory machinery depends on their interaction with countries and their response to the problems of today's world. The success of the whole system depends on how it adapts to the needs, the possibilities, and the circumstances of the developing countries, which currently represent the vast majority of the membership of the Organization. The Organization has to take into account the cultural, social and religious values of its member States. We have to take into account the opinions expressed by representatives of the three groups during the discussion of the Report of the Director-General. Our Committee's report should also be read carefully and taken into account. Then the Governing Body will have to take the necessary steps in order to update or review existing standards and to prepare new ones, taking into account the economic, cultural and social circumstances prevailing in member countries. I would like to invite this Conference to adopt the report, which I believe is an extremely objective one.

I would now like to say a few words about Mr. Hickey who was for 30 years a member of the Committee on the Application of Standards. Mr. Hickey was a sincere member of the Committee and greatly contributed to its work. I wish him all the best in the rest of his public life.

Mr. AHMED *(Workers' delegate, Pakistan)* – I should like to present my sincere congratulations to the distinguished members of the Committee on the Application of Standards, which was ably chaired by Mr. J.-J. Elmiger, a representative of Switzerland. The Workers' group was, with great dedication, led by Brother Peirens. We greatly appreciate the work done by the Committee, and especially by the Reporter, Mrs. Khabo J. Dlamini, and by the representatives of the Secretary-General in the Committee, who, along with their team, worked around the clock.

Although we have been celebrating the 75th anniversary of the ILO, which is a very great event, this year we have once again begun working a six-day week instead of a five-day week. We worked on Saturdays. In the Committee, we worked to 10 p.m., disregarding the provisions of international labour standards for the sake of bringing a better life to working men and women. I can only hope that member States will not follow our lead in the application of standards. We also had the privilege of the presence of the Director-General during the deliberations, as well as that of the Deputy Director-General.

As we all know, the International Labour Organization consists of 171 member States. They undertake to fully respect their commitments to the objectives of the ILO, namely to bring about social justice and improve living and working conditions of working men and women all over the world. In that context, this Organization works as a world parliament of labour by setting up standards. The supervisory machinery plays a very important role as a vehicle to promote social justice. Therefore, the role of the Committee of Experts is also highly appreciated. In that context, the Committee has dealt at length with the role of technical cooperation with member States. The Office can extend help via its multidisciplinary teams. It can also hold symposia and seminars, and provide other advisory services to the member States and social partners in order to disseminate standards within each country and to help develop infrastructure in the member States. We certainly support the recommendations which have been outlined in the report. At the same time, we feel that what has been said in relation to the employment sector in the discussion is also important, because both in the developed and the developing countries we are confronting a situation of great unemployment. In that respect I think the ILO has a very important role to play. As has been pointed out, it must play this role in the global economy, along with the IMF and the World Bank, in order to provide a social safety net for workers while structural adjustment is carried out. We are happy that during the course of the Conference there was a high-level informal meeting on employment. We hope the Office will continue to carry out these activities in order to help the member States and social partners eradicate unemployment and also to help them explain the importance of training where human resources development are lacking, particularly in developing countries.

An issue was raised in the Committee about the right of workers to strike. We believe that the basic human and trade union rights are universal and indivisible. They are to apply in both East and West, and there can be no distinction of first-rate or second-rate citizens. In that context, we would urge all member States to ratify the Convention as an important step. They should implement it, and those who have not ratified it should do so to show their commitment to the rights of workers.

The right to strike has been challenged by a distinguished member of the Employers. It was also challenged in the Committee. May I submit that I have had the honour of coming to the Conference for the past 23 years. I have regularly attended this Committee. During these years, as Brother Peirens explained, it has always been a consistent view of the Committee that the right to strike of workers is a very essential ingredient in freedom of association. Reference was made to the General Survey of 1959 and to the General Survey of 1983. Paragraph 200 of the latter plainly states that the Committee considers that the right to strike is one of the essential means available to workers for the protection of their economic and social interests. I need not read it to you in detail. In those days, there were socialist countries which did not recognize freedom of association in certain respects, and the Committee stressed that a socialist country should bring the legislation on freedom of association into conformity with the Convention. The Committee of Experts was unanimous in its conclusions that year. The Committee of Experts and the discussion that took place in the Conference Committee encouraged the promotion of freedom of association, a cause which the ILO and its Constitution are committed to promote. This is also true in relation to collective bargaining. We also have a Committee of Freedom on Association, which was set up by the Governing Body in 1951, which is tripartite and is headed by a judge of the International Court of Justice. It has always been unanimous that the right to strike is an essential ingredient in the right of freedom of association. Therefore, to challenge the right to strike, I think, is not agreeable after all these years in which it has been universally recognized. Also, the right to strike is not an end in itself. It is a means to achieving a meaningful dialogue. It is a means to achieving and promoting good industrial relations and to having meaningful collective bargaining. It is also a means to eliminating forced labour. When workers are compelled to work against their will, this amounts to forced labour. Employers should look into these aspects as well. We want, to intend, to promote good industrial relations and dialogue on an equal basis. With these observations in mind, we hope that the Employers will review their position in the light of the position taken by the Committee on Freedom of Association of the Governing Body.

In concluding, I would like to say that I believe that member States should continue the campaign against child labour by encouraging the provision of more facilities for the education and training of children in order to bring a better quality of life for future generations. I wish us success in all our future deliberations. We hope that the work that has been done by all delegates, working six days a week, can serve as an inspiration for a follow-up in our respective countries, so that there may be a better quality of life for working men and women, and peace and prosperity for mankind.

Mr. PRESIDENT – Since there are no further speakers, may I take it that the report of the Committee on the Application of Conventions and Recommendations is adopted by the Conference?

(The report is adopted.)

The PRESIDENT – It remains for me to thank the Chairman, the Vice-Chairmen, the Reporter, the members of the Committee and the staff of the secretariat for the excellent work they have done.

CLOSING SPEECHES

The PRESIDENT – We are now going to proceed to the closing speeches of the 81st Session of the International Labour Conference.

Original French: Mr. MATINCHEV *(Government delegate, Bulgaria; Vice-President of the Conference)* – I am grateful for having been offered another opportunity of addressing the Conference as Vice-President of the Government group.

For myself, this election represents an expression of respect for the countries that have undertaken radical changes in their economic and social policy; as well as for Bulgaria, which I have the honour of representing, as a country whose traditions of cooperation with the ILO have existed for many years.

I would also like to express my sincere gratitude to the President at this session of the Conference, Mr. Gray, and the Vice-Presidents, Mr. Mendoza and Mr. Ould Sidi, for the atmosphere of cooperation which has existed among us, as well as to the Secretary-General, Mr. Hansenne, all the officials of the secretariat, the interpreters and other staff members who, with their professionalism and sense of responsibility, have greatly facilitated our work and contributed to its result.

The Conference has proceeded in an atmosphere of understanding and good tripartite traditions in spite of the fact that certain opinions were contradictory on some fundamental problems of our discussions. To our great satisfaction, the results of the work of the various committees are in keeping with present problems during this jubilee year.

We stress with great satisfaction the adoption of the Convention and Recommendation concerning part-time work, the resolution concerning post-apartheid South Africa, as well as the reports of the other committees.

We heard appeals for a return to the principles and values originally established in the ILO. The challenges to tripartism in this globalized world have been examined at the same time, from different aspects. This, in my opinion, is perfectly normal.

Possibilities of reforming the ILO, as an organization of the twenty-first century, have been fully appreciated, particularly if it can thus find the road towards the solution of current problems.

I would like to stress the importance of the informal ministerial meeting on employment, which was held during the course of this session. All this has made it possible for us to discuss the concrete contribution of the ILO to the preparation of the World Summit on Social Development in 1995 in Copenhagen.

We further hope that the ILO will take advantage of its full potential in the preparation of its future activities in connection with the implementation of the recommendations and decisions which we hope to adopt at that gathering.

In closing, I would like to express my gratitude to all the participants at the Conference who, thanks to their commitment to the principles and values of the Organization, have confirmed the solidarity of all those who concern themselves with labour questions. All this strengthens our conviction that, thanks to our common efforts, the true road towards the future will be found.

Original French: Mr. OULD SIDI *(Employers' delegate, Mauritania; Vice-President of the Conference)* – Several hundred speakers have already extended their gratitude to Mr. Gray. Please believe me, I fully join them and I would like to tell you how much I admired the way in which you have led this Conference. I would also like to express my gratitude to my colleagues, the other Vice-Presidents of the Conference, whose open-mindedness and spirit of cooperation have contributed to the success of our work.

I would like to express my deep and sincere gratitude in particular to the Secretary-General and his entire team for their competence and dedication, but also and above all for the accuracy of their judgements and their prompt action. I do not wish to mention any names lest I should forget anyone.

My gratitude also goes to those very numerous but discreet persons, who have not been working in this hall, but who have contributed to the daily success of this Conference and created excellent working conditions for its members.

I would like to express once again my deep gratitude to the members of the Employers' group for having made it possible for me to assist you, Mr. President, at this Conference and, on their behalf, to have contributed a little to its success.

This is not the time to make long speeches. Please allow me merely to say that the results obtained in the areas covered by the agenda of the Conference are greatly encouraging and have revealed the firm and unselfish will of the leaders of this Organization and of its office to ensure that the ILO remains the key organization in fields as varied as democracy, technical cooperation, labour standards, employment creation, the promotion of private initiative, but first and foremost, tripartism.

All these are concerns and values to which we are deeply attached, and which we must serve in order to safeguard our achievements and extend our horizons.

Mr. MENDOZA *(Workers' delegate, Philippines; Vice-President of the Conference)* – On behalf of the Workers' group which the President and I are both deeply honoured to represent, I wish to express our hearty congratulations and sincere thanks for the excellent manner in which the President has guided this memorable 81st Session of the International Labour Conference on the occasion of the 75th anniversary of the ILO. The smooth conduct of the work of the Conference within a compressed number of days, the adherence to the time-table and the reports that we have adopted, all bear testimony to the fruitfulness of the work that has been done.

I am particularly happy to note that an overwhelming majority of delegates have expressed their strong belief that the principles and values of the ILO are still valid and relevant in the world of today. The unique tripartite character of the ILO has displayed once again its true spirit in bringing in consensus the three social partners on the very important issues which were discussed at this Conference. Without a firm commitment to tripartism, such dialogue and compromise would not have been possible.

It is also true that this fruitful and happy outcome has been made possible thanks to the patience, long experience and skills of our President and the Chairpersons of the various committees, and I wish to convey my thanks and appreciation to my fellow Vice-Presidents, Mr. Ould Sidi and Mr. Matinchev, for their cooperation and team spirit.

This session of the Conference also emphasized the relevance and importance of the ILO's international labour standards and particularly we need to pursue its work further in this field. The newly adopted Convention concerning part-time work was long overdue and it constitutes a timely addition to the existing international labour code of the ILO. The Convention gives hope to hundreds of thousands of part-time workers all over the world. It addresses an issue of major importance to all workers and particularly women workers. It has been written in a language and in a manner which makes it easily ratifiable. I therefore hope that it will be ratified by many countries in a short period of time.

Furthermore, the work on safety and health in mines has made significant progress and we can reasonably expect that this would lead to the adoption of further instruments. Here, too, the subject is of vital importance to a large number of workers in this sector who need adequate protection.

It is worth mentioning the broad discussions which took place on the role of private employment agencies in the functioning of labour markets. In this area also, we can expect a revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 9) taking into account the realities and developments in the world labour market.

Standard setting is one of the most important activities of the ILO, but without proper supervision the system would not be effective. This is what leads me to commend the work done this year by the Committee of Experts and the Committee on the Application of Standards particularly for their major contribution to the promotion and application of ILO standards, particularly on two basic ILO Conventions: Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The supervisory mechanisms of the ILO are well-known internationally for their efficiency and competence. I wish to reiterate the full support of the Workers' group for the authority of experts and for the ILO's supervisory system.

Perhaps I should repeat that an important element of the ILO supervisory system is the analysis and examination of domestic labour legislations with a view to making recommendations to bring them into conformity with the ILO instruments. In this context, the General Survey of the Reports on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), contained in report III (Part 4B), will serve as an important reference.

The adoption of the report of the Committee on Action against Apartheid and the resolution concerning post-apartheid South Africa constitutes a historic evet at this Conference. South Africa is now readmitted as a full-fledged Member of the ILO.

The Declaration concerning Action against Apartheid in South Africa and Namibia has been repealed and consequently the Conference Committee on Action against Apartheid has been dissolved. The Workers' group can feel legitimately proud for having played a major role within the ILO in the struggle for the eradication of apartheid in South Africa. Let us hope that the ILO will continue to provide its support and assistance in the process of reconstruction and development of a free, democratic and non-racial South Africa.

I should also congratulate the Resolutions Committee on its performance this year. You will recall that last year, only one resolution was adopted and this time the Committee gave us two resolutions which are good and pertinent. I know that many people like myself will miss this Committee next year. As you know, the Resolutions Committee is where the priority concerns of the ILO constituents are determined and the pulse of the Conference taken. It would be interesting to see how the next session of the Conference will look like without the Resolutions Committee.

Finally, I sincerely believe that the debate at this year's session of the Conference has provided enough food for thought on the future orientation of the ILO. We look forward to examining the major policy issues and options in the Governing Body and to come out with recommendations which will enable the ILO to fulfil effectively its established mandate for the promotion of social justice and universal peace in the world. The work of this session provides important pointers for the role of the ILO in the twenty-first century. I wish to thank all delegates who have contributed to this important debate. I wish you all a safe journey back to your countries.

Original French: The SECRETARY-GENERAL – Mr.President, for many of the delegates here, your country, the United States of America, represents football country, soccer country to us. A few days ago, I read that the President of the International Football Association, Mr. Havelange, was having trouble with his referees.

I would suggest to all of you that you allow me to write to Mr. Havelange telling him that we have an excellent referee here with us, that he is finishing his work with us today and going back to the United States, and we feel that he would be perfectly capable, given the excellent way in which he has served as our President, of refereeing the World Cup finals.

But while waiting for Mr. Havelange to call him to this important post, I would like to present him with this symbol of service as a referee and as President of the International Labour Conference. I should just like to tell him that, if Mr. Havelange hires him for the cup final – and the Football Federation should be so lucky – he is not to use this to referee with.

The PRESIDENT – I will be happy to referee as long as the United States is not in the finals.

I want to thank all of you once again for the honour you have given me. I feel truly humbled. For a boy who grew up in a house with dirt floors, no electricity, no plumbing and an outdoor toilet, whose grandfather had only six years of schooling and whose great-grandparents were illiterate, this is indeed a high honour for me, something to which I neither aspired nor ever expected to achieve. I would like to take a few extra minutes this morning to speak to you, and I hope you bear with me – after all it will be 25 years again, I presume, before another Worker has the opportunity to sit up here, and I would like to try to leave a message.

I do want to give special mention to my three Vice-Presidents, who stood beside me and shared my duties with diligence and great distinction and discretion. I thank the Director-General of the International Labour Office and all the staff, whether they are working on the scene or behind the scenes, and I believe they have been working very hard behind the scenes, for the assistance they provided me and for their tireless efforts in making this Conference a success. Two days ago, I met with representatives of the ILO Staff Union and I was impressed with their dedication and sense of purpose for the great work of this Office.

I have done my best. If there are any deficiencies in my performance as your President, it is due to my own shortcomings and not, I repeat not, to any negative actions on your part. Rather, I say thanks to all of you for everything, for your kind words, support, cooperation and advice which have been invaluable to me in presiding over this historic Conference.

I will not summarize all the important events and accomplishments which have marked this session of the Conference. The Director-General has already done this yesterday with much more skill and diplomacy than I will ever be able to muster.

We have heard a lot of lofty phrases from our podium these past few weeks, phrases such as social justice and poverty alleviation. I would like to reduce just one of them to its lowest common denominator. What do words such as "poverty alleviation" mean in real, down-to-earth, human terms? I will tell you what it means. It means doing something for a Juan Morales who lives in a shanty made of tin and scrap wood. It is hotter than hell when it is dry, and it leaks like a sieve when it rains. There is no electricity, no running water, no amenities, a squat toilet out in the back alongside a ditch of polluted water where the family bathes and launders. The shack is crowded, but not nearly as much as it would be if five of their eight children had not died before they were two years of age due to malnutrition, infections and disease.

Like Juan himself, and his wife, none of their children have attended school. The children spend their days going through stinking, rotting piles of garbage looking for scraps of paper, or rags, or bits of plastic which they can sell.

Juan has not yet told his wife that he plans to sell their nine-year-old daughter into a life of prostitution the next time Auntie Maria comes to town looking for likely prospects to feed the ever-growing demands of the flesh trade. It is a pity, but life is hard and the price he receives, although small by our standards, will be more than he can earn in a year. He is sure his wife will agree.

Unfortunately, Juan is not alone. There are hundreds like him living in his village, thousands in towns across his country, tens of thousands in the largest cities, and literally millions around this world of ours.

In this setting, I think we can be very proud of the ILO and its accomplishments over the past 75 years. It has been a beacon to the world in the defence of human and worker rights. However, for it to make a practical impact on the lives of the millions of brothers and sisters of Juan Morales, the ILO has to be much more than a beacon. It also has to be willing to roll up its sleeves, get its hands dirty, and promote standards to the fullest extent possible, not only in the meeting rooms of our ministries of labour, but also in the homes and workplaces of Juan Morales and his extended family throughout the world.

Of course, this is an ambitious task. The International Labour Office cannot tackle it singlehanded. This Conference, and all of you sitting here today, represent our worldwide network of constituents, whom I call upon to be active partners in this task, not only in providing moral and material support to your International Labour Office, but also in committing yourselves and your organizations in your own respective countries to spearhead national programmes and policies to fight poverty.

I would like to draw a few conclusions and directions for future action based on what I have heard sitting behind this podium, and where I feel there is a broad consensus. This consensus should be the springboard for the difficult tasks that lie ahead. It should provide the incentive we will all need in confronting poverty and social exclusion, not only on a global scale but also in the backyards of all of us here today.

The first conclusion is that we all have our backyards. Very few of us can be triumphant in claiming to have solved social injustice, poverty and unemployment, which are problems which most of us have identified as our number one priorities. Our problems and our aspirations are therefore universal. Of course, social exclusion can take on very different forms in different countries. Racial discrimination, bonded labour, inequality of pay between men and women, inability of workers to organize themselves freely to defend their rights, unemployment, lack of access to health care, schooling and basic services, homelessness and street children: each one of us is familiar with one or more of these cases of social exclusion, irrespective of the level of development of the country from which we come.

This means that in an era of globalization and of revolution in communications and human migration, the so-called "developed" countries may have many lessons to learn from the so-called "developing" ones. Therefore, global solidarity is not only an ideal but also a practical imperative in an era in which no nation can claim to have found the right answers to poverty and social exclusion.

I have heard many of you say, whether you are Employers, Workers or Governments, from Africa, Asia, Europe or the Americas, that unemployment and poverty are the number one problems facing the world today and your own main preoccupations. They constitute a continuing danger for peace and prosperity, and these problems fall squarely within the ILO's mandate. Two weeks ago we heard the representative of the European Union tell us that 18 million people are out of work in the European Union alone. The ILO's Director-General tells us in his Report to the Conference that an estimated 30 per cent of the world's labour force is not productively employed. More than 120 million people are registered as unemployed, and some 700 million are underemployed.

I hope all of us, and not just those of us coming from the trade union movement, believe that employment is a basic human right. A welfare approach to employment creation is not only humiliating and expensive: it also just plain won't work! So, what will work?

To begin improving the living and working conditions of Juan Morales, we must move beyond the notion of social safety nets. The safety net catches those who fall between the cracks. However, do we have the resources necessary to build a safety net strong enough to catch all those who are falling, especially when the cracks are getting wider than the boards on which we stand? When we hear that Africa has more than 60 per cent of the urban labour force in the informal sector, and Africa has the world's highest rate of urbanization, are we able to provide a safety net big enough to catch this 60 per cent, and then base our employment policies on the remaining 40 per cent who are "lucky" enough to be employed in the formal sector? And I say "lucky" with a tinge of irony, for even in the formal sector conditions of employment are under assault.

Does the ILO now have the tools to make a real difference? The multidisciplinary teams have been set up to bring the ILO closer to its constituents, but do these teams have the depth of expertise, the direction and the resources to develop and demonstrate practical steps which can be taken to begin reversing the tide of unemployment, poverty and social exclusion? We must work together to make these MDTs fully operational, so that they can develop the capacity to manage effectively the innovative technical cooperation programmes that will be necessary if we are to have any hope of reversing the ominous trends which every day widen the gulf between the world's haves and have nots.

The worker is both the source and the beneficiary of all development. Therefore, in discussions on labour market flexibility, we should never forget that all development policies should be centred on the worker, and the term "flexibility" should not be just a euphemism for pushing workers around to meet the logic of impersonal economic forces. Flexibility should be in the service of workers. It should meet their needs, and not the opposite.

Another point of broad consensus is that the economic and social sides of development are in fact two sides of the same coin. Therefore, as the ILO strives to do fewer things better, we cannot afford to retreat from matters of economic policy, leaving these to the sole domain of partner institutions such as the World Bank and the International Monetary Fund. While the ILO must remain a partner, and not an adversary, of these institutions, we should also be prepared to defend our own unique tripartite perspective on questions of both economic and social policy.

This brings me to a further message I have heard from the podium. Whereas my compatriot from the Employers' group has spoken out strongly against global regulation, most speakers have warned against the possible negative consequences for both workers and the unemployed of a completely unbridled free market. I think most of us would agree that the fall of communism and the opening of free markets have not automatically led to increased prosperity and social justice in Eastern Europe, including the former Soviet Union. I think that most of us agree that free markets will not in and of themselves solve the problems of Juan Morales.

I also note that no speaker has advocated building a nation's comparative advantage in international trade on the basis of universally condemned practices such as child labour, bonded or prison labour, or the inability of workers and employers to organize themselves freely.

Those of us who advocate linking the most basic levels of social protection to international trade agreements, whether this is called a social clause or some other widely accepted term, are simply arguing that we should all speak loud and clear with one voice in all the international fora in which we participate.

This coming year, we will all work together for a renewal and reinforcement of the ILO, as called for by the Director-General. Many of us will either represent or be in contact with colleagues who represent our governments in the World Trade Organization and in the World Summit for Social Development.

Let us commit ourselves to defend in these fora the same ideals and policies which we have already supported and defended within the ILO. However, let us also commit ourselves to making recommendations which are realistic and which can, and will, be put into practice.

In conclusion, let us remind ourselves once again of the high cost of doing nothing to reverse the erosion of workers' acquired rights, of doing nothing to help the plight of the world's marginalized populations, of doing nothing to help Juan Morales get a job and to help his children go to school. Let us think of poverty, social injustice and unemployment as similar to pollution of the environment. If free markets cannot single- handedly solve the world's environmental crisis, why should we expect them to solve the equally dangerous problems of poverty and unemployment?

If I were a pessimist I dare say I would believe that on the 100th anniversary of the ILO, delegates to the 106th Session of the International Labour Conference will still be talking about growing poverty, bad working conditions in the informal sector, unemployment and social exclusion, while pointing out in their speeches how interesting and quaint it is that these were the same problems of concern in 1919, in 1944, in 1969 and in 1994. My friends, that simply isn't good enough.

But I'm an optimist. Why? Well, if I were not an optimist, I could not be a trade unionist. If I were not an optimist, I couldn't believe in this great Organization, the ILO. The principles and goals for which it stands have the capability to turn human misery into human history. If I were not an optimist, I couldn't dream and I, too, have a dream.

When this Organization meets for its centennial celebration, I see contingents of the more than 100 million bonded labourers, who are truly slaves, free from grinding poverty, able to provide for themselves and their families. I see contingents of the hundreds of millions of child labourers no longer denied their childhood and an education, standing on the threshold of making a positive contribution to society, all marching together down the aisles of this historic hall echoing the refrain of a great American heard from the United States to South Africa: "free at last, free at last, thank God Almighty, we are free at last".

I hate to give up this presidency, I must say. It is now my privilege to declare this 81st Session of the International Labour Conference closed. Godspeed, and have a safe trip home.

(The Conference adjourned sine die *at 1.15 p.m.)*

Final record vote on the Convention concerning part-time work

Pour/For/En Pro: 258

Afghanistan/Afganistán:
SAMIA, M.(T/W)
MOMEN, M. (E)
ANWARY, M. (G)
MODABER, M. (G)

République sud-africaine/Republic of South Africa/República de Sudáfrica:
GRAHAM, Mr.(T/W)
KETTLEDAS, Mr. (G)
MASHININI, Ms. (G)

Algérie/Algeria/Argelia:
ZITOUNI, M. (G)
GRINE, M. (G)

Allemagne/Germany/Alemania:
ADAMY, Mr.(T/W)
WILLERS, Mr. (G)
OHNDORF, Mr. (G)

Arabie saoudite/Saudi Arabia/Arabia Saudita:
JUMMA, Mr.(T/W)
DAHLAN, Mr. (E)
KENTAB, Mr. (G)
AL-KHALIDI, Mr. (G)

Argentine/Argentina:
BALDASSINI, Sr.(T/W)
SAPPIA, Sr. (G)
MAYORAL, Sr. (G)

Australie/Australia:
MAITLAND, Mr.(T/W)
DEEGAN, Ms. (G)
DEJONG, Mr. (G)

Autriche/Austria:
FRIEHS, Mr.(T/W)
MELAS, Mr. (G)
LANGHAMMER, Mr. (G)

Bahamas:
BODYE, Mr.(T/W)
BAIN, Mrs. (E)
ARCHER, Mr. (G)

Bahreïn/Bahrain/Bahrein:
ABDUL HUSSAIN ABDULLA, Mr.(T/W)

Bangladesh:
KHAN, Mr.(T/W)

Barbade/Barbados:
TROTMAN, Mr.(T/W)
YOUNG, Mr. (G)

Bélarus/Belarus/Belarús:
BULGAK, Mr.(T/W)
SEMYARYKAU, Mr. (G)
ZHUKOWSKY, Mr. (G)

Belgique/Belgium/Bélgica:
PEIRENS, M.(T/W)
CLOESEN, M. (G)
VAN DEPOELE, M. (G)

Belize/Belice:
BENNETT, Mr. (G)

Bénin/Benin:
LAWANI, M.(T/W)
POSSET, Mme (G)
ZANOU, M. (G)

Botswana:
MBONINI, Mr.(T/W)

Brésil/Brazil/Brasil:
DE BARROS, Mr.(T/W)
SUSSEKIND, Mr. (G)
BERNARDES, Mr. (G)

Bulgarie/Bulgaria:
NEYKOV, Mr.(T/W)
MATINCHEV, Mr. (G)
DOBREV, Mr. (G)

Burkina Faso:
SILGA, M. (G)

Cameroun/Cameroon/Camerún:
ETAME NDEDI, M.(T/W)
NYANGANG, Mme (G)

Canada/Canadá:
PARROT, Mr.(T/W)
CARON, Mrs. (G)
AUSMAN, Mr. (G)

Chili/Chile:
CORTES MUÑOZ, Sr.(T/W)
ILABACA ORPHANOPOULOS, Sr. (G)
ARAVENA ASTUDILLO, Sr. (G)

Chine/China:
LI, Mr.(T/W)
ZHANG, Mr. (G)
ZHU, Mr. (G)

Chypre/Cyprus/Chipre:
KITTENIS, Mr.(T/W)
SAMUEL, Mrs. (G)
MARKIDES, Mrs. (G)

Colombie/Colombia:
OBREGON SABOGAL, Sr.(T/W)
MESA CARDENAS, Sr. (G)
SALAZAR ACOSTA, Sr. (G)

République de Corée/Republic of Korea/República de Corea:
KIM, Mr.(T/W)

Costa Rica:
BROWN YOUNG, Sr.(T/W)
RHENAN SEGURA, Sr. (G)

Côte d'Ivoire:
ADIKO, M.(T/W)
N'DRI, M. (G)

Croatie/Croatia/Croacia:
RIBIC, Mr.(T/W)
IVANCEVIC, Mr. (E)
BABIC, Mrs. (G)
MUSULIN, Mrs. (G)

Cuba:
BERNAL CAMERO, Sr.(T/W)
HERNANDEZ OLIVA, Sra. (G)
LAGO SILVA, Sr. (G)

Danemark/Denmark/Dinamarca:
AERENLUND, Ms.(T/W)
ADLER, Ms. (G)
MÜLLER, Ms. (G)

Egypte/Egypt/Egipto:
MOUSTAFA, Mr.(T/W)
EL-HERRAWI, Mr. (E)
GHEITA, Mr. (G)
EL-ASSAR, Mr. (G)

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:
AL-ABDOOLI, Mr.(T/W)

Equateur/Ecuador:
RIOFRIO, Sr. (G)

Espagne/Spain/España:
VILCHES ARRIBAS, Sra.(T/W)
DE SEGOVIA, Sr. (G)
ALBALATE LAFITA, Sr. (G)

Estonie/Estonia:
KAADU, Mr.(T/W)
NERMANN, Mr. (G)

Etats-Unis/United States/Estados Unidos:
ZELLHOEFER, Mr.(T/W)
OTERO, Mr. (G)
FREEMAN, Mr. (G)

Ethiopie/Ethiopia/Etiopía:
IBRAHIM, Mr.(T/W)

Finlande/Finland/Finlandia:
TAPIOLA, Mr.(T/W)
SALMENPERÄ, Mr. (G)
MANNER, Mr. (G)

France/Francia:
BRIESCH, M.(T/W)

Gabon/Gabón:
TCHEN, Mme (G)

Ghana:
AGYEI, Mr.(T/W)

Grèce/Greece/Grecia:
GOUVERI, Mme(T/W)
YANTAIS, M. (G)
CRITICOU, Mme (G)

Grenade/Grenada/Granada:
PIERRE, Mr.(T/W)
THOMAS, Mr. (G)
ROBINSON, Mr. (G)

Hongrie/Hungary/Hungría:
GYORGY, Mr.(T/W)
MARTINUSZ, Mr. (G)
KLEKNER, Mr. (G)

Inde/India:
BAROT, Mr.(T/W)

Indonésie/Indonesia:
MUKADI, Ms.(T/W)
SARDADI, Mr. (G)

Irlande/Ireland/Irlanda:
LOWE, Mr. (G)

Islande/Iceland/Islandia:
GUNNARSSON, Mr.(T/W)
JÓHANNSSON, Mr. (G)
KRISTINSSON, Mr. (G)

Israël/Israel:
FASSA, Mr.(T/W)
WALDEN, Mr. (G)
BARAK, Mr. (G)

Italie/Italy/Italia:
MAGNANI, M.(T/W)
CARLA, Mme (G)
CAVAGLIERI, M. (G)

Japon/Japan/Japón:
ITOH, Mr.(T/W)

République dém. populaire du Lao/Lao People's Dem. Rep./República Dem. Pop. Lao:
VANNABOUATHONG, M.(T/W)
SISOULITH, M. (G)
TANDAVONG, M. (G)

Lesotho:
JONATHAN, Mr.(T/W)

Liban/Lebanon/Líbano:
NAJDE, M.(T/W)
EL HELOU, Mlle (G)

Lituanie/Lithuania/Lituania:
KVEDARAVICIUS, Mr.(T/W)
PRIELAIDA, Mr. (G)
BALTUTYTE, Ms. (G)

Luxembourg/Luxemburgo:
PIZZAFERRI, M.(T/W)
ROUSSEAUX, M. (G)

Malaisie/Malaysia/Malasia:
MOHAMED, Mr.(T/W)

Malawi:
MATTENJE, Mr.(T/W)
MGOMEZULU, Mr. (G)
MANDA, Mr. (G)

Mali/Malí:
BATHILY, M.(T/W)
TRAORE, M. (G)

Malte/Malta:

CALAMATTA, Mr.(T/W)
CILIA-DEBONO, Mr. (G)
FARRUGIA, Mr. (G)

Maroc/Morocco/Marruecos:

BENHIMA, M. (G)
YAHIA, M. (G)

Maurice/Mauritius/Mauricio:

ROY, Mr.(T/W)
MUNISAMY, Mr. (G)
BOLAKY, Mr. (G)

Mexique/Mexico/México:

SANCHEZ MADARIAGA, Sr.(T/W)
GONZALEZ MARTINEZ, Sra. (G)
VARGAS CAMPOS, Sr. (G)

République de Moldova/Republic of Moldova/República de Moldova:

URECHEANU, Mr.(T/W)
CUCU, Mr. (E)
NIDELCU, Mr. (G)
ZAPOROJAN, Mr. (G)

Mongolie/Mongolia:

SUKHBAATAR, Mr.(T/W)
JANTSAN, Mr. (E)
YUMJAV, Mr. (G)

Mozambique:

MABUMO, Mr.(T/W)

Myanmar:

MAUNG, Mr.(T/W)
HLAING, Mr. (G)
SHWE, Mr. (G)

Namibie/Namibia:

KEMBA, Mr.(T/W)

Népal/Nepal:

DHAKAL, Mr. (G)

Nicaragua:

GARACHE CASTELLON, Sr. (G)

Norvège/Norway/Noruega:

MORIN, Mrs.(T/W)
VIDNES, Mr. (G)
BRUAAS, Mr. (G)

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

DOUGLAS, Mr.(T/W)

Ouganda/Uganda:

OGWAL, Mr. (G)
OLWENY, Mr. (G)

Papouasie-Nouvelle Guinée/Papua New Guinea/Papua Nueva Guinea:

PASKA, Mr.(T/W)
JOEL, Mr. (G)
ARUA, Mr. (G)

Pays-Bas/Netherlands/Países Bajos:

VAN DEN BURG, Mrs.(T/W)
ROOD, Mr. (G)
VAN DE REE, Mr. (G)

Pérou/Peru/Perú:

ORTIZ PRIETTO, Sra.(T/W)

Philippines/Filipinas:

MENDOZA, Mr.(T/W)
CARALE, Mr. (G)
LAGUESMA, Mr. (G)

Pologne/Poland/Polonia:

WOJCIK, Mr.(T/W)
HENCZEL, Mr. (G)
PRZYGODZKI, Mr. (G)

Portugal:

HUGO SEQUEIRA, M.(T/W)
TOMÉ DE ALMEIDA, M. (G)

Roumanie/Romania/Rumania:

TODORAN, M.(T/W)
POPESCU, M. (G)
MIRCEA, M. (G)

Royaume-Uni/United Kingdom/Reino Unido:

BRETT, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia:

SHMAKOV, M.(T/W)
LISURENKO, M. (E)
EVLYUKHIN, M. (G)
BORSHCHEVSKY, M. (G)

Saint-Marin/San Marino:

MAURIACA, M.(T/W)
MANUZZI, M. (G)
CECCHETTI, M. (G)

Seychelles:

CHARLES, Mr.(T/W)
SULTAN, Mr. (E)
HERMINIE, Mr. (G)
MACGAW, Mrs. (G)

Slovaquie/Slovakia/Eslovaquia:

ENGLIS, Mr.(T/W)
LACH, Mr. (E)
HETTES, Mr. (G)
KRASNOHORSKA, Mrs. (G)

Slovénie/Slovenia/Eslovenia:

MIKLIC, Mr.(T/W)
LOGAR, Mr. (G)
TOPLAK, Mr. (G)

Soudan/Sudan/Sudán:

HASSAN, Mr. (G)
HAIDOUB, Mr. (G)

Sri Lanka:

SUNDERAM, Mr.(T/W)
JAYAWARDANE, Mr. (G)
PIYADIGAMA, Mr. (G)

Suède/Sweden/Suecia:

EDSTRÖM, Mr.(T/W)
JONZON, Mr. (G)
WIKLUND, Ms. (G)

Suisse/Switzerland/Suiza:

BOILLAT, M.(T/W)

Swaziland/Swazilandia:

NCONGWANE, Mr.(T/W)
CEKO, Mr. (G)
BHEMBE, Mr. (G)

République arabe syrienne/Syrian Arab Republic/República Arabe Siria:

ISSA, M.(T/W)
JAWISH, M. (E)
YASER, M. (G)
KASSAB, M. (G)

République-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania:

NYAMUHOKYA, Mr.(T/W)
ABDALLAH, Mr. (G)
BILAL, Mr. (G)

République tchèque/Czech Republic/República Checa:

BERAN, Mr.(T/W)
VENERA, Mr. (G)
VONKOVA, Mrs. (G)

Thaïlande/Thailand/Tailandia:

TECHATEERAVAT, Mr.(T/W)
KUNNAVATANA, Mrs. (G)
NAKCHUEN, Mr. (G)

Togo:

TOZOUN, M.(T/W)
SEDDOH, M. (E)
BLEDJE, M. (G)

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:

ABERDEEN, Mr.(T/W)

Tunisie/Tunisia/Túnez:

KCHAOU, M. (G)

Turquie/Turkey/Turquía:

MERAL, Mr.(T/W)
CANKOREL, Mr. (G)
TERZI, Mr. (G)

Ukraine/Ucrania:

CHILOV, M.(T/W)
VINOKOUROV, M. (G)
LIPATOV, M. (G)

Uruguay:

MELGAREJO GARCIA, Sr.(T/W)

Venezuela:

RAMIREZ LEON, Sr.(T/W)
TARRE MURZI, Sr. (G)

Viet Nam:

NGUYEN XUAN TAM, M.(T/W)
NGUYEN TIEN QUAN, M. (E)
NGUYEN, M. (G)
VU LAM THOI, M. (G)

Zaïre/Zaire:

MUSAS ZAND, M.(T/W)

Zambie/Zambia:

SHAMENDA, Mr.(T/W)

Zimbabwe:

SIBANDA, Mr.(T/W)
MASOKA, Mr. (G)

Contre/Against/En contra: 88

République sud-africaine/Republic of South Africa/República de Sudáfrica:

LIEBENBERG, Mr. (E)

Argentine/Argentina:

SPAGHI, Sr. (E)

Australie/Australia:

NOAKES, Mr. (E)

Autriche/Austria:

ARBESSER-RASTBURG, Mr. (E)

Bangladesh:

HYDER, Mr. (E)

Belgique/Belgium/Bélgica:

MINNE, M. (E)

Bénin/Benin:

GLELE G., M. (E)

Botswana:

DAMBE, Mr. (E)

Brésil/Brazil/Brasil:

LINHARES, Ms. (E)

Bulgarie/Bulgaria:

DIMITROV, Mr. (E)

Canada/Canadá:

WOOLFORD, Mr. (E)

Chili/Chile:

BRUNA VARGAS, Sr. (E)

Colombie/Colombia:

FAJARDO LIEVANO, Sr. (E)

Congo:

BOUSQUIE, Mme (E)
NZABA, M. (G)

République de Corée/Republic of Korea/República de Corea:

LEE, Mr. (E)

Costa Rica:

GONZALEZ VARGAS, Sr. (E)

Danemark/Denmark/Dinamarca:

JOHANSEN, Ms. (E)

Espagne/Spain/España:

LACASA ASO, Sr. (E)

Etats-Unis/United States/Estados Unidos:

MOORHEAD, Mr. (E)

Finlande/Finland/Finlandia:

HULTIN, Mr. (E)

France/Francia:

OECHSLIN, M. (E)

Gabon/Gabón:

ABOUGHE-OBAME, M. (E)
NDONG NANG, M. (G)

Ghana:

AMONOO, Mr. (E)
OBENG-FOSU, Mr. (G)
POKU, Mr. (G)

Grèce/Greece/Grecia:

VAGIAS, M. (E)

Grenade/Grenada/Granada:

SMITH, Mrs. (E)

Hongrie/Hungary/Hungría:

FILIPSZ, Mr. (E)

Inde/India:

MRIG, Mr. (E)
GOPALAN, Mr. (G)

Islande/Iceland/Islandia:

MAGNÚSSON, Mr. (E)

Israël/Israel:

GATTEGNO, Mr. (E)

Italie/Italy/Italia:

SASSO MAZZUFFERI, Mme (E)

Japon/Japan/Japón:

TSUJINO, Mr. (E)

Jordanie/Jordan/Jordania:

AL-KHALDI, Mr.(T/W)
ALAM, Ms. (E)
BATARSEH, Mr. (G)

Kenya:

OWUOR, Mr. (E)
OTIENO, Mr. (G)
NGARE, Mr. (G)

Lesotho:

MAKEKA, Mr. (E)
THAMAE, Mr. (G)
FANANA, Mr. (G)

Lituanie/Lithuania/Lituania:

RAINYS, Mr. (E)

Luxembourg/Luxemburgo:

SAUBER, M. (E)

Malaisie/Malaysia/Malasia:

ZAIN, Mr. (E)

Malawi:

MUYENZA, Mr. (E)

Mali/Malí:

TOURE, M. (E)

Malte/Malta:

MALLIA-MILANES, Mr. (E)

Maroc/Morocco/Marruecos:

ABOU LAHCEN, M. (E)

Maurice/Mauritius/Mauricio:

JEETUN, Mr. (E)

Mexique/Mexico/México:

GUTIERREZ GARCIA, Sr. (E)

Myanmar:

GYI, Mr. (E)

Namibie/Namibia:

HILL, Mr. (E)
HIVELUAH, Mr. (G)
SHINGUADJA, Mr. (G)

Nigéria/Nigeria:

OLANIYI, Mr. (E)
LOMA, Mr. (G)
AJAYI, Mrs. (G)

Norvège/Norway/Noruega:

BREVIG, Mrs. (E)

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

HOLDSWORTH, Mr. (E)
SILBERSTEIN, Ms. (G)

Ouganda/Uganda:

RWAMURA KASWARRA, Mr. (E)

Pakistan/Pakistán:

TABANI, Mr. (E)
HAMEED, Mr. (G)

Pays-Bas/Netherlands/Países Bajos:

HUNTJENS, Mr. (E)

Philippines/Filipinas:

TAN, Mr. (E)

Pologne/Poland/Polonia:

MACIEJCZYK, Mr. (E)

Portugal:

FERNANDES, M. (E)

Roumanie/Romania/Rumania:

DOBRIN, M. (E)

Royaume-Uni/United Kingdom/Reino Unido:

MACKIE, Ms. (E)
WESTON, Mr. (G)
HARTWELL, Ms. (G)

Saint-Marin/San Marino:

BATTISTINI, M. (E)

Suède/Sweden/Suecia:

SELANDER, Mr. (E)

Suisse/Switzerland/Suiza:

PLASSARD, M. (E)

Suriname:

BIJNOE, Mr. (E)

République-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania:

MAENDA, Mr. (E)

République tchèque/Czech Republic/República Checa:

KUBICKOVA, Mrs. (E)

Thaïlande/Thailand/Tailandia:

CHIEMPRICHA, Mr. (E)

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:

MILLETTE, Mr. (E)

Tunisie/Tunisia/Túnez:

M'KAISSI, M. (E)

Turquie/Turkey/Turquía:

EVIN, Mr. (E)

Ukraine/Ucrania:

MAYKO, M. (E)

Venezuela:

DE ARBELOA, Sr. (E)

Zimbabwe:

CHIWESHE, Mr. (E)

Abstentions/Abstentions/Abstenciones: 43

Allemagne/Germany/Alemania:

THÜSING, Mr. (E)

Bangladesh:

FARID, Mr. (G)

Bolivie/Bolivia:

ESPAÑA-SMITH, Sr. (E)

Botswana:

WILLIAMS, Mr. (G)
PALAI, Mr. (G)

Cameroun/Cameroon/Camerún:

MOUKOKO KINGUE, M. (E)

République de Corée/Republic of Korea/República de Corea:

KIM, Mr. (G)
CHANG, Mr. (G)

Cuba:

NAVARRO CABRERA, Sr. (E)

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:

AL-MUHAIRI, Mr. (G)
AL-SUWAIDI, Mr. (G)

Estonie/Estonia:

ROOS, Ms. (E)

Fidji/Fiji:

JALE, Mr. (G)
TAGICAKIBAU, Mrs. (G)

France/Francia:

CHOTARD, M. (G)
RAMOND, M. (G)

Guatemala:

RODRIGUEZ DE FANKHAUSER, Sra. (G)

Indonésie/Indonesia:

HADISUWITO, Mr. (E)

Japon/Japan/Japón:

WAKAKI, Mr. (G)
TAKAHASHI, Mr. (G)

Liban/Lebanon/Líbano:

NASR, M. (E)

Malaisie/Malaysia/Malasia:

DATO' ANTHONY YEO, Mr. (G)
AHMAD, Mr. (G)

Mauritanie/Mauritania:

OULD SIDI, M. (E)
OULD BAYA, M. (G)

Oman/Omán:

AL-SHANFARY, Mr.(T/W)
AL-KIYUMI, Mr. (G)
AL-YAHYAI, Mr. (G)

Panama/Panamá:

GONZALEZ, Sr. (G)
MANZUR, Sra. (G)

Papouasie-Nouvelle Guinée/Papua New Guinea/Papua Nueva Guinea:

KEP, Mr. (E)

Pérou/Peru/Perú:

GUTIERREZ, Sr. (G)
TINCOPA, Srta. (G)

Portugal:

RIBEIRO LOPES, M. (G)

Qatar:

AL-BUAINAIN, Mr.(T/W)
AL MAHMOUD, Mr. (G)
DAHAM, Mr. (G)

Slovénie/Slovenia/Eslovenia:

ZUPANCIC, Mr. (E)

Suisse/Switzerland/Suiza:

BRANDT, M. (G)
ELMIGER, M. (G)

Uruguay:

PENINO, Sr. (E)
CABRERA, Sr. (G)
BERRO, Sr. (G)

Quorum

271

Final record vote on the Recommendation concerning part-time work

Pour/For/En Pro: 291

Afghanistan/Afganistán:
SAMIA, M.(T/W)
MOMEN, M. (E)
ANWARY, M. (G)
MODABER, M. (G)

République sud-africaine/Republic of South Africa/República de Sudáfrica:
GRAHAM, Mr.(T/W)
KETTLEDAS, Mr. (G)
MASHININI, Ms. (G)

Algérie/Algeria/Argelia:
ZITOUNI, M. (G)
GRINE, M. (G)

Allemagne/Germany/Alemania:
ADAMY, Mr.(T/W)
WILLERS, Mr. (G)
OHNDORF, Mr. (G)

Arabie saoudite/Saudi Arabia/Arabia Saudita:
JUMMA, Mr.(T/W)
DAHLAN, Mr. (E)
KENTAB, Mr. (G)
AL-KHALIDI, Mr. (G)

Argentine/Argentina:
BALDASSINI, Sr.(T/W)
ETALA, Sr. (G)
MAYORAL, Sr. (G)

Australie/Australia:
MAITLAND, Mr.(T/W)
DEEGAN, Ms. (G)
DEJONG, Mr. (G)

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No. 28 – Saturday, 25 June 1994

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Corrigenda

Provisional Record		
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4	24	Right-hand column, second full paragraph, The Prime Minister of India's speech should be in quotations and in the present tense. It should read as follows: 'Change has to be accepted as a result of deliberate and thoughtful thinking ... We have to evolve our own way of thinking, our own way of mending our shoe'". Right-hand column, third full paragraph, the last sentence should read as follows: "None the less, to my mind there is need for a credible budget for the IPEC programme. With these few words, I conclude my statement."
4	26	Right-hand column, last line, read "... in connection with the introduction of new procedures for the examination of complaints – in which Russia is ready to participate".
4	36	Right-hand column, first paragraph, eighth line, add the words "– except for such unfair labour practices as forced labour –", between "social progress" and "which does not meet".
6	16	Right-hand column, fourth paragraph, tenth line, replace "the ILO" by "he".
	17	Right-hand column, second full paragraph, 17th line, should read: "The adding of verification procedures ...". Third full paragraph, tenth line, should read: "The Employers' group offers itself uncommitted from its certainties ...".
11	26	Left-hand column, sixth full paragraph, first line, should read: "Mrs. OSSENI (Minister of Labour, Employment and Social Affairs, Government delegate, Benin)".
13	29	Left-hand column, fourth full paragraph, second line, should read "Employers' delegation" and not "Workers' delegation".
14	4	Left-hand column, second paragraph, the second sentence should read: "I have had the privilege to be able to spell out my own proposals and thoughts for the future more in detail in the anthology entitled *Visions of the future of social justice* which the Director-General has taken the initiative to compile for the ILO's 75-year jubilee." Third paragraph, seventh line, the sentence should read: "The ILO's activities should be demand driven and not supply driven." Last paragraph, second line, the words "the proposals" should be replaced by "our proposals".
16	9	Right-hand column, seventh full paragraph, the first sentence should read: "The full and proper use of this ILO machinery would not only ensure that appropriate world attention is drawn to the cases of discrimination and poor employment practices in the occupied territories, but it would render exceptional measures such as the current special sitting unnecessary in the future."
16	12	Right-hand column, fourth full paragraph, first line, replace "Original Farsi" by "Original Arabic".
18	21	Right-hand column, fourth paragraph, third line, replace "Mr. Martin, the representative of the Director-General", by "Mr. Maupin, Legal Adviser of the ILO".
18	39	Right-hand column, second paragraph, seventh line, replace the words "a very different approach" by "different approach"; same paragraph, penultimate line, replace the words "a major reorganization on the way" by "a far-reaching functional change in the way". In the third paragraph, the end of the fifth sentence should read" – and I can find no reference to competition or trade anywhere in that Preamble or elsewhere". The beginning of the fourth paragraph should read: "I do not, at this point, wish to enter into a discussion as to whether these clauses are in any way inappropriate to achieve their commercial ...". Fifth paragraph, sixth line, the words "the ILO could be asked to play a role when cases of violation are identified" should be replaced by "the ILO could be asked to play an informative role as to where cases of violation are identified". Sixth paragraph, last sentence, should read "But I feel that once the discussion has been concluded, the issue could be closed as far as the ILO is concerned."
22	7	Left-hand column. The title of the speaker, Mr. HERMINIE, should be "Minister of Employment and Social Affairs".

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22	12	Right-hand column, third line, the words "newly independent" should be capitalized to read "Newly Independent". In the same column, first full paragraph, 16th line, the sentence should end after the word "landscape" and the word "and" should be deleted. A new sentence should then begin with "I". In the third full paragraph, fifth line, the words "at the Ministerial Level" should be inserted after "Meeting"; and the words "concerning labour markets" should be inserted after "flexibility".
23	7	The last sentence of paragraph 18 should be replaced as follows: "The Government member of Mexico reiterated her country's commitment to the ILO's standard-setting activity, both as concerns bargaining and the ratification and adjustment of international labour standards to specific situations. She expressed support for a Recommendation, rather than a Convention, pointing out that in order to bring the provisions of a Convention into conformity with national legislation, it would be necessary to carry out far-reaching constitutional and statutory reforms, which were not envisaged in Mexico at the moment. A Recommendation would give member States the possibility of applying measures of protection in accordance with their needs, as well as serve as an informal source for future adjustments to national law and practice."
25	109	Left-hand column, 32nd line, the text should read "55 per cent" instead of "50 per cent".

AUTHENTIC TEXTS OF INSTRUMENTS ADOPTED BY THE CONFERENCE

CONVENTION CONCERNING PART-TIME WORK

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 81st Session on 7 June 1994, and

Noting the relevance, for part-time workers, of the provisions of the Equal Remuneration Convention, 1951, the Discrimination (Employment and Occupation) Convention, 1958, and the Workers with Family Responsibilities Convention and Recommendation, 1981, and

Noting the relevance for these workers of the Employment Promotion and Protection against Unemployment Convention, 1988, and the Employment Policy (Supplementary Provisions) Recommendation, 1984, and

Recognizing the importance of productive and freely chosen employment for all workers, the economic importance of part-time work, the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities, and the need to ensure protection for part-time workers in the areas of access to employment, working conditions and social security, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the following Convention, which may be cited as the Part-Time Work Convention, 1994:

Article 1

For the purposes of this Convention:

(a) the term "part-time worker" means an employed person whose normal hours of work are less than those of comparable full-time workers;

(b) the normal hours of work referred to in subparagraph (a) may be calculated weekly or on average over a given period of employment;

(c) the term "comparable full-time worker" refers to a full-time worker who:

- (i) has the same type of employment relationship;
- (ii) is engaged in the same or a similar type of work or occupation; and
- (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,

as the part-time worker concerned;

(d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

Article 2

This Convention does not affect more favourable provisions applicable to part-time workers under other international labour Conventions.

CONVENTION CONCERNANT LE TRAVAIL À TEMPS PARTIEL

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 7 juin 1994, en sa quatre-vingt-unième session;

Notant la pertinence, pour les travailleurs à temps partiel, des dispositions de la convention sur l'égalité de rémunération, 1951, de la convention concernant la discrimination (emploi et profession), 1958, et de la convention et de la recommandation sur les travailleurs ayant des responsabilités familiales, 1981;

Notant aussi la pertinence, pour ces travailleurs, de la convention sur la promotion de l'emploi et la protection contre le chômage, 1988, et de la recommandation concernant la politique de l'emploi (dispositions complémentaires), 1984;

Reconnaissant l'importance que revêt pour l'ensemble des travailleurs un emploi productif et librement choisi, l'importance du travail à temps partiel pour l'économie, la nécessité pour les politiques de l'emploi de prendre en compte le rôle que joue le travail à temps partiel dans la création de possibilités d'emploi supplémentaires et la nécessité d'assurer la protection des travailleurs à temps partiel dans les domaines de l'accès à l'emploi, des conditions de travail et de la sécurité sociale;

Après avoir décidé d'adopter diverses propositions relatives au travail à temps partiel, question qui constitue le quatrième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une convention internationale,

adopte, ce vingt-quatrième jour de juin mil neuf cent quatre-vingt-quatorze, la convention ci-après, qui sera dénommée Convention sur le travail à temps partiel, 1994.

Article 1

Aux fins de la présente convention:

a) l'expression «travailleur à temps partiel» désigne un travailleur salarié dont la durée normale du travail est inférieure à celle des travailleurs à plein temps se trouvant dans une situation comparable;

b) la durée normale du travail visée à l'alinéa *a)* peut être calculée sur une base hebdomadaire ou en moyenne au cours d'une période d'emploi donnée;

c) l'expression «travailleur à plein temps se trouvant dans une situation comparable» se réfère à un travailleur à plein temps:

  i) ayant le même type de relation d'emploi;

  ii) effectuant le même type de travail, ou un type de travail similaire, ou exerçant le même type de profession, ou un type de profession similaire;

  iii) et employé dans le même établissement ou, en l'absence de travailleurs à plein temps se trouvant dans une situation comparable dans cet établissement, dans la même entreprise ou, en l'absence de travailleurs à plein temps se trouvant dans une situation comparable dans cette entreprise, dans la même branche d'activité,

que le travailleur à temps partiel visé;

d) les travailleurs à plein temps en chômage partiel, c'est-à-dire affectés par une réduction collective et temporaire de leur durée normale de travail pour des raisons économiques, techniques ou structurelles, ne sont pas considérés comme des travailleurs à temps partiel.

Article 2

La présente convention n'affecte pas les dispositions plus favorables applicables aux travailleurs à temps partiel en vertu d'autres conventions internationales du travail.

Article 3

1. This Convention applies to all part-time workers, it being understood that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

2. Each Member having ratified this Convention which avails itself of the possibility afforded in the preceding paragraph shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers or of establishments thus excluded and the reasons why this exclusion was or is still judged necessary.

Article 4

Measures shall be taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of:

(a) the right to organize, the right to bargain collectively and the right to act as workers' representatives;
(b) occupational safety and health;
(c) discrimination in employment and occupation.

Article 5

Measures appropriate to national law and practice shall be taken to ensure that part-time workers do not, solely because they work part time, receive a basic wage which, calculated proportionately on an hourly, performance-related, or piece-rate basis, is lower than the basic wage of comparable full-time workers, calculated according to the same method.

Article 6

Statutory social security schemes which are based on occupational activity shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to hours of work, contributions or earnings, or through other methods consistent with national law and practice.

Article 7

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

(a) maternity protection;
(b) termination of employment;
(c) paid annual leave and paid public holidays; and
(d) sick leave,

it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings.

Article 8

1. Part-time workers whose hours of work or earnings are below specified thresholds may be excluded by a Member:

(a) from the scope of any of the statutory social security schemes referred to in Article 6, except in regard to employment injury benefits;

(b) from the scope of any of the measures taken in the fields covered by Article 7, except in regard to maternity protection measures other than those provided under statutory social security schemes.

Article 3

1. La présente convention s'applique à tous les travailleurs à temps partiel, étant entendu qu'un Membre pourra, après consultation des organisations représentatives des employeurs et des travailleurs intéressés, exclure totalement ou partiellement de son champ d'application des catégories particulières de travailleurs ou d'établissements lorsque sa mise en œuvre à leur égard soulève des problèmes particuliers d'une importance non négligeable.

2. Tout Membre qui ratifie la présente convention et qui se prévaut de la possibilité offerte au paragraphe précédent doit, dans ses rapports sur l'application de la convention présentés au titre de l'article 22 de la Constitution de l'Organisation internationale du Travail, indiquer toute catégorie particulière de travailleurs ou d'établissements ainsi exclue et les raisons pour lesquelles cette exclusion a été ou reste jugée nécessaire.

Article 4

Des mesures doivent être prises afin que les travailleurs à temps partiel reçoivent la même protection que celle dont bénéficient les travailleurs à plein temps se trouvant dans une situation comparable en ce qui concerne:

a) le droit d'organisation, le droit de négociation collective et celui d'agir en qualité de représentants des travailleurs;

b) la sécurité et la santé au travail;

c) la discrimination dans l'emploi et la profession.

Article 5

Des mesures appropriées à la législation et à la pratique nationales doivent être prises pour que les travailleurs à temps partiel ne perçoivent pas, au seul motif qu'ils travaillent à temps partiel, un salaire de base qui, calculé proportionnellement sur une base horaire, au rendement ou à la pièce, soit inférieur au salaire de base, calculé selon la même méthode, des travailleurs à plein temps se trouvant dans une situation comparable.

Article 6

Les régimes légaux de sécurité sociale qui sont liés à l'exercice d'une activité professionnelle doivent être adaptés de manière à ce que les travailleurs à temps partiel bénéficient de conditions équivalentes à celles des travailleurs à plein temps se trouvant dans une situation comparable; ces conditions pourront être déterminées à proportion de la durée du travail, des cotisations ou des gains ou par d'autres méthodes conformes à la législation et à la pratique nationales.

Article 7

Des mesures doivent être prises afin que les travailleurs à temps partiel bénéficient de conditions équivalentes à celles des travailleurs à plein temps se trouvant dans une situation comparable dans les domaines suivants:

a) la protection de la maternité;

b) la cessation de la relation de travail;

c) le congé annuel payé et les jours fériés payés;

d) le congé de maladie,

étant entendu que les prestations pécuniaires pourront être déterminées à proportion de la durée du travail ou des gains.

Article 8

1. Les travailleurs à temps partiel dont la durée du travail ou les gains sont inférieurs à des seuils déterminés pourront être exclus par un Membre:

a) du champ d'application de l'un quelconque des régimes légaux de sécurité sociale visés à l'article 6, sauf s'il s'agit des prestations d'accidents du travail et de maladies professionnelles;

b) du champ d'application de l'une quelconque des mesures adoptées dans les domaines visés à l'article 7, à l'exception des mesures de protection de la maternité autres que celles qui sont prévues par des régimes légaux de sécurité sociale.

2. The thresholds referred to in paragraph 1 shall be sufficiently low as not to exclude an unduly large percentage of part-time workers.

3. A Member which avails itself of the possibility provided for in paragraph 1 above shall:

(a) periodically review the thresholds in force;

(b) in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the thresholds in force, the reasons therefor and whether consideration is being given to the progressive extension of protection to the workers excluded.

4. The most representative organizations of employers and workers shall be consulted on the establishment, review and revision of the thresholds referred to in this Article.

Article 9

1. Measures shall be taken to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers, provided that the protection referred to in Articles 4 to 7 is ensured.

2. These measures shall include:

(a) the review of laws and regulations that may prevent or discourage recourse to or acceptance of part-time work;

(b) the use of employment services, where they exist, to identify and publicize possibilities for part-time work in their information and placement activities;

(c) special attention, in employment policies, to the needs and preferences of specific groups such as the unemployed, workers with family responsibilities, older workers, workers with disabilities and workers undergoing education or training.

3. These measures may also include research and dissemination of information on the degree to which part-time work responds to the economic and social aims of employers and workers.

Article 10

Where appropriate, measures shall be taken to ensure that transfer from full-time to part-time work or vice versa is voluntary, in accordance with national law and practice.

Article 11

The provisions of this Convention shall be implemented by laws or regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice. The most representative organizations of employers and workers shall be consulted before any such laws or regulations are adopted.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

2. Les seuils mentionnés au paragraphe 1 doivent être suffisamment bas pour ne pas exclure un pourcentage indûment élevé de travailleurs à temps partiel.

3. Un Membre qui se prévaut de la possibilité prévue au paragraphe 1 ci-dessus doit:

a) revoir périodiquement les seuils en vigueur;

b) préciser, dans ses rapports sur l'application de la convention présentés au titre de l'article 22 de la Constitution de l'Organisation internationale du Travail, les seuils en vigueur et leurs raisons et indiquer s'il est envisagé d'étendre progressivement la protection aux travailleurs exclus.

4. Les organisations les plus représentatives des employeurs et des travailleurs doivent être consultées au sujet de la fixation, du réexamen et de la révision des seuils visés au présent article.

Article 9

1. Des mesures doivent être prises pour faciliter l'accès au travail à temps partiel productif et librement choisi qui réponde aux besoins tant des employeurs que des travailleurs sous réserve que la protection visée aux articles 4 à 7 ci-dessus soit assurée.

2. Ces mesures doivent comporter:

a) le réexamen des dispositions de la législation susceptibles d'empêcher ou de décourager le recours au travail à temps partiel ou l'acceptation de ce type de travail;

b) l'utilisation des services de l'emploi, lorsqu'il en existe, pour identifier et faire connaître les possibilités de travail à temps partiel au cours de leurs activités d'information et de placement;

c) une attention spéciale, dans le cadre des politiques de l'emploi, aux besoins et aux préférences de groupes spécifiques tels que les chômeurs, les travailleurs ayant des responsabilités familiales, les travailleurs âgés, les travailleurs handicapés et les travailleurs qui étudient ou sont en formation.

3. Ces mesures peuvent comprendre également des recherches et la diffusion d'informations sur la mesure dans laquelle le travail à temps partiel répond aux objectifs économiques et sociaux des employeurs et des travailleurs.

Article 10

Dans les cas appropriés, des mesures doivent être prises afin que le transfert d'un travail à plein temps à un travail à temps partiel, ou vice versa, soit volontaire, conformément à la législation et à la pratique nationales.

Article 11

Les dispositions de la présente convention doivent être mises en œuvre par voie de législation, sauf dans la mesure où il leur est donné effet par voie de conventions collectives ou par tout autre moyen conforme à la pratique nationale. Les organisations les plus représentatives des employeurs et des travailleurs doivent être consultées préalablement à l'adoption d'une telle législation.

Article 12

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 13

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciations registered by him in accordance with the provisions of the preceding Articles.

Article 17

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides–

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

Article 14

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 15

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et dénonciations qui lui seront communiquées par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 16

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 17

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 18

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 14 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;

b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 19

Les versions française et anglaise du texte de la présente convention font également foi.

RECOMMENDATION CONCERNING PART-TIME WORK

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 81st Session on 7 June 1994, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Part-Time Work Convention, 1994;

adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the following Recommendation, which may be cited as the Part-Time Work Recommendation, 1994:

1. The provisions of this Recommendation should be considered in conjunction with those of the Part-Time Work Convention, 1994 (hereafter referred to as "the Convention").

2. For the purposes of this Recommendation:

(a) the term "part-time worker" means an employed person whose normal hours of work are less than those of comparable full-time workers;

(b) the normal hours of work referred to in clause (a) may be calculated weekly or on average over a given period of employment;

(c) the term "comparable full-time worker" refers to a full-time worker who:

- (i) has the same type of employment relationship;
- (ii) is engaged in the same or a similar type of work or occupation; and
- (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,

as the part-time worker concerned;

(d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

3. This Recommendation applies to all part-time workers.

4. In accordance with national law and practice, employers should consult the representatives of the workers concerned on the introduction or extension of part-time work on a broad scale, on the rules and procedures applying to such work and on the protective and promotional measures that may be appropriate.

5. Part-time workers should be informed of their specific conditions of employment in writing or by any other means consistent with national law and practice.

6. The adaptations to be made in accordance with Article 6 of the Convention to statutory social security schemes which are based on occupational activity should aim at:

(a) if appropriate, progressively reducing threshold requirements based on earnings or hours of work as a condition for coverage by these schemes;

(b) as appropriate, granting to part-time workers minimum or flat-rate benefits, in particular old-age, sickness, invalidity and maternity benefits, as well as family allowances;

RECOMMANDATION CONCERNANT LE TRAVAIL À TEMPS PARTIEL

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 7 juin 1994, en sa quatre-vingt-unième session;

Après avoir décidé d'adopter diverses propositions relatives au travail à temps partiel, question qui constitue le quatrième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une recommandation complétant la convention sur le travail à temps partiel, 1994,

adopte, ce vingt-quatrième jour de juin mil neuf cent quatre-vingt-quatorze, la recommandation ci-après, qui sera dénommée Recommandation sur le travail à temps partiel, 1994.

1. Les dispositions de la présente recommandation devraient être considérées concurremment avec celles de la convention sur le travail à temps partiel, 1994 (ci-après dénommée la convention).

2. Aux fins de la présente recommandation:

a) l'expression «travailleur à temps partiel» désigne un travailleur salarié dont la durée normale du travail est inférieure à celle des travailleurs à plein temps se trouvant dans une situation comparable;

b) la durée normale du travail visée à l'alinéa *a)* peut être calculée sur une base hebdomadaire ou en moyenne au cours d'une période d'emploi donnée;

c) l'expression «travailleur à plein temps se trouvant dans une situation comparable» se réfère à un travailleur à plein temps:

- i) ayant le même type de relation d'emploi;
- ii) effectuant le même type de travail, ou un type de travail similaire, ou exerçant le même type de profession, ou un type de profession similaire;
- iii) et employé dans le même établissement ou, en l'absence de travailleurs à plein temps se trouvant dans une situation comparable dans cet établissement, dans la même entreprise ou, en l'absence de travailleurs à plein temps se trouvant dans une situation comparable dans cette entreprise, dans la même branche d'activité,

que le travailleur à temps partiel visé;

d) les travailleurs à plein temps en chômage partiel, c'est-à-dire affectés par une réduction collective et temporaire de leur durée normale de travail pour des raisons économiques, techniques ou structurelles, ne sont pas considérés comme des travailleurs à temps partiel.

3. La présente recommandation s'applique à tous les travailleurs à temps partiel.

4. Conformément à la législation et à la pratique nationales, l'employeur devrait consulter les représentants des travailleurs concernés au sujet de l'introduction ou de l'extension, sur une large échelle, du travail à temps partiel, au sujet des règles et procédures applicables à ce type de travail ainsi qu'au sujet des mesures protectrices et promotionnelles qui peuvent être appropriées.

5. Les travailleurs à temps partiel devraient être informés de leurs conditions d'emploi spécifiques par écrit ou par tout autre moyen conforme à la législation et à la pratique nationales.

6. Les adaptations à apporter, conformément à l'article 6 de la convention, aux régimes légaux de sécurité sociale liés à l'exercice d'une activité professionnelle devraient tendre à:

a) abaisser progressivement, s'il y a lieu, les exigences relatives aux seuils de gains ou de durée du travail qui permettent l'accès à ces régimes;

b) assurer aux travailleurs à temps partiel, s'il y a lieu, le bénéfice des prestations minimales ou forfaitaires prévues, notamment en matière de vieillesse, de maladie, d'invalidité et de maternité ainsi qu'en matière d'allocations familiales;

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(c) accepting in principle that part-time workers whose employment has come to an end or been suspended and who are seeking only part-time employment meet the condition of availability for work required for the payment of unemployment benefits;

(d) reducing the risk that part-time workers may be penalized by schemes which:

  (i) subject the right to benefits to a qualifying period, expressed in terms of periods of contribution, of insurance or of employment during a given reference period; or

  (ii) fix the amount of benefits by reference both to the average of former earnings and to the length of the periods of contribution, of insurance or of employment.

7. (1) Where appropriate, threshold requirements for access to coverage under private occupational schemes which supplement or replace statutory social security schemes should be progressively reduced to allow part-time workers to be covered as widely as possible.

(2) Part-time workers should be protected by such schemes under conditions equivalent to those of comparable full-time workers. Where appropriate, these conditions may be determined in proportion to hours of work, contributions or earnings.

8. (1) As appropriate, threshold requirements based on hours of work or earnings as specified under Article 8 of the Convention in the fields referred to in its Article 7 should be progressively reduced.

(2) The periods of service required as a condition for protection in the fields referred to in Article 7 of the Convention should not be longer for part-time workers than for comparable full-time workers.

9. Where part-time workers have more than one job, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements in statutory social security schemes which are based on occupational activity.

10. Part-time workers should benefit on an equitable basis from financial compensation, additional to basic wages, which is received by comparable full-time workers.

11. All appropriate measures should be taken to ensure that as far as practicable part-time workers have access on an equitable basis to the welfare facilities and social services of the establishment concerned; these facilities and services should, to the extent possible, be adapted to take into account the needs of part-time workers.

12. (1) The number and scheduling of hours of work of part-time workers should be established taking into account the interests of the worker as well as the needs of the establishment.

(2) As far as possible, changes in the agreed work schedule and work beyond scheduled hours should be subject to restrictions and to prior notice.

(3) The system of compensation for work beyond the agreed work schedule should be subject to negotiations in accordance with national law and practice.

13. In accordance with national law and practice, part-time workers should have access on an equitable basis, and as far as possible under equivalent conditions, to all forms of leave available to comparable full-time workers, in particular paid educational leave, parental leave and leave in cases of illness of a child or another member of a worker's immediate family.

14. Where appropriate, the same rules should apply to part-time workers as to comparable full-time workers with respect to scheduling of annual leave and work on customary rest days and public holidays.

c) admettre en principe que les travailleurs à temps partiel dont la relation de travail a pris fin ou a été suspendue et qui sont demandeurs seulement d'un emploi à temps partiel remplissent la condition de disponibilité pour le travail requise pour le versement d'allocations de chômage;

d) réduire le risque que les travailleurs à temps partiel soient pénalisés par des régimes qui:

i) subordonnent le droit aux prestations à une période déterminée de cotisation, d'assurance ou d'emploi au cours d'une période de référence donnée; ou

ii) fixent le montant des prestations par référence à la fois à la moyenne des gains antérieurs et à la durée des périodes de cotisation, d'assurance ou d'emploi.

7. (1) Dans les cas appropriés, les exigences relatives aux seuils d'accès à des régimes professionnels privés complétant ou remplaçant des régimes légaux de sécurité sociale devraient être progressivement abaissées pour permettre la couverture la plus large possible des travailleurs à temps partiel.

(2) Les travailleurs à temps partiel devraient bénéficier dans ces régimes de conditions équivalentes à celles des travailleurs à plein temps se trouvant dans une situation comparable; selon le cas, ces conditions pourraient être déterminées à proportion de la durée du travail, des cotisations ou des gains.

8. (1) S'il y a lieu, les exigences relatives aux seuils de durée du travail ou de gains fixées en vertu de l'article 8 de la convention dans les domaines visés à l'article 7 de celle-ci devraient être progressivement abaissées.

(2) Les périodes de service exigées pour bénéficier de la protection dans les domaines visés à l'article 7 de la convention ne devraient pas être plus longues pour les travailleurs à temps partiel que pour les travailleurs à plein temps se trouvant dans une situation comparable.

9. Lorsque les travailleurs à temps partiel ont plus d'un emploi, la somme de leurs heures de travail, de leurs cotisations ou de leurs gains devrait être prise en considération pour déterminer s'ils satisfont aux exigences de seuils établies par les régimes légaux de sécurité sociale liés à l'exercice d'une activité professionnelle.

10. Les travailleurs à temps partiel devraient bénéficier sur une base équitable des compensations pécuniaires qui s'ajoutent au salaire de base des travailleurs à plein temps se trouvant dans une situation comparable.

11. Toutes les mesures appropriées devraient être prises afin que les travailleurs à temps partiel aient, dans la mesure où cela est réalisable, accès sur une base équitable aux installations et services de bien-être de l'établissement considéré; lesdites installations et services devraient, dans toute la mesure possible, être adaptés pour tenir compte des besoins des travailleurs à temps partiel.

12. (1) Le nombre et l'aménagement des heures de travail des travailleurs à temps partiel devraient être déterminés en tenant compte à la fois des intérêts du travailleur et des besoins de l'établissement.

(2) Autant que possible, les modifications ou les dépassements de l'horaire de travail convenu devraient faire l'objet de restrictions et d'un préavis.

(3) Le système des compensations à accorder en cas de dépassement de l'horaire convenu devrait faire l'objet de négociations, conformément à la législation et à la pratique nationales.

13. Conformément à la législation et à la pratique nationales, les travailleurs à temps partiel devraient avoir accès sur une base équitable, et autant que possible dans des conditions équivalentes, à tous les types de congés octroyés aux travailleurs à plein temps se trouvant dans une situation comparable, notamment au congé-éducation payé, au congé parental et au congé en cas de maladie d'un enfant ou d'un autre membre de la famille directe du travailleur.

14. Les mêmes règles devraient, s'il y a lieu, s'appliquer aux travailleurs à temps partiel et aux travailleurs à plein temps se trouvant dans une situation comparable en ce qui concerne les dates des congés annuels et le travail effectué au cours d'un jour de repos habituel ou d'un jour férié.

15. Where appropriate, measures should be taken to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility.

16. Provisions of statutory social security schemes based on occupational activity that may discourage recourse to or acceptance of part-time work should be adapted, in particular those which:

(a) result in proportionately higher contributions for part-time workers unless these are justified by corresponding proportionately higher benefits;

(b) without reasonable grounds, significantly reduce the unemployment benefits of unemployed workers who temporarily accept part-time work;

(c) overemphasize, in the calculation of old-age benefits, the reduced income from part-time work undertaken solely during the period preceding retirement.

17. Measures should be considered by employers to facilitate access to part-time work at all levels of the enterprise, including skilled and managerial positions where appropriate.

18. (1) Where appropriate, employers should give consideration to:

(a) requests by workers for transfer from full-time to part-time work that becomes available in the enterprise; and

(b) requests by workers for transfer from part-time to full-time work that becomes available in the enterprise.

(2) Employers should provide timely information to the workers on the availability of part-time and full-time positions in the establishment, in order to facilitate transfers from full-time to part-time work or vice versa.

19. A worker's refusal to transfer from full-time to part-time work or vice versa should not in itself constitute a valid reason for termination of employment, without prejudice to termination, in accordance with national law and practice, for other reasons such as may arise from the operational requirements of the establishment concerned.

20. Where national or establishment-level conditions permit, workers should be enabled to transfer to part-time work in justified cases, such as pregnancy or the need to care for a young child or a disabled or sick member of a worker's immediate family, and subsequently to return to full-time work.

21. Where obligations on employers depend on the number of the workers they employ, part-time workers should be counted as full-time workers. Nevertheless, where appropriate, part-time workers may be counted proportionately to their hours of work, it being understood that where such obligations refer to the protection mentioned in Article 4 of the Convention, they should be counted as full-time workers.

22. Information should be disseminated on the protective measures that apply to part-time work and on practical arrangements for various part-time work schemes.

15. Des mesures devraient être prises, s'il y a lieu, pour surmonter les contraintes spécifiques que rencontrent les travailleurs à temps partiel en ce qui concerne l'accès à la formation, la progression et la mobilité professionnelles.

16. Les dispositions des régimes légaux de sécurité sociale liés à l'exercice d'une activité professionnelle qui sont de nature à décourager le recours au travail à temps partiel ou son acceptation devraient être adaptées, en particulier celles qui:

a) ont pour résultat d'assujettir les travailleurs à temps partiel à des cotisations proportionnellement plus élevées, à moins que celles-ci ne soient justifiées par des prestations correspondantes proportionnellement plus élevées;

b) réduisent sensiblement, sans motif raisonnable, les allocations de chômage versées aux chômeurs qui acceptent temporairement un travail à temps partiel;

c) donnent trop d'importance, dans le calcul des prestations de vieillesse, au revenu réduit résultant du travail à temps partiel effectué seulement durant la période qui précède la retraite.

17. Les employeurs devraient envisager des mesures visant à faciliter l'accès au travail à temps partiel à tous les niveaux de l'entreprise, y compris à des postes qualifiés et à des postes de direction lorsque cela est approprié.

18. (1) Les employeurs devraient, s'il y a lieu, prendre en considération:

a) les demandes de transfert des travailleurs à plein temps à un travail à temps partiel qui devient disponible dans l'entreprise;

b) les demandes de transfert des travailleurs à temps partiel à un travail à plein temps qui devient disponible dans l'entreprise.

(2) Les employeurs devraient, en temps opportun, fournir aux travailleurs des informations sur les postes à temps partiel et à plein temps disponibles dans l'établissement de façon à faciliter les transferts d'un travail à plein temps à un travail à temps partiel ou vice versa.

19. Le refus d'un travailleur d'être transféré d'un travail à plein temps à un travail à temps partiel, ou vice versa, ne devrait pas en tant que tel constituer un motif valable de licenciement, sans préjudice de la possibilité de procéder, conformément à la législation et à la pratique nationales, à des licenciements pour d'autres raisons telles que celles qui peuvent résulter des nécessités du fonctionnement de l'établissement considéré.

20. Lorsque les conditions nationales ou la situation de l'établissement le permettent, le transfert d'un travailleur à un travail à temps partiel dans des cas justifiés, comme une grossesse ou la nécessité de prendre soin d'un jeune enfant ou d'un membre handicapé ou malade de sa famille directe, ainsi que son retour ultérieur à un travail à plein temps devraient être rendus possibles s'il le demande.

21. Lorsque les obligations faites aux employeurs sont déterminées par le nombre de travailleurs qu'ils emploient, les travailleurs à temps partiel devraient être comptés comme des travailleurs à plein temps. Toutefois, les travailleurs à temps partiel pourront, s'il y a lieu, être comptés à proportion de leur durée du travail, étant entendu que, lorsque les obligations en question se rapportent à la protection visée à l'article 4 de la convention, ils devraient être comptés comme des travailleurs à plein temps.

22. Des informations devraient être diffusées sur les mesures protectrices qui s'appliquent au travail à temps partiel ainsi que sur les modalités pratiques des diverses formes de travail à temps partiel.

RESOLUTIONS ADOPTED BY THE CONFERENCE

RESOLUTIONS

I

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled: "Safety and health in mines"[1]

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and a Recommendation concerning safety and health in mines;

Decides that an item entitled "Safety and health in mines" shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.

II

Resolution concerning post-apartheid South Africa[2]

The General Conference of the International Labour Organization,

Acclaiming the holding of the first free and democratic elections in the Republic of South Africa from 26 to 28 April 1994, resulting in the installation of a government of national unity, and the unanimous election on 9 May 1994 of Mr. Nelson Mandela as President of the Republic of South Africa,

Welcoming the readmission of South Africa as a Member of the International Labour Organization,

Noting with satisfaction the intention expressed by the Government of South Africa to recommend the immediate ratification of the ILO Conventions on freedom of association, collective bargaining, discrimination and forced labour,

Paying tribute to the important role played by the ILO and its constituents in the long and arduous struggle for the dismantling of apartheid,

Noting the decision taken by the ILO Governing Body at its 258th Session (November 1993) to suspend the application of the Declaration concerning Action against Apartheid, and to adopt a plan of action on assistance to South Africa in the transition to full democracy and in overcoming the effects of apartheid,

Noting further the resolution concerning South Africa adopted by the Eighth African Regional Conference of the ILO in Mauritius from 19 to 26 January 1994,

Conscious that the legacy of apartheid will take many years to eradicate and that vast resources will be required to provide for basic needs and to promote equality for all the people in South Africa,

Noting that technical assistance to South Africa for the purpose of overcoming the legacy of apartheid must be developed in consultation with the tripartite constituents in South Africa, and will be provided at their request, jointly or individually,

Underlining the need for the ILO to develop, in consultation with the tripartite constituents of South Africa, a programme of action aimed at assisting in the removal of the inherent and deep-seated inequalities in the structures of South African society,

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[1] Adopted on 24 June 1994.

[2] Adopted on 22 June 1994.

Recognizing that the democratic exigencies of the transformation process from apartheid to a free, united and democratic society place a heavy responsibility on the shoulders of the tripartite South African social partners in the rebuilding and development of the country,

Convinced of the urgent need for the international community to commit itself to support fully the process of reconstruction and development in South Africa as that country enters the first stage of the post-apartheid era,

Considering that the recent political democratic developments have paved the way for the full respect of freedom and dignity of all human beings in South Africa, irrespective of race, creed or sex;

1. Rescinds forthwith the Declaration concerning Action against Apartheid in South Africa adopted by the International Labour Conference on 8 July 1964 and revised on 18 June 1981, 16 June 1988 and 20 June 1991, and consequently decides to dissolve forthwith the Conference Committee on Action against Apartheid.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General:

(a) to adapt, in consultation with the tripartite constituents in South Africa, the plan of action approved by the Governing Body at its 258th Session (November 1993) to the social and economic development needs of post-apartheid South Africa, with special attention, inter alia, to the following:
  - the promotion of trade union and human rights;
  - capacity-building for employers' and workers' organizations;
  - employment creation;
  - promotion of small and medium-sized enterprises;
  - reform and restructuring of labour market institutions and labour administration;
  - labour relations and collective bargaining;
  - the effective use of all factors of production;
  - improvement of labour legislation and upgrading of labour standards;
  - improvement of working and living conditions in the rural areas and for farmworkers;
  - education and training, in particular vocational training;
  - human resources development and management training;
  - promotion of equality of opportunity and treatment; and
  - occupational health and safety;

(b) to consult with the South African Government and employers' and workers' organizations to ensure that all appropriate action is taken to bring about the implementation of the ILO plan of action, and to report at regular intervals to the Governing Body on its follow-up;

(c) to coordinate with the agencies of the United Nations system in the planning and execution of programmes of socio-economic assistance to South Africa, particularly in the areas of human resources development, entrepreneurship development, social protection, health, housing, education, employment, promotion of equality and other basic needs;

(d) to encourage the Government of South Africa and the employers' and workers' organizations to implement the principles laid down in the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy to attract new investment;

(e) to provide the necessary support and assistance for the strengthening of tripartite structures, and of independent, strong and non-racial employers' and workers' organizations;

(f) to provide the necessary support and assistance to the tripartite constituents in South Africa to assist them in the adoption of labour legislation and other measures which are compatible with international labour standards, and to allow them to consider ratification of appropriate Conventions; in particular, to assist them to comply with those recommendations of the Fact-Finding and Conciliation Commission on Freedom of Association concerning South Africa which have not yet been implemented, in accordance with the conclusions and recommendations of the Governing Body Committee on Freedom of Association.

3. Invites the Governing Body of the International Labour Office to call upon member States:

(a) to continue to support South Africa in its efforts for the total elimination of the consequences of apartheid; and

(b) to cooperate with and provide the necessary resources to the ILO in the implementation of the plan of action for technical assistance aimed at the social reconstruction and the long-term economic development of post-apartheid South Africa, through the regular budget, and from the international financial institutions of the United Nations system, and appropriate regional organizations, and from multi-bilateral donors.

III

Resolution concerning the 75th anniversary of the ILO and its future orientation[1]

The General Conference of the International Labour Organization,

On the occasion of the 75th anniversary of the International Labour Organization and the 50th anniversary of the Declaration of Philadelphia,

Reaffirming the principles and fundamental values upon which the ILO was founded and which retain their relevance in the world today, including the promotion of social justice as the basis of universal peace,

Reaffirming also that because of its mandate and tripartite structure, the ILO has a unique role to play within the UN system,

Noting the particular importance of ILO Conventions covering fundamental rights, including Conventions Nos. 87, 98, 100, 29 and 105, and 111,

Mindful of the provisions contained in paragraph 3 of article 19 of the ILO Constitution,

Recognizing that the world has undergone considerable social and economic changes in recent years and anticipating that these will continue and will have varying effects on different countries,

Considering also that all institutions and structures need to be reviewed from time to time and where necessary strengthened, in order to ensure that their activities remain relevant to the needs of their members in a changing environment,

Acknowledging that structural change profoundly affects the world of work which requires the ILO efficiently to pursue its mandate and objectives concerning social justice, including the promotion of full, freely chosen and productive employment and the continued enhancement of working conditions,

Noting that the Governing Body of the ILO has already taken steps to improve the functioning of the International Labour Conference and the regional conferences, and to improve its own methods of work,

Thanking the Director-General for his Report to the current Conference entitled *Defending values, promoting change – Social justice in a global economy: An ILO agenda*, and taking note of the ideas and proposals it contains on the ILO's future orientation and activities of the ILO,

Further noting with interest the views expressed in the debate at the 81st Session of the International Labour Conference, as well as the recent contributions of several governments and of the social partners in the ILO to the discussion of the ILO's future;

1. Calls upon member States, and employers' and workers' organizations to reaffirm the principles and fundamental values upon which the ILO was founded and to contribute to a strengthening, where necessary, of the ILO's policy-making structures.

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[1] Adopted on 22 June 1994.

2. Encourages also member States, and employers' and workers' organizations, to work together with a view to a renewal of the means of action of the ILO, and with a view to improving and optimizing the benefits it offers to its constituents in the light of changes in the world.

3. Requests the Director-General, in the light of the views expressed in the debate on his report to the 81st Session of the International Labour Conference, to present his views on the options available and to facilitate the discussion of these options by the Governing Body.

4. Requests the Governing Body of the International Labour Office:

(a) to examine the ideas and proposals of the Director-General with a view to revitalizing further the ILO, adapting its means of action to the changing world environment and increasing its effectiveness;

(b) to keep the Conference informed of the outcome.

IV

Resolution concerning the World Summit for Social Development[1]

The General Conference of the International Labour Organization,

Welcoming the convening by the United Nations General Assembly of the World Summit for Social Development in Denmark in 1995,

Considering the vital importance of peace, economic growth and social justice as the essential components necessary for social development,

Underlining the critical importance for the expansion of full, freely chosen and productive employment, reduction of unemployment, reduction and elimination of poverty and promotion of social integration, which have been chosen as the Summit's core issues,

Considering that the social and living conditions of people become particularly vulnerable during periods of profound structural change,

Convinced that economic efficiency and growth, and their interaction with adequate social protection, are important prerequisites for successful national development, and that economic reforms should also lead to sustainable social progress,

Mindful of the need to address the social consequences that may arise from structural adjustment policies including those promoted by the International Monetary Fund and the World Bank,

Recognizing the importance of international cooperation to support and complement national efforts to promote social development,

Recognizing the urgent need for a major initiative by the international community to tackle global social problems, and the opportunity that the Summit offers for the preparation of an appropriate comprehensive programme of action for the United Nations system,

Considering that issues to be examined by the Summit are central to the mandate and the competence of the ILO,

Considering therefore that the ILO has a primary responsibility and role to play in the preparation and conduct of the Summit and in the consideration and implementation of the conclusions which fall within its competence,

Stressing the need for appropriate tripartite inputs at all stages of the Summit process,

Also stressing the importance of the participation of workers' and employers' organizations, as appropriate, in the development of policies for economic growth and employment generation which will contribute to the strengthening of social protection systems, especially for the most vulnerable groups of the populations,

Noting the work of the Governing Body Working Party on the World Summit for Social Development and the inputs by the ILO Secretariat to the Summit preparation,

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[1] Adopted on 22 June 1994.

Also noting that discussions took place at the Informal Tripartite Meeting at the Ministerial Level on Employment held on 10 June 1994 on issues to be addressed in connection with the Summit;

1. Invites all member States, and where appropriate, workers' and employers' organizations:

(a) to prepare for the World Summit for Social Development taking into consideration the competence, mandate and work of the ILO;

(b) to adopt and implement a declaration and a programme of action which should effectively address the issues of expansion of productive employment and reduction of unemployment, reduction and elimination of poverty and promotion of social integration;

(c) to promote the appropriate involvement of employers' and workers' organizations in the preparations for, conduct of, and follow-up to the Summit by:

  (i) involving employers' and workers' organizations in the national preparations for the Summit;

  (ii) considering including representatives of employers' and workers' organizations as advisers in the national delegations to the Summit;

  (iii) considering the practical arrangements for an active participation by the representatives of employers' and workers' organizations at the Summit;

(d) to recognize the primary competence of the ILO regarding core themes in the preparation for, conduct of and follow-up to the Summit;

(e) to strengthen the active participation of workers' and employers' organizations in the formulation of follow-up action to deal with the issues arising out of the Summit.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General:

(a) to continue to make the necessary provisions for a full ILO input to the Summit process;

(b) to take all opportunities to promote tripartite inputs to that process;

(c) to take fully into account the need for the ILO to play a leading role in the follow-up to the Summit when preparing the programme and budget proposals for 1996-97 and in convening the second High-Level Meeting on Employment and Structural Adjustment;

(d) to continue, in this context, to address the problems of structural adjustment, bearing in mind the persistent problems of developing countries, and especially the particular needs of the least developed countries, as well as the problems of countries in transition to a market economy.

V

Resolution concerning the role of private employment agencies in the functioning of labour markets[1]

The General Conference of the International Labour Organization, meeting at its 81st Session (1994),

Having undertaken a comprehensive review of the functions and practices of employment agencies on the basis of Report VI entitled "The role of private employment agencies in the functioning of labour markets",

Recalling that the Governing Body at its 254th Session (November 1992) decided to place the item on the agenda of the 81st Session of the International Labour Conference as a general discussion item,

Having regard to the Employment Service Convention, 1948 (No. 88), and its accompanying Recommendation, 1948 (No. 83), as well as the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96);

Takes note of the following conclusions and invites the Governing Body of the International Labour Office to request the Director-General to give due consideration to them:

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[1] Adopted on 23 June 1994.

Conclusions concerning the role of private employment agencies in the functioning of labour markets

INTRODUCTION

1. The Committee discussed the role of private employment agencies in the functioning of labour markets against the background of widespread concern with unemployment and poverty. The ILO strived to make full and productive employment the top priority on the agenda of policy-makers. This social objective should be supported by public, economic and financial policies which enhance sustainable economic development. Developing countries were not alone in facing increasing difficulties to ensure that there was support for the unemployed, those out of the labour force, the working poor and those having to face poor conditions of work. Social and economic issues, as well as policy options, were closely interrelated and had both short- and longer-term dimensions. It was in this wider framework that the Committee had reviewed the contributions made by public and private employment agencies.

2. The Committee had grouped its conclusions under 12 headings ordered in sequence from A to L as follows: (A) definition of a well-functioning labour market; (B) labour-market policy and actors in the labour market; (C) the role of public employment services (PES); (D) definition and typology of private employment agencies (PREA); (E) place and role of PREA; (F) practices of PREA; (G) objective and scope of regulations; (H) means for sound practice by PREA other than traditional regulation; (I) relationship between PES and PREA; (J) the case for better and increased cooperation; (K) relevant ILO standards; (L) prospects for future ILO standards.

A. Definition of a well-functioning labour market

3. The deliberations in the Committee clearly showed that all those involved in the activities of the labour market – workers, their representatives, employers and governments – took great interest in the functioning of the labour market and were concerned about the developments and ongoing changes in that market. The Committee found that all these interests and concerns formed a solid basis for the pursuit of the goal of improving the functioning of labour markets throughout the world, to create new jobs, to help jobseekers to find suitable jobs so that they could support themselves and their families and to help employers to develop their businesses through the recruitment of skilled and suitable workers. The Committee also found that there was still total consent on the fundamental principle, laid down in the Constitution of the International Labour Organization, that labour is not a commodity and that the freedom of jobseekers to search for jobs and the right for employers to take decisions concerning the recruitment of workers were fundamental elements in free market and mixed economies. The Committee also stressed the principles of freedom of association and collective bargaining as well as the promotion of employment creation in an industrial relations context that was effective, and in which workers' rights were fully respected.

4. These principles, however, did not exclude the possibility that measures might be needed to improve the functioning of labour markets and to look closely into the present international standard, namely Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96). The Committee thoroughly discussed the activities of the labour market and examined in depth the actions of those who operated in the labour market.

5. There was general consent that labour markets were no longer stable, that changes in international and national economies had a great impact on labour markets and that there was a general acceleration in those changes which could have enormous consequences, both for enterprises and not least for workers and their families. The conditions which prevailed at the beginning of the twentieth century, and which influenced the labour standard under discussion in the Committee, no longer existed in most countries, whereas they were still present in others. There seemed to be a general worldwide trend to recognize the need to respond to change by employers, workers and governments when it came to forms of employment, interventions to influence the markets and the organization of workplaces.

6. Three fundamental functions could be identified in the labour market. First, it was a market-place where jobseekers and employers had the opportunity to find each other. Secondly, it was a source of information about jobseekers and vacancies which could be used by jobseekers, employers and governments to follow changes in the market in order to take necessary decisions concerning that market. Thirdly, it was a place where States could introduce the necessary programmes and incentives to influence the functioning of the market.

B. Labour-market policy and actors in the labour market

7. When looking at the labour market and its function as a market-place, the Committee found that a wide range of activities took place to help jobseekers and employers to find each other and conclude contracts of employment. In many countries, public employment agencies were predominant whereas private actors, both those working for profit and non-profit organizations, appeared more frequently in others. Very few countries seemed to comply with the general principles of Convention No. 96 that public agencies should be the rule and private employment agencies should be abolished as soon as possible.

8. The ILO report defined at least 16 different varieties of private employment agencies. It was clear that economic change would cause other kinds of agencies to develop in the future. The Committee recognized the freedom of employers, subject to national law and practice, to fulfil their recruitment needs through the use of these agencies.

9. The Committee also found that it was time to recognize the need for a wide variety of activities to be undertaken to help jobseekers and employers to find each other and to increase the activities on the market-place for jobs. Both public and private actors complemented each other in the market-place.

10. The Committee found, however, that it was a fundamental responsibility of States to see to it that the labour market was functioning well and to assume that responsibility by guaranteeing that there was an adequately-funded and well-functioning public employment service free of charge for jobseekers.

11. When it came to information about the labour market, the Committee found that it should be the responsibility of States to guarantee that information about jobseekers and vacancies was available to employers and workers, and that adequate statistical information existed to meet the need for action on the labour market. Whether the gathering and distribution of information should be public or private was not an issue to be determined by international labour standards, since traditions, legal frameworks and national practices varied between member States. In the upgrading of national employment market information systems and networking it seemed desirable, however, that the ILO and other international agencies should, upon request, provide assistance to developing countries and to those countries undergoing transformation to market economies. This would enable them to collect, analyse and disseminate accurate and timely labour market information in establishing and developing databanks.

12. The Committee firmly believed that States must take care to guarantee the right of individuals to have their personal integrity protected when information was processed on the labour market.

13. The Committee found that it was an important role for States, through employment programmes and other means, to influence the labour market in order to improve its functioning and facilitate employment for all jobseekers, including the unskilled and the vulnerable jobseekers such as workers with family responsibilities, on the basis of non-discrimination and freedom of access to the labour market. The importance of government activities to create new jobs and to improve possibilities for jobseekers and employers to enter into contracts of employment remained totally undisputed.

14. The background for the conclusions as drawn up by the Committee were further discussed in the following sections.

C. The role of public employment services (PES)

15. The Committee expressed its continuing support for the principles set out in Employment Services Convention, 1948 (No. 88), and, in particular, the duty of

the employment services to ensure, where necessary, in cooperation with other public and private bodies concerned, the best possible organization of the labour market.

16. Having recognized this essential role, governments had generally given these services the financial and other means to plan and implement their labour-market policies. In order to implement these policies, they had mainly concentrated on placement, guidance, employment training, labour market information, programmes for job, skill and geographical mobility, promotion and management of subsidized employment schemes, unemployment insurance, etc. In some countries, these programmes had been placed under the responsibility of several public institutions but remained coordinated by the PES.

17. For a very long time some countries were split among those which proceeded on the assumption that the labour market worked best when it was managed exclusively by public entities, mainly the PES, and those which took the view that the labour market worked best when it permitted PREA to operate side by side with PES.

18. Standards adopted by the ILO on the subject in 1949 clearly showed that the predominant view was that the labour market works best in the absence, or with the very limited presence, of PREA. That view also seemed to have been supported by the number of governments which had ratified the relevant ILO Conventions in this field.

19. Given the dynamic conditions of the labour market in recent years, it had become clear that the growing role and place of well-functioning PREA could be positive and that the essential role played by the PES had been and must be maintained. It was the general view that only a public entity such as the PES could be made responsible for such functions as management of unemployment insurance, labour-market information, management of special programmes to lead the most vulnerable jobseekers to the threshold of employability, and the management of subsidized job-promotion schemes.

20. For those reasons, the Committee believed that any consideration of the role and functions of PREA would be incomplete if considered in isolation from those of PES or outside the context of an effective labour market policy. Moreover, in view of their overall responsibilities for the labour market, the Committee found that some States might want to maintain a monopoly in those functions which they considered appropriate.

D. Definition and typology of private employment agencies (PREA)

21. PREA may be defined as private firms directly or indirectly providing a service in the labour market. The definition proposed in Chapter 2 of the ILO report could be considered as being both too extensive and too restrictive when referring to specific national conditions. Similarly, only national situations could give precise substance to the notion of *private*, which could relate to the nature of the capital, the type of law governing its activities or to whether the agency was profit or non-profit making. However, the definition in the ILO report was a useful reference for national circumstances.

22. Similar considerations applied concerning the typology proposed in the ILO report. In some countries some of the agencies listed were irrelevant or non-existent, or classified as service firms outside the employment field. In other countries, PREA were grouped into two categories, those providing a service (brokers or otherwise) in a one-to-one contractual relationship and those establishing a triangular contractual relationship, such as in the case of temporary work agencies. In other countries a legal distinction was made according to whether agencies, whatever their activity, were profit or non-profit making. The Committee considered it useful, however, for the ILO to continue to build on the classification provided in the report in order to make available for permanent future reference, at the request of governments, employers or workers organizations, an updated description of the agencies contained in the typology. This should not, however, preclude the pursuit of a more generic approach of describing PREA when considering a revised standard.

23. Temporary work agencies were one of the major types of firms mentioned in the ILO typology. The role that these agencies played in the market, the very particular nature of the triangular relationship which they entered into, and the legal problems deriving therefrom, explained why some governments had enacted special laws to regulate their activities. In some of these cases temporary work agencies were dealt with as quite distinct agencies.

24. The Committee considered that certain types of agency that were scarcely mentioned in the ILO report, and which operated in markets of developing countries, deserved special attention and possible regulation by national governments in relation to abuses which are committed, particularly in the case of contract labour agencies which hire home workers for processing particular goods (e.g. cigarette rolling, hides, etc.) or those that charge fees from jobseekers in exchange for the promise of employment abroad. These agencies should be considered in any future ILO discussion of private employment agencies.

E. Place and role of PREA

25. The Committee acknowledged that in a rapidly changing world, PREA had increased spectacularly in size and importance and had acquired growing recognition as important elements in labour markets.

26. The Committee concluded that well-functioning PREA could most certainly contribute to the effective functioning of the labour market. PREA could in many instances:

- reduce the time needed to fill vacancies;
- bring vacancies to the surface in the open market;
- sense changes in labour-market requirements and react quickly, avoiding delays and imbalances;
- match supply and demand of skills through relevant selection and recruitment methods, thus saving waste due to avoidable manpower turnover;
- satisfy needs not satisfactorily covered by public agencies due to the growing complexity in demand and supply of skills;
- build a bridge between unemployment and permanent employment by providing, mainly through temporary work assignments, gradual incorporation of jobseekers (especially new entrants or re-entrants) into the labour market;
- multiply the sources of information on job opportunities, thus increasing the overall stock of available information on the job market;
- reduce the time of deployment from one job to the other through outplacement techniques, thus contributing to a better labour force mobility;
- provide short-term employment training thus contributing to bridge the gap between the supply and demand of skills.

27. Overall, PREA activities added value to the labour market as marketplace forces had shown through the growing demand for the services they provided. The fact that the activities of PREA had grown in quantity and quality and that governments had acknowledged that growth in their legislation, as shown in Chapter 3 of the ILO Report dealing with this question, were indicators of their contribution to the formation of wealth and of the value attributed by the market to the services offered by these agencies.

28. The Committee also noted that both workers' and employers' organizations might operate successfully as PREA.

F. Practices of PREA

29. The Committee acknowledged the fact that there were numerous concerns regarding the ethics of PREA, and that PREA were sometimes singled out for poor practices in relation to the interests of workers and jobseekers. During the Committee's deliberations this perception was frequently directed at temporary work agencies (TWAs). Whatever the circumstances, the behaviour of PREA called for rules to prevent or discourage them from engaging in conduct or practices that undermined workers' rights, be they in the areas of wages, general conditions of work, industrial relations or safety and health.

30. Misconduct in the field of employment must be underscored because it was there that people's jobs and people's professional lives were at stake. Means must be available to deal with PREA which were found to be in violation of laws and regulations.

31. The circumstances in which PREA operated and the employment relationships they entered into with jobseekers could often lead to exploitation and improper conduct. The Committee had listened to allegations from Workers' members describing how some PREA had circumvented laws to help employers reduce workers' wages, to render trade union organization difficult or impossible, to ignore regulations concerning equal opportunities, to avoid paying benefits to which workers were legally entitled and to aid in the process of replacing permanent with temporary jobs.

32. The Committee's recognition of the importance and relevance of the role of PREA in labour markets should in no way be interpreted as an endorsement of any infringements they might commit of the laws that exist to protect workers' rights and interests. If new international standards were to be drawn up on this subject, special care should be taken to include provisions ensuring adequate protection against such abuses for workers and jobseekers alike to the extent that these were not guaranteed by other ILO standards.

33. Special attention should be given to those agencies which did placements abroad due to the serious consequences of some unfair practices for both workers and employers.

G. Objective and scope of regulations

34. The Committee acknowledged that PREA should not and might not wish to operate in an environment without rules. The Committee agreed that there might be several sources of rules governing the activities of PREA. These possible sources were: common business law, labour law, business and labour jurisprudence, collective agreements, specific laws and rules dealing with PREA, professional codes of conduct adopted by associations of PREA, internal rules of these agencies as well as ILO Conventions and Recommendations.

35. Each national context determined the nature of the rules governing PREA. The mix of rules originating from different sources depended on the maturity of the labour market, the culture and behaviour of its actors, existing traditions and practice in collective bargaining, etc. In some labour markets, when the risk of unprofessional behaviour was high, specific rules directed at PREA and the adoption of a licensing system might be recommended. In others, where a tradition of fair practice was well established, common business law complemented by codes of professional ethics could form a satisfactory regulatory framework. In others still, collective agreements could provide a reliable legal basis.

36. The Committee was well aware of the dangers of over-regulation. The worst that could happen was for PREA to be governed by several redundant, incompatible or contradictory rules emanating from different legal sources. For example, a law on the protection of confidentiality and a specific law on some PREA could be contradictory in regulating the treatment of computerized personal files. Similarly, different PREA competing in the same segment of the market and offering similar services could be regulated by different laws: common business law for one, a specific law for the other.

37. The general approach that the Committee supported was for governments to adopt a pragmatic attitude concerning the regulation of PREA. Governments should rely on the laws and rules in force, whenever possible, before considering specific regulations.

38. In all cases, regulations concerning PREA should be designed in consultation with representatives of the business concerned and with workers' organizations.

H. Means for sound practice by PREA other than traditional regulations

39. The Committee recognized that governments might seek other means than the traditional legal or regulatory instruments to establish fair practice by those who had a role in the labour market. Some of these means consisted in setting

common professional codes of conduct governing the following: professionals from the public or private sectors dealing with jobseekers; certification of the profession of employment adviser (in the same way as was done in some countries for translators or accountants); common job classification within the employment service sector, as well as social partner-based councils to discuss policy and performance.

40. Similarly, the Committee believed that both PES and PREA could agree, in a more or less formal way, on common standards of fair practice such as the fair use of appropriate selection tests, vacancy advertisements, interviewing and investigation methods prior to hiring.

I. Relationship between PES and PREA

41. In many countries PES and PREA tended to operate separately. PES were generally available to all jobseekers and served in particular the disadvantaged and the lower-skilled jobseekers. PREA addressed the market of the rare, specialized or higher skills where prior selection was crucial to hiring, the temporary job market, or specific segments of the market requiring particular services such as outplacement. Overlapping on the same market by PES and PREA was more the exception than the rule.

42. The Committee believed that there was scope for increased cooperation between the PES and PREA. Many PES could not afford to enter into direct competition, even where such competition might be beneficial. PES must, however, endeavour to offer the best range of services possible, in order to ensure that they fulfilled their social duties towards all jobseekers, including the disadvantaged, and offered the common employer a means to satisfy his staffing needs. Labour-market cooperation between all the actors would assist in the provision of the broadest scope of services.

43. For this relationship to work effectively, the Committee would, for the most part, agree that fee charging by PES would not apply in relation to access to job vacancies.

J. The case for better and increased cooperation

44. The Committee expressed its firm support for all attempts to establish permanent cooperation between PES and PREA. It was indeed the Committee's opinion that cooperation was a desirable institutional form of behaviour.

45. Cooperation between public institutions and private employment firms was not normally established by law. Rather, it was the result of tradition, administrative culture and behaviour by all actors in the labour market.

46. Yet, measures could be taken by governments to promote cooperation. For example, the practice of using private firms to implement labour-market schemes could lead to more and better cooperation. Similarly, the decision to advertise vacancies in each other's premises, or to allow mutual access to computerized vacancy files could also be conducive to improved working relations. In some countries, inviting staff from PREA to specialized training or seminars conducted by PES can develop a spirit of cooperation and understanding. Exchanging staff or sharing premises can be other unconventional and efficient ways of building beneficial personal contacts among staff of both organizations.

47. In general, cooperation could best be achieved when the PES recognized its value and coordinated with PREA to build the broadest possible spectrum of programmes.

48. For some countries a network of PREA complementing the activities of the PES could best be established through joint planning, delegation of specific duties and sharing of information.

K. Relevant ILO standards

49. Three main ILO standards dealt, directly or indirectly, with the activities of PREA. These were the Employment Services Convention, 1948 (No. 88), and its corresponding Recommendation No. 83 and the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96).

50. Most Committee members found that the principles underlying Convention No. 96 were not relevant to their national situations. It appeared obvious that this Convention had been adopted in line with the provisions contained in the previous standard adopted on this question, namely the Fee-Charging Employment Agencies Convention, 1933 (No. 34), which openly opposed these institutions. The overt objective of Convention No. 96 was either to ban PREA or to place them under tight supervision by government authorities. As suggested in the preceding sections of this document, the Committee believed that all these principles, except the one referred to in paragraph 53 below, no longer corresponded to today's reality in modern labour markets.

51. Part II of Convention No. 96 appeared to be removed from current practice in most labour markets. The Committee was convinced that the four recent denunciations of this part of the Convention were only partial evidence of a more general loss of credibility toward the contents of this part of the standard.

52. Part III of Convention No. 96 in a number of respects did not reflect current realities: narrow scope (only the job brokerage service was considered); inflexible type of supervision (only the licensing system was envisaged); constraining (yearly renewal of licenses) or obsolete provisions in regard to current functioning of modern labour markets (notification to supervisory authority of fees charged to clients).

53. The Committee believed, however, that one provision contained in Convention No. 96 should be maintained, namely that concerning the payment of services offered by PREA. It was indeed essential to recall that, with very few exceptions such as services provided to high-level professionals and executives, the Committee remained in favour of the principle that fees should not be charged to the jobseeker.

L. Prospects for future ILO standards

54. The Committee held the view that the ILO should proceed to revise Convention No. 96.

55. It was the Committee's view that the revised standard should pursue the following objectives:

- set the pattern for response to the dynamics of changing labour-market functions and recall the role of its actors;
- draw up general parameters to describe the main actors, namely, the PES and PREA, as well as the nature of the relationship both between themselves and with their clients;
- establish general principles and provide guidance that protect:
  (i) labour markets against poor and unethical practices;
  (ii) workers' interests including where the stability of industrial relations' systems might be affected by some practices of PREA (these principles should consider the concerns of some (but not all) Committee members with regard to triangular employment relationships, including contract labour, TWAs and staff-leasing arrangements);
  (iii) workers recruited in one country for work in another;
- create environments that allow for the improved functioning of all employment agencies;
- ensure that national governments would be free to determine how the above objectives would be met.

VI

Resolutions concerning the assessment of contributions of new member States[1]

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the contribution of South Africa to the ILO budget for the period of its membership in the Organization in 1994 be based on an annual assessment rate of 0.40 per cent.

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[1] Adopted on 20 June 1994.

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the rates of assessment of the contributions of Georgia, Tajikistan and Turkmenistan for 1994 be 0.21 per cent, 0.05 per cent and 0.06 per cent respectively.

The General Conference of the International Labour Organization,

In accordance with article 9, paragraph 2, of the Financial Regulations:

(a) decides that the contributions of Eritrea and the former Yugoslav Republic of Macedonia for the periods of their membership in the Organization in 1993 be based on annual assessment rates of 0.01 per cent and 0.02 per cent respectively, and that the resulting assessment for 1993 of the former Yugoslav Republic of Macedonia be deducted from that of Yugoslavia for 1993;

(b) decides that the rates of assessment for 1994 of Eritrea and the former Yugoslav Republic of Macedonia be 0.01 per cent and 0.02 per cent respectively and that the rate of assessment of the former Yugoslav Republic of Macedonia be deducted from that of Yugoslavia for 1994 of 0.16 per cent.

The General Conference of the International Labour Organization,

In accordance with article 9, paragraph 2, of the Financial Regulations:

(a) decides that the contributions of the Czech Republic and Slovakia for their periods of membership in the Organization in 1993 be based on annual assessment rates of 0.42 per cent and 0.13 per cent respectively;

(b) decides that the total credits that were due to the former Czechoslovakia in 1993 of 267,332 Swiss francs be allocated to the Czech Republic and Slovakia as credits against their assessments for the periods of their membership in 1993 proportionate to their respective rates of assessment for 1993 proposed in subparagraph (a);

(c) decides that the definitive rates of assessment of the Czech Republic and Slovakia for the year 1994 be 0.42 per cent and 0.13 per cent respectively;

(d) decides that the total credits due to the former Czechoslovakia of 2,109 Swiss francs in 1994 and 1,230 Swiss francs in 1995 be allocated to the Czech Republic and Slovakia as credits against their assessments for the 1994 and 1995 years proportionate to their respective rates of assessment for those years.

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the contribution of Oman to the ILO budget for the period of its membership in the Organization in 1994 be based on an annual assessment rate of 0.03 per cent.

VII

Resolution concerning the scale of assessment of contributions for 1995[1]

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, to adopt the draft scale of assessments for the 1995 year as set out in column 3 (headed "Percentage 1995") of Appendix I to this report.

VIII

Resolution concerning an arrangement for the settlement of amounts due by Viet Nam[1]

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Approves the arrangement with the Government of Viet Nam for the settlement of the amount of 182,960 Swiss francs due in respect of its previous period of membership of the ILO by the payment of 15 annual instalments made up of 14 equal annual instalments of 12,190 Swiss francs and a final fifteenth instalment of 12,300 Swiss francs, beginning in 1993.

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[1] Adopted on 20 June 1994.

IX

Resolution concerning an arrangement for the settlement of amounts due by Albania[1]

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations;

Accepts the proposal of the Government of Albania for the settlement of the amount of 135,142 Swiss francs due in respect of its previous period of membership of the ILO by the payment of 12 annual instalments made up of 11 equal annual instalments of 11,262 Swiss francs and a final twelfth instalment of 11,260 Swiss francs, and agrees that this arrangement should come into force retroactively as from 1 January 1994, with the first of the 12 annual instalments being payable in 1994.

X

Resolution concerning the Financial Report and Audited Financial Statements for 1992-93[1]

The General Conference of the International Labour Organization;

Decides, in accordance with article 29 of the Financial Regulations, to adopt the Financial Report and Audited Financial Statements for 1992-93.

XI

Resolution concerning the treatment of the 1992-93 cash surplus[1]

The General Conference of the International Labour Organization,

Noting that for the 1992-93 biennium an excess of regular budget income over regular budget expenditure has resulted in a cash surplus of 24,230,334 Swiss francs (equivalent to $16,710,574 at the 1994-95 budget rate of exchange of 1.45 Swiss francs to the US dollar);

Decides, as an exceptional one-time measure and in derogation of article 18 of the Financial Regulations, to finance expenditure itemized in Appendix IV to the First Report of the Programme, Financial and Administrative Committee (reproduced as Appendix II to this Report), amounting to 21,729,700 Swiss francs from the cash surplus, thereby reducing by a corresponding amount the sum which would otherwise be available for reducing member States' contributions for 1994-95,

Notes that, taking into account the above appropriation, the amount available under article 18 of the Financial Regulations for reducing the assessed contributions of member States for 1995 will be 2,500,634 Swiss francs.

XII

Resolution concerning the treatment of the amount received from the Compagnie Générale de Climatisation et de Maintenance[1]

The General Conference of the International Labour Organization;

Decides, in derogation of article 11.1 of the Financial Regulations, that the amount of 3,668,185 Swiss francs received from the Compagnie Générale de Climatisation et de Maintenance be paid into the Building and Accommodation Fund for the maintenance of the headquarters building's technical installations.

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[1] Adopted on 20 June 1994.

XIII

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization[1]

The General Conference of the International Labour Organization,

In accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization;

Decides to extend the terms of office of Sir William Douglas (Barbados), Mr. Edilbert Razafindralambo (Madagascar), and Mr. José Maria Ruda (Argentina) as judges by a further period of three years, with effect from June 1994.

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[1] Adopted on 20 June 1994.

Supplément au *Compte rendu provisoire* (22 juin 1994)

Conférence internationale du Travail

Quatre-vingt-unième session, Genève

DÉLÉGATIONS

Supplement to the *Provisional Record* (22 June 1994)

International Labour Conference

Eighty-first Session, Geneva

DELEGATIONS

Suplemento de *Actas Provisionales* (22 de junio de 1994)

Conferencia Internacional del Trabajo

Octogésima primera reunión, Ginebra

DELEGACIONES

LISTE FINALE
FINAL LIST
LISTA FINAL

1994

La liste des délégations est présentée sous une forme trilingue dans l'ordre alphabétique français des pays représentés à la Conférence.

Toutes les informations concernant les noms des pays ou des organisations sont données en français, anglais et espagnol.

Les autres informations essentielles (titres et qualités des participants à la Conférence tels qu'ils figurent dans les pouvoirs officiels et fonctions exercées à la Conférence) sont indiquées dans une seule de ces langues: celle que doit utiliser le Bureau international du Travail dans la correspondance officielle avec le pays dont relève la personne intéressée.

The list of delegations is presented in trilingual form, in the French alphabetical order of the countries represented at the Conference.

All details relating to the names of countries and organisations are given in French, English and Spanish.

Other essential details (titles, positions or functions of participants as indicated in the official credentials and the Conference status of participants) are given in the language used for official correspondence between the ILO and the country in question.

En la lista trilingüe de delegaciones los países representados en la Conferencia figuran en orden alfabético francés.

Figuran en francés, inglés y español los nombres de los Estados y organizaciones asistentes a la Conferencia.

Por el contrario, los demás datos (títulos, profesiones y cargos de los participantes, tal como figuran en los poderes oficiales, y funciones ejercidas en la Conferencia) aparecen en la lengua utilizada por la Oficina Internacional del Trabajo para sus comunicaciones oficiales con el correspondiente Estado.

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Afghanistan Afghanistan Afganistán

Délégués gouvernementaux

ANWARY, Said Hossain, M., Ministre du travail et des affaires sociales.
MODABER, Najibullah Sadeq, M., Vice-ministre du Travail et des Affaires sociales.

Conseiller technique et délégué suppléant

NASRI, Sherahmad, M., Ambassadeur, Représentant permanent, Mission permanente, Genève.

Conseillers techniques

MOKHTARZADA, Mohammad Taufiq, M., Ministre-conseiller, Mission permanente à Genève.
POPAL, Ghulam Ghaus, M., Premier secrétaire, Mission permanente à Genève.
MAIWAND OLUMI, Anita, Mlle, Deuxième secrétaire, Mission permanente à Genéve.

Délégué des employeurs

MOMEN, Abdul, M.

Délégué des travailleurs

SAMIA, Ghulam Maroof, M.

République sud-africaine
Republic of South Africa
República de Sudáfrica

Minister attending the Conference

MBOWENI, T., Mr., Minister of Labour.

Persons accompanying the Minister

MAASDORP, L., Mr., Advisor.
MOLISE, M., Ms.
SINGH, S., Ms.

Government Delegates

CHEADLE, H., Mr., Advisor to the Minister.
MASHININI, E., Ms., Vice-Chairperson, National Manpower Commission.

Adviser and substitute delegate

KETTLEDAS, L., Mr., Adviser to the Minister.

Advisers

DILLMANN, H., Mr., Director, Career services.
RAATH, J., Mr., Chief Mining Engineer.
VAN HEERDEN, A., Mr., Labour Attaché, Permanent Mission, Geneva.
VAN ZYL, I.J., Mr., Chief Director,, Labour Relations.
DU TOIT, H.J., Mr., Minister, Deputy Permanent Representative, Permanent Mission, Geneva.

Other persons attending the Conference

EKSTEEN, R., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
DAVIES, J., Mr., Deputy Director, Multilateral Division, Department of Foreign Affairs.

Employers' Delegate

LIEBENBERG, J., Mr., Business South Africa.

Adviser and substitute delegate

TLAKULA, M., Mr., Business South Africa, (B.S.A).

Advisers

KLEYNHANS, J.J., Mr., BSA.
SMITH, A.W., Mr., BSA.
STEWART, J., Mr., BSA.
LANDMAN, J.P., Mr., BSA.
DE WET, L. B., Mr., BSA.
BOTHA, J.W., Mr., BSA.
MOGALE, J., Mr., BSA.
LAMPRECHT, A., Mr., Director, BSA.
VAN NIEKERK, A., Mr., BSA.

Persons appointed in accordance with Article 2, paragraph 3(i)

HERMANUS, May, Mrs.
MOFOKENG, Ronald, Mr.

Workers' Delegate

SHILOWA, Sam, Mr., COSATU.

Adviser and substitute delegate

GRAHAM, D., Mr., FEDSAL.

Advisers

BREEDT, H., Mr., FEDSAL.
BENJAMIN, P., Mr., COSATU.
ZOKWANA, Zenzeni, Mr., COSATU.
HEYMANS, P., Mr., FEDSAL.
MOKGALE, Dorothy, Mrs., COSATU.
NGCUCKANA, Cunningham, Mr., NACTU.
REDDY, L., Ms., NACTU.
SIFINGO, Bangumzi, Mr., COSATU.
MOKOENA, Tryphina, Ms.

Other person attending the Conference

OLIPHANT, T., Mr., NACTU.

Albanie Albania Albania

Government Delegates

SHEHI, Dashamir, Mr., Minister of Labour, Immigration and Social Protection.
KASTRIOT, Sulka, Mr.

Advisers

RULI, Geng, Mr.
KABILI, Viktor, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

JMJR, Kamba, Mr.

Adviser and substitute delegate

VEHBI, Alimugaj, Mr.

Workers' Delegate

QENDRO, Vilson, Mr.

Advisers and substitute delegates

XHUNGA, Emirjeta, Mrs.
KASTRIOT, Mugo, Mr.

Algérie Algeria Argelia

Ministre assistant à la Conférence

LAICHOUBI, Mohamed, M., Ministre du Travail et de la Protection sociale.

Personne accompagnant le Ministre

MEGHLAOUI, Hocine, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

OUZIR, Hachemi, M., Directeur des relations de travail, Ministére du Travail et de la Protection sociale.
KHELIFI, Abdelkrim, M., Ministére des Affaires étrangéres.

Conseillers techniques et délégués suppléants

NIA, Hocine, M., Directeur de cabinet, MTPS.
ABDELOUAHAB, Fifi, Mme, Directeur des études juridiques et de la coopération, MTPS.
TESSA, Mohamed, M., Chargé d'études et de synthèse, MTPS.
KHEDIM, Rachid, M., Chargé d'études et de synthèse, MTPS.
HADJ ALI, Fella, Mme, Sous-directeur de la régulation des relations de travail, MTPS.
ZITOUNI, Abdenour, M., Sous-directeur des relations professionnelles, MTPS.
GRINE, Mohamed Lamine, M., Sous-directeur des risques professionnels, MTPS.
BELKHEIR, Dalila, Mlle, Premier secrétaire, Mission permanente à Genève.

Délégué des employeurs

MEKIDECHE, Mustapha, M., Vice président, Union nationale des entrepreneurs publics, UNEP.

Conseillers techniques et délégués suppléants

BENALI, Mohand Arezki, M., Membre du bureau éxécutif de l'UNEP.

HADDOUD, Lanouar, M., Secrétaire général de la confédération nationale du patronat algérien, CNPA.
AIT MOUHEB, Khaled, M., Président de la CNPA.
ISMAIL, Fayçal, M., Vice-président de la CNPA.
SI AHMED, Aouamer, M., Vice-président de la CNPA.
YOUSFI, Habib, M., Président de la confédération général des opérateurs économiques algériens, (CGENA).
BOUCHOUAREB, Abdeslam, M., Vice-président de la CGENA.
HAMOUCHE, Rachid, M., Membre de la CGENA.

Délégué des travailleurs

BENHAMOUDA, Abdelhak, M., Secrétaire général de l'UGTA.

Conseillers techniques et délégués suppléants

AMAR, Mehdi, M., Secrétaire national de l'UGTA.
CHIKH, Nour, M., Secrétaire national de l'UGTA.
LAKHDARI, Mohamed Lakhdar, M., Secrétaire national de l'UGTA.
AMAR, Mohamed, M., Secrétaire national de l'UGTA.
GHANES, Abdelkader, M., Président, fédération nationale des mines et assimilés, UGTA.
LEMAATI, Zitouni, M., Fédération nationale des mines et assimilés.

Allemagne Germany Alemania

Ministers attending the Conference

BLÜM, Norbert, Mr., Federal Minister of Labour and Social Affairs.
STIEWITT, Ilse, Mrs., Chairperson, Committee on Labour and Social Policy of the Federal Council; Minister of State for Labour, Women's and Social Affairs of Hesse.

Persons accompanying the Minister

JELONEK, Alois, Mr., Ambassador; Permanent Representative, Permanent Mission, Geneva.
HEYENN, Günther, Mr., Chairman, Committee on Labour and Social Affairs, Federal Parliament.
MECKELBURG, Wofgang, Mr., Member, Committee on Labour and Social Affairs, Federal Parliament.
OPFERMANN, Wilhelm, Mr., Secretary, Federal Council Committees on Labour and Social Policy, the Family and Senior Citizens.
NOTHELLE, Andreas, Mr., Secretary on Labour and Social Affairs, Federal Parliament.
FREY, Martin, Mr., Secretary, Committee on Labour and Social Affairs, Federal Parliament.
POMPE, Peter, Mr., Deputy Section Head, European and International Social Policy Departement, Federal Ministry of Labour and Social Affairs.
HECKEN, Josef, Mr., Chief, Cabinet of the Minister.

Government Delegates

MAASSEN, Hans Joachim, Mr., Head, Section for International Social Policy (outside EU), Federal Ministry of Labour and Social Affairs; Substitute Government Representative, Governing Body of the ILO.
JUNG, Karl, Mr., Director, European and International Social Policy Department, Federal Ministry of Labour and Social Affairs; Government Representative, Governing Body of the ILO.

Advisers and substitute delegates

ROSENGARTEN, Ulrich, Mr., Minister, Permanent Mission, Geneva.
WILLERS, Dietrich, Mr., Head, Section for ILO Affairs, Federal Ministry of Labour and Social Affairs; Substitute Government Representative, Governing Body of the ILO.
OHNDORF, Wolfgang, Mr., Permanent Mission, Geneva.

Advisers

OPFERMANN, Rainer, Mr., Head of Section, Department for Labour Law and Occupational Safety and Health, Federal Ministry of Labour and Social Affairs.
KEUSGEN, Andreas, Mr., Head of Section, Federal Ministry of Economic Affairs.
JAHN, Jochen, Mr., Head of Section, Department of Labour Market Policy, Federal Ministry of Labour and Social Affairs.
PIEPER, Hermann, Mr., Section Head, Federal Ministry of Industry.
RESTLE, Dieter, Mr., Section Head, Department of Labour Market Policy, Federal Ministry of Labour and Social Affairs.
DAUM, Werner, Mr., Permanent Mission, Geneva.
VIETHEN, Hans Peter, Mr., Head, Section for Employment Relationships Law, Federal Ministry of Labour and Social Affairs.
WETZ, Clemens, Mr., Permanent Mission, Geneva.
HOFFMANN, Susanne, Mrs., Expert, Federal Ministry of Labour and Social Affairs.
REUSS, Michael, Mr., Permanent Mission, Geneva.

Employers' Delegate

THÜSING, Rolf, Mr., Executive Board, Confederation of German Employers' Associations (BDA); Member, Governing Body of the ILO.

Adviser and substitute delegate

WISSKIRCHEN, Alfred, Mr., Director, Labour Law Department (BDA).

Advisers

VOSSIEG, Siegfried, Mr., Advocate, Senior Executive, Employers' Associations of Wuppertal.
VON BERGEN, Erwin-Albrecht, Mr., Advocate, German Mining Federation.
HORNUNG-DRAUS, Renate, Ms., Director, International Social Policy and European Union Department (BDA).
HESS, Christian, Mr., Expert, International Social Policy and European Union Department (BDA).
EBERT, Reinhard, Mr., Deputy Director, Labour Market and Vocational Training Department (BDA).
UNGERER, Götz Michael, Mr., ADIA International SA, Business Development, Stuttgart.

Other person attending the Conference

MURMANN, Klaus, Mr., President, Confederation of German Employers' Associations (BDA).

Workers' Delegate

ENGELEN-KEFER, Ursula, Mrs., Vice-President, German Confederation of Trade Unions (DGB); Member, Governing Body of the ILO.

Adviser and substitute delegate

ADAMY, Wilhelm, Mr., Federal Executive Board, Labour Market Policy Department (DGB).

Advisers

ÜBERBACH, Walter, Mr., Federal Executive Board, International Department (DGB).
LÖRCHER, Klaus, Mr., German Postal Workers' Union.
BEYER, Gisela, Mrs., IG Chemie-Papier-Keramik, Department for Women.
BULS, Hannelore, Mrs., German Salaried Employees' Union (DAG).
WILKE, Christiane, Mrs., Textile and Garment Workers' Union.
HANNING, Heinrich, Mrs., Public Service and Transport Workers' Union (ÖTV).
MAY, Dieter, Mr., Mining and Energy Workers' Union.
SCHELTER, Helmut, Mr., Mining and Energy Workers' Union.

République d'Angola Angola República de Angola

Ministre assistant à la Conférence

DA COSTA NETO, Antonio Domingos Pitra, M., Ministre de l'Administration publique, de l'Emploi et de la Sécurité sociale.

Délégués gouvernementaux

GOURGEL BAPTISTA, Lucinda Alfredo, Mme, Directeur des relations internationales, Ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.
N'GOVE LUSSOKE, David, M., Chef, Département national de la Sécurité et de l'Hygiène du travail, Ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.

Conseillers techniques et délégués suppléants

NETO PELINGANGA, Maria Nicolau Saudade Ondina, Mme, Directeur national du travail et du salaire, Ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.
GONCALVES, Afonso, M., Conseiller, Ministère des Relations extérieures.

Délégué des employeurs

TIAGO GOMES, Antonio, M., Secrétaire Générale, Chambre de commerce et d'industrie.

Conseiller technique et délégué suppléant

FIGUEIREDO LOURO NETO, Manuel, M.

Délégué des travailleurs

ANA DA CONCEIÇAO, Pedro Correia, M., Secrétaire général, Syndicat des travailleurs des industries des matériels de construction

Antigua-et-Barbuda
Antigua and Barbuda
Antigua y Barbuda

Government Delegate

FREELAND, Adolphus, Mr., Minister of Labour, Civil Service Affairs and Cooperatives.

Employers' Delegate

BASS, Henderson, Mr., General Secretary, Antigua Employers' Federation.

Workers' Delegate

ROBINSON, William, Mr., President, Antigua Trades and Labour Union.

Adviser and substitute delegate

SMITH, Keithlyn, Mr., General Secretary, Antigua Workers' Union

Arabie saoudite Saudi Arabia Arabia Saudita

Minister attending the Conference

AL-FAYEZ, Mohamed Bin Ali, Mr., Minister of Labour Affairs.

Government Delegates

KENTAB, Yousef Yacoub, Mr., Deputy Minister for Labour Affairs.

AL-KHALIDI, Mohammed Said, Mr., Director-General, International Organizations Affairs.

Advisers and substitute delegates

FAKIH, Ahmed J., Mr., Director-General, Main Social Insurance Office, Western Region.

AL-BAWARDY, Abdul Rahman Saad, Mr., Labour Adviser, Manpower Department.

RAJIH, Hashem Ali, Mr., Adviser.

AL-HOMIDAN, Badr Bin Nasir, Mr., Legal Adviser.

AL-ANAZY, Khaled, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

DAHLAN, Abdullah Sadiq, Mr., Secretary-General, Jeddah Chamber of Commerce and Industry.

Workers' Delegate

JUMMA, Adnan Saleh, Mr., Chief, Labour Relations Department, Aramco.

Adviser and substitute delegate

BIN SALAMAH, Saad Bin Nassir, Mr., Officer in Charge of Manpower and Organization, Saudi Basic Industries Corp. (SABIC).

Argentine Argentina Argentina

Ministro asistente a la Conferencia

CARO FIGUEROA, José Armando, Sr., Ministro de Trabajo y Seguridad Social.

Persona que acompaña al Ministro

SANCHEZ ARNAU, Juan Carlos, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Delegados gubernamentales

ETALA, Carlos Alberto, Sr., Secretario de Estado de Trabajo, Ministerio de Trabajo y Seguridad Social.

MAYORAL, César Fernando, Sr., Ministro, Representante Permanente Adjunto, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

SAPPIA, Jorge Jerónimo, Sr., Ministro de Trabajo de la Próvincia de Cordoba.

TOSONOTTI, Cristina, Srta., Secretario de Embajada, Misión Permanente en Ginebra.

BARRIONUEVO, Hugo, Sr.

ESTEVEZ, Antonio Manuel, Sr., Ministerio de Trabajo y Seguridad Social.

DE VIRGILIIS, Miguel A., Sr., Ministerio de Trabajo y Seguridad Social.

Consejeros técnicos

BENITEZ, Manuel, Sr., Ministro, Misión Permanente en Ginebra.
ALVAREZ, Armando, Sr., Attaché, Misión Permanente en Ginebra.
AMODIO, Eduardo, Sr., Attaché, Misión Permanente en Ginebra.
LONGO, Juan Carlos, Sr., Misión Permanente en Ginebra.

Otras personas que asisten a la Conferencia

JUAREZ, Carlos, Sr., Senador Nacional.
LEON, Luís, Sr., Senador Nacional.
SAPAG, Felipe, Sr., Senador Nacional.
SANMILLAN, Julio Argentino, Sr., Senador Nacional.
BRUNELLI, Naldo, Sr., Diputado Nacional, Cámara de Diputados de la Nación.
GIMENEZ, Délfor, Sr., Diputado Nacional, Cámara de Diputados de la Nación.
CAMAÑO, Eduardo, Sr., Diputado Nacional, Cámara de Diputados de la Nación.
NOVAU, Pedro, Sr., Diputado Nacional, Cámara de Diputados de la Nación.
LOPEZ, Alcides, Sr., Diputado Nacional, Cámara de Diputados de la Nación.
CARCA, Elisa, Sra., Diputado Nacional, Cámara de Diputados de la Nación.

Delegado de los empleadores

EURNEKIAN, Murat, Sr., Unión Industrial Argentina; miembro del Consejo de Administración de la OIT.

Consejero técnico y delegado suplente

FUNES DE RIOJA, Daniel, Sr., Unión Industrial Argentina.

Consejeros técnicos

HERMIDA MARTINEZ, Darío, Sr., Unión Industrial Argentina.
MANTILLA, Enrique, Sr., Unión Industrial Argentina.
SPAGHI, Patricio, Sr., Unión Industrial Argentina.
ALDAO ZAPIOLA, Carlos, Sr., Unión Industrial Argentina.
GELMI, Juan Carlos, Sr., Coordinadora de Activadades Mercantiles Empresarias C.A.M.E).
BOLO, Ovidio, Sr., Unión Industriel Argentina.
BARCIA, Juan E., Sr., Unión Industriel Argentina.
SABATÉ, Jorge L., Sr., Unión de Entidades Comerciales Argentinas (Présidente).

Personas designadas de conformidad con el articulo 2, párrafo 3 i)

PERTIERRA MENENDEZ, Adolfo, Sr., Unión Argentina de Entidades de Servicios.
GHEZZI, Oscar, Sr., Federación Empresaria Hotelera Gastronómica.
COSTA, Francis, Sr., Federación Empresaria Hotelera Gastronómica.

Delegado de los trabajadores

CASSIA, Antonio, Sr., Secretario General, Confederación General del Trabajo (CGT).

Consejeros técnicos y delegados suplentes

ZANOLA, Juan José, Sr., Secretario General Adjunto, CGT.
BALDASSINI, Ramón, Sr., CGT; Miembro Adjunto Suplente, Consejo de Administración de la OIT.

Consejeros técnicos

VENTURINI, Enrique, Sr., CGT.
ETCHEHUN, Carlos, Sr., CGT.
GDANSKY, Carlos, Sr., CGT.
ATANASOF, Alfredo, Sr., CGT.
HERMOSO, Reinaldo, Sr., CGT.
CABRERA, Carlos, Sr., CGT.
VALLE, Ramón, Sr., CGT.
BENCE, Jorge, Sr., CGT.

Personas designadas de conformidad con el articulo 2, párrafo 3 i)

TOMADA, Carlos, Sr.
ROBERTI, Alberto, Sr.
PETRECCA, Domingo, Sr.
FERRO, Horacio, Sr.
TOMASSONE, E., Sr.
CHAVARRIA, Melchor, Sr.
PIZZALORUSSO, Carlos, Sr.

Arménie Armenia Armenia

Government Delegates

YESSAYAN, Achot, Mr., Minister of Labour and Social Security.
HAYRAPETIAN, Ani, Mrs., Interpreter.

Employers' Delegate

SALIBIAN, Raffy, Mr., President of Employers' Associations.

Workers' Delegate

HAYRABIDIAN, Stephan, Mr., Vice-President, Trade Union Confederation.

Australie Australia Australia

Minister attending the Conference

BRERETON, Laurie, Mr., Minister for Industrial Relations.

Persons accompanying the Minister

MASON, Ashley, Mr., Senior Adviser.
CORE, Peter, Mr., Secretary, Department of Industrial Relations.

Government Delegates

DEEGAN, Barbara, Ms., Minister (Special Labour Adviser), Permanent Mission, Geneva, Government Representative, Governing Body of the ILO.
DEJONG, Bill, Mr., Acting Assistant Secretary, International Branch, Department of Industrial Relations.

Advisers and substitute delegates

KNOTT, Chris, Mr., First Secretary, Permanent Mission, Geneva.
MACDERMOTT, Kathleen, Ms., Acting Assistant Secretary, Department of Industrial Relations.
PRATT, Finn, Mr., Employment Participation Branch, Department of Employment, Education and Training.

Advisers

KENNEY, Geoff, Mr., Director, Public Sector Consultancy Branch, Department of Employment, Vocational Education Training and Industrial Relations.
THOMPSON, Simon, Mr., Chief Inspector of Mines, Queensland Department of Minerals and Energy.

Representatives of a State or Province

KIERATH, Graham, Mr., Western Australia Minister for Labour Relations, Works, Services, Multicultural and Ethnic Affairs.
BRADLEY, Brian, Mr., Adviser to Western Australia Minister; Director, Policy and Information, Western Australia Department of Occupational Health, Safety and Welfare.
CHIKAROVSKI, Kerry, Ms., New South Wales Minister, Industrial Relations and Employment; Member of Parliament.

Employers' Delegate

NOAKES, Bryan, Mr., Director-General, Chamber of Commerce and Industry; Member, Governing Body of the ILO.

Advisers and substitute delegates

HORT, Jeffrey, Mr., Assistant Director, Australian Mining Industry Council
MARKHAM, John, Mr., National Director, Human Resources, Meat and Allied Trades Federation.
ROWE, Lyndon, Mr., Chief Executive, Western Australian Chamber of Commerce and Industry.

Workers' Delegate

MAITLAND, John, Mr., President, United Mine Workers/CFMEU, Australian Council of Trade Unions.

Advisers and substitute delegates

BACON, James Alexander, Mr., Secretary, Tasmanian Trades and Labour Council.
COLLINS, Jacinta, Ms., Council Member, Australian Council of Trade Unions.
MATHESON, Alan, Mr., International Officer, Australian Council of Trade Unions.

Autriche Austria Austria

Minister attending the Conference

HESOUN, Josef, Mr., Federal Minister of Labour and Social Affairs.

Persons accompanying the Minister

BUCHACHER, Ulrike, Ms., Secretary to the Minister.

DÖLLER, Hans, Mr., Secretary to the Minister.
HLAVAC, Andrea, Ms., Press Secretary to the Minister.

Government Delegates

MELAS, Heinz-Michael, Mr., Director, Federal Ministry of Labour and Social Affairs.
LANGHAMMER, Herbert, Mr., Director, Federal Ministry of Labour and Social Affairs.

Adviser and substitute delegate

LANG, Winfried, Mr., University Professor; Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

LENTSCH, Wolfgang, Mr., Director, Federal Ministry for Economic Affairs.
HOMOLYA, Ferenc, Mr., Director, Federal Ministry for Economic Affairs.
PIFFL-PAVELEC, Susanne, Mrs., Senior Counsellor, Federal Ministry of Labour and Social Affairs.
DESSER, Michael, Mr., First Secretary, Permanent Mission, Geneva.
LINHER, Otto, Mr., Attaché, Permanent Mission, Geneva.
ALBERER-HLAWATSCH, Andrea, Ms., Public Relations Officer/Spokeswoman.

Employers' Delegate

ARBESSER-RASTBURG, Max, Mr., Professor; Manager, Herz Armaturen AG; Substitute Member, Governing Body of the ILO.

Advisers and substitute delegates

BRAUNER, Heinrich, Mr., Chief, Social Insurance and Workers' Protection Division, Federation of Austrian Industrialists.
STRIMITZER, Dietmar, Mr., Social Policy Division, Federal Chamber of Commerce.

Workers' Delegate

VERZETNITSCH, Friedrich, Mr., President, Austrian Confederation of Trade Unions.

Advisers and substitute delegates

FRIEHS, Franz, Mr., Social Policy Division, Austrian Confederation of Trade Unions.
NEUGEBAUER, Fritz, Mr., Vice-President, Austrian Confederation of Trade Unions.
HAMMER, Kurt, Mr., President, Social Insurance Institute, Austrian Mining Industry.
BEI, Neda, Mrs., Department of Women's and Family Affairs, Vienna Chamber of Labour.

Azerbaïdjan Azerbaijan Azerbaiyán

Minister attending the Conference

AGAMALY, Fazail, Mr., Acting Minister of Labour and Social Protection of Population.

Government Delegates

ALEKPEROV, Avaz, Mr., President, State Social Security Fund.
GAMBAROV, Tofik, Mr., Head, State Employment Service.

Advisers and substitute delegates

DJAFAROV, Tarlan, Mr., Head, Foreign Migration Department, Ministry of Labour and Social Protection.
MAMEDOVA, Firangiz, Mrs., International Cooperation Department, Ministry of Labour and Social Protection.
GASANOV, Bairam, Mr., Social Protection Fund.

Employers' Delegate

NADIRLY, Vahid, Mr., Head, Azerbaijan Railway System.

Adviser and substitute delegate

GADJIYEV, Oktai, Mr.

Workers' Delegate

MOHBALIYEV, Sattar, Mr., Chairman, Trade Union Confederation.

Bahamas

Government Delegates

MOORE, Maurice E., Mr., Minister of Labour, Human Resources & Training.
ARCHER, A. Leonard, Mr., Director of Labour.

Employers' Delegate

BAIN, Dorothy, Mrs.

Workers' Delegate

BODYE, Hurie, Mr.

Bahreïn Bahrain Bahrein

Minister attending the Conference

AL-KHALIFA, Shaikh Isa bin Ali, Mr., Minister of Labour and Social Affairs.

Government Delegates

AL-MADANI, Abdulla Rashid, Mr., Undersecretary, Ministry of Labour & Social Affairs.
AL-ZAYANI, Abdul Rahman Salman, Mr., Assistant Undersecretary for Labour Affairs, Ministry of Labour & Social Affairs.

Advisers

AL-HADDAD, Ahmed Mahdi, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva
ASSADA, Abdulla Hussain Bu-Khalaf, Mr., Director, Directorate of Labour.
AL-MODEHKI, Abdul Aziz Shahin, Mr., Chief, Department of Labour Inspection.
AL-DOSERI, Sabah Salem, Mr., Chief, Department of General Services.
AL-BUFLASAH, Salah Mater, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

ZAIN AL-ABIDEEN, Hassan Mohamed, Mr., First Vice President, Chamber of Commerce & Industry.

Adviser and substitute delegate

FAKHRO, Abdul Rahman Abdulla, Mr., Assistant Director, Al-Ahli Commercial Bank.

Workers' Delegate

ABDUL HUSSAIN ABDULLA, Abdul Ghaffar, Mr., Vice-Chairman, General Committee of Workers.

Adviser and substitute delegate

YOUSSIF, Youssif Abdulla, Mr., Secretary, General Committee of Workers.

Adviser

MAHMADI, Ameen Abdulla, Mr., General Committee of Workers.

Bangladesh

Minister attending the Conference

BHUIYAN, Abdul Mannan, Mr., Minister of Labour and Manpower.

Government Delegates

FARID, Shah Mohammad, Mr., Secretary, Ministry of Labour and Manpower.
HASHIM, M. Anwar, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

AHSAN, M. Shameem, Mr., First Secretary, Permanent Mission, Geneva.
QUAUNINE, Nazmul, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

ELAHI, Syed Manzur, Mr., President, Bangladesh Employers' Association.

Adviser and substitute delegate

HYDER, C.K., Mr., Secretary General, Bangladesh Employers' Association.

Workers' Delegate

KHAN, Nazrul Islam, Mr., General Secretary, Bangladesh Jatyotabadi Sramik Dal.

Barbade Barbados Barbados

Minister attending the Conference

TUDOR, Joseph O., Mr., Minister of Labour, Public Works, Community Development and Sports.

Government Delegate

YOUNG, Elsworth, Mr., Permanent Secretary, Division of Labour and Community Development.

Employers' Delegate

BUSHELL, Edward, Mr., Executive Director, Barbados Employers' Confederation.

Workers' Delegate

TROTMAN, Leroy, Mr., General Secretary, Barbados Workers' Union; Deputy Member, Governing Body of the ILO.

Belarus

Minister attending the Conference

GRIB, M., Mr., President, Supreme Soviet.

Government Delegates

BADEI, Georgi P., Mr., Chairman, State Committee on Labour and Social Protection.

ZHUKOWSKY, Nikolai M., Mr., Chief, Department of International Relations, State Committee on Labour and Social Protection.

Adviser and substitute delegate

SYZETS, Igor I., Mr., Chief, Sector for Work with Permanent Missions Abroad, Ministry of Foreign Affairs.

Advisers

SEMYARYKAU, Igar, Mr., Chief Expert, Legal Department, Council of Ministers.

GERUS, Uladzimir, Mr., 3rd Secretary, Ministry of Foreign Affairs.

Employers' Delegate

KUNYAVSKY, Max S., Mr., President, Union of Entrepreneurs and Leaseholders, Co-Chairman, Coordinating Council of Entrepreneurs.

Adviser and substitute delegate

SHORIKOV, Victor I., Mr., Director, Mogilev Production Association "Technopribor".

Advisers

KOVALEVSKAYA, Lyudmila F., Mrs., Director, Beshenkovichi Creative and Production Enterprise "Collage".

KUZMIN, Yefim I., Mr., Director, Second Mining Directorate, Production Association "Belaruskaliyi".

Workers' Delegate

GONCHARIK, Vladimir I., Mr., Chairman, Federation o Trade Unions.

Advisers and substitute delegates

BULGAK, Vadim A., Mr., Deputy Chairman, Federation of Trade Unions.

PODOLINSKY, Oleg V., Mr., Chief, Department of International Relations, Federation of Trade Unions.

Advisers

YEVDOKIMCHIK, Aleksander V., Mr., Chairman, Trac Union Committee: Minsk Ball-Bearing Plant.

DOLDONOVA, Svetlana S., Mrs., Member, Council of Federation of Trade Unions, Chairman, Trade Unior Committee of the Minsk Clothing Factory "Elema".

BOGOMYA, Grigori G., Mr., Chairman, Trade Union Committee, Second Mining Directorate, Production Association "Belaruskaliyi".

ZUBOVSKY, Anatoly S., Mr., President, International Foundation "Chernobyl Heritage"; Consultant, Cour of Federation of Trade Unions.

KULAK, Oleg I., Mr., Member, Council of Federation Trade Unions, Chairman of the Association "Narse

Belgique Belgium Bélgica

Ministre assistant à la Conférence

SMET, Miet, Mme, Ministre de l'Emploi et du Travail.

Personnes accompagnant le Ministre

COX, Guy, M., Chef de Cabinet du ministre d l'Emploi et du Travail.
MONBALLYU, Jo, Mme, Chef de Cabinet adjoint du ministre de l'Emploi et du Travail.
MICHIELS, Krista, Mme, Attachée de presse du ministre de l'Emploi et du Travail.

Délégués gouvernementaux

VAN DEPOELE, Robert, M., Vice-président honoraire du conseil national du travail.
VANDAMME, François, M., Directeur d'administration, chargé du service des relations internationales, Ministère de l'Emploi et du Travail.

Conseiller technique et délégué suppléant

REYN, Alex, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Conseillers techniques

HUBLET, Paul, M., Directeur général de l'administration de l'hygiène et de la médecine du travail, Ministère de l'Emploi et du Travail.
DE GOLS, Michel, M., Directeur d'administration à l'administration de la réglementation et des relations du travail, Ministère de l'Emploi et du Travail.
STASSEN, Jean, M., Inspecteur général honoraire, Administration des mines, Ministère des Affaires économiques.
VAN CRAEN, Marc, M., Représentant permanent adjoint, Mission permanente à Genève.
GEDOPT, Marc, M., Premier secrétaire, Mission permanente à Genève.
MUYLLE, Geert, M., Secrétaire, Mission permanente à Genève.
WALGRAVE, Jo, Mme, Présidente, Conseil national du travail.
CLOESEN, Joseph, M., Conseiller adjoint, service des relations internationales, Ministère de l'Emploi et du Travail.
WUILQUOT, Edouard, M., Inspecteur général, Office communautaire et régional de la formation professionnelle et de l'emploi, Région wallonne.
STORMS, Pascal, M., Secrétaire d'administration à l'administration de l'emploi, Communauté flamande de Belgique.
ALONSO, Pablo, M., Secrétaire d'administration au service de l'emploi de l'administration de l'économie et de l'emploi, Ministère de la Région de Bruxelles-Capitale.
WAREGNE, Jean-Marie, M., Attaché pour la Communauté française de Belgique, Mission permanente à Genève.
BUELENS, Théo, M., Rédacteur au service des relations internationales, Ministère de l'Emploi et du Travail.

Autres personnes assistant à la Conférence

MAXIMUS, Lydia, Mme, Sénateur, Présidente de la commission des affaires sociales du Sénat.
DE ROO, Johan, M., Sénateur.

Délégué des employeurs

VAN HOLM, Jan, M., Directeur, Service des relations et conditions de travail, Fédération des entreprises; membre adjoint suppléant, Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

MINNE, Willy, M., Directeur, Fédération des industries agricoles et alimentaires.

Conseillers techniques

DA COSTA, Jacques, M., Directeur de la fédération pétrolière belge.
MUYLDERMANS, Herwig, M., Directeur, Union professionnelle des entreprises de travail intérimaire.
DAOUST, Jean-Claude, M., Président, Union professionnelle des entreprises de travail intérimaire.
GODFROID, Philippe, M., Trésorier, Union professionnelle des entreprises de travail intérimaire.
KOERHUIS, Henri, M., Membre du Conseil d'Administration de l'union professionnelle des entreprises de travail intérimaire.
COUNET, Georges, M., Conseiller, FEDIEX.
KODECK, Philippe, M., Directeur du service de la sécurité, S.A. CARMEUSE.

Délégué des travailleurs

PEIRENS, Willy, M., Président, Confédération des syndicats chrétiens.

Conseiller technique et délégué suppléant

DE VITS, Mia, Mme, Secrétaire générale; Fédération générale du travail; membre adjoint suppléant, Conseil d'administration du BIT.

Conseillers techniques

HAAZE, Guy, M., Président, Centrale générale des syndicats libéraux.
DELARUE, Rudy, M., Conseiller juridique au service d'études, Confédération des syndicats chrétiens.

VAN GEERTSOM, Julien, M., Secrétaire interrégional adjoint, Fédération générale du travail.

POTTIE, Frans, M., Conseiller général, Centrale générale des syndicats libéraux.

MEUNIER, Geneviève, Mme, Service d'études, Confédération des syndicats chrétiens.

DRION, Cécile, Mme, Conseiller juridique au service d'études, Fédération générale du travail.

SKA, Marie-Hélène, Mme, Confédération des syndicats chrétiens.

BRISCOLINI, Carlo, M., Secrétaire national de la centrale générale, Fédération générale du travail.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

PIETTE, Josly, M., Secrétaire général, Confédération des syndicats chrétiens.

DEREYMAEKER, Jan, M., Chef du service international, Condédération des syndicats chrétiens.

Belize Belize Belice

Government Delegates

ARAGON, Elodio, Mr., Minister of Education, Public Service and Labour.

BENNETT, Edney, Mr., Acting Labour Commissioner, Ministry of Public Service and Labour.

Employers' Delegate

WILLIAMS, Greta Martha, Mrs., Vice-President, Belize Chamber of Commerce and Industry.

Workers' Delegate

QUIROS, Dorene, Mrs., General Secretary, National Trade Union.

Benin

Délégués gouvernementaux

OSSENI, Kadiatou-Koubourath, Mme, Ministre du Travail, de l'Emploi et des Affaires sociales.

ZANOU, Pierre, M., Directeur du travail.

Conseiller technique

POSSET, Thérèse, Mme, Directrice générale, Office béninois de sécurité sociale.

Délégué des employeurs

GLELE G., Lucien, M.

Délégué des travailleurs

LAWANI, Amidou, M.

Bolivie Bolivia Bolivia

Ministro asistente a la Conferencia

PETERS ARZABE, Reynaldo, Sr., Ministro de Trabajo.

Delegados gubernamentales

ELIAS SAINZ, Abel, Sr., Asesor General, Ministerio de Trabajo.

CHÁVEZ BUSTÍOS, Rosa, Sra., Consejera, Encargada de Negocios a.i., Misión Permanente en Ginebra.

Delegado de los empleadores

DE CHAZAL, Carlos, Sr., Presidente Ejecutivo, Confederación de Empresarios Privados.

Consejero técnico y delegado suplente

ESPAÑA-SMITH, Raúl, Sr., Miembro del Directorio, Confederación de Empresarios Privados.

Delegado de los trabajadores

SALAS MOYA, Oscar, Sr., Secretario Ejecutivo, Central Obrera Boliviana.

La République de Bosnie-Herzégovine
The Rep. of Bosnia and Herzegovina
La Rep. de Bosnia y Herzegovina

Minister attending the Conference

SMAJKIC, Arif, Mr., Minister for Refugees, Work and Social Welfare.

Person accompanying the Minister

DJAPO, Mahmut, Mr., Assistant to the Minister.

Government Delegates

SARACEVIC, Muhamed, Mr., Secretary, Bureau for Health and Work.

BIJEDIC, Mustafa, Mr., Ambassador, Permanent Representative, Geneva..

Botswana

Minister attending the Conference

BALOPI, Patrick K., Mr., Minister of Labour and Home Affairs.

Government Delegates

MASOGO, Keetla M., Mr., Permanent Secretary, Ministry of Labour and Home Affairs.

PALAI, Mothusi B.R., Mr., Commissioner of Labour and Social Security.

Adviser and substitute delegate

WILLIAMS, Stephen Duncan, Mr., Deputy Commissioner of Mines.

Employers' Delegate

DAMBE, Christopher, Mr., Executive Member, Confederation of Commerce, Industry and Manpower.

Workers' Delegate

MBONINI, Elias, Mr., Chairman, Federation of Trade Unions; Substitute Deputy Member, Governing Body of the ILO.

Brésil Brazil Brasil

Minister attending the Conference

PIMENTEL, Marcelo, Mr., Minister of State of Labour.

Persons accompanying the Minister

LAMPREIA, Luiz Felipe, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

VERGNE SABOIA, Gilberto, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

DE SÁ BARBUDA, Almir, Mr., Minister Counsellor, Permanent Mission, Geneva.

Government Delegates

SUSSEKIND, Arnaldo Lopes, Mr., Member, National Academy of Labour Law, Government Representative, Governing Body of the ILO.

BERNARDES, Hugo Gueiros, Mr., Professor of Labour Law, University of Brasilia.

Advisers and substitute delegates

PINHEIRO DE ARAUJO SÁ, Lidia, Ms., Secretary, Formation and Professional Development, Ministry of Labour.

GOMES DOS SANTOS, Maria Helena, Ms., Head, International Department, Ministry of Labour.

DE MORAES, Luis Guilherme, Mr., Counsellor, Permanent Mission, Geneva.

HOSANNAH, Eduardo de Mattos, Mr., First Secretary, Permanent Mission, Geneva.

RONDÓ FILHO, Milton, Mr., Second Secretary, Specialized International Organizations, Division of the Ministry of Foreign Relations.

SÁ RICARTE, Antonio Otávio, Mr., Second Secretary, Permanent Mission, Geneva.

Advisers

PEREZ, Ana Cândida, Ms., First Secretary, Permanent Mission, Geneva.

SALGADO, Antonio Luis Espinola, Mr., Second Secretary, Permanent Mission, Geneva.

Other persons attending the Conference

SANTOS, Ursulino, Mr., Minister, Labour Supreme Court.
VASCONCELOS, José Luís, Mr., Minister, Labour Supreme Court.
BARBIERI, Marcelo, Mr., House of Representatives.
RIBEIRO, Jabes, Mr., House of Representative.
FERRAZ DOS PASSOS, João Pedro, Mr., Attorney-General, Public Ministry of Labour.
MARISE, Junia, Ms., Senator.
CICERO, Paulino, Mr., Deputy, House of Representatives.

Employers' Delegate

WERNA DE SALVO, Antonio Ernesto, Mr., President, National Confederation of Agriculture.

Advisers and substitute delegates

ALVES, Vinícius, Mr., Director-Secretary, Federation of National Confederation of Agriculture.
BRUSTOLIN, Rubens Armando, Mr., President, Federation of Commerce of the State of Paraná.
GONÇALVES DOS SANTOS, Narciso, Mr., President, Union of Transport Companies of Passengers of Nova Iguaçú (SETRANSPANI).
LINHARES, Lúcia Maria Rondon, Ms., Deputy-Head, Legal Department, National Confederation of Industries.
RODRIGUES, Renato de Oliveira, Mr., Head, Labour Department, National Confederation of Commerce.

Advisers

D'ARAUJO MARTINS, Victor, Mr., Second Vice-President, National Confederation of Commerce.
MORAES DE SOUZA CARMO, Afonso Celso, Mr., Assistant, Presidency of the National Confederation of Transports.
SFOGGIA CARVALHO, Ubajara Alves, Mr., Legal Adviser, Federation of Goods Transport, State of Rio Grande do Sul.
GUERRA JUNIOR, Pio, Mr., Financial Director, National Confederation of Agriculture.
ALVES, Ataide, Mr., Executive Secretary, National Service for Rural Training (SENAR), National Confederation of Agriculture.

Persons appointed in accordance with Article 2, paragraph 3(i)

CLARO DE OLIVEIRA, Celso Luiz, Mr., Director, International Department, CNA.
BASSINI, José Braúlio, Mr., President, Federation of Industries, State of Espirito Santo.
DE VASCONCELLOS PINHEIRO, Joáo Renato, Mr., President, Union of Companies of Services, Allocations and Administration of Human Resources and Temporary Labour.
OLIVEIRA SANTOS, Antonio, Mr., President, National Confederation of Agriculture.

Workers' Delegate

DE BARROS, Valdir Vicente, Mr., Director, International Relations, General Confederation of Workers (CGT).

Advisers and substitute delegates

THAUMATURGO CORTIZO, António Maria, Mr., Vice-President, CGT.
IBRAHIM, José, Mr., Secretary, International Relations, Força Sindical (FS).
MARTINES BARGAS, Osvaldo, Mr., Secretary, International Relations, Unified Central of Workers (CUT); Deputy Member, Governing Body of the ILO.
JAKOBSEN, Kjeld Aagaard, Mr., Treasurer, CUT.
RODRIGUES PIMENTEL, Lúcia Maria, Ms., Secretary, International Relations, CGT.
ROQUE SILVA, José, Mr., Vice-President, National Confederation of Commercial Workers.

Advisers

DO VALE, José Carlos, Mr., Director, Health and Security, National Confederation of Workers of the Mineral Sector.
SCOFANO, Vicente Francisco, Mr., Vice-President, National Confederation in Communication and Publicity.
SILVA, Leonardo, Mr., Director, International Relations, National Confederation of Commercial Workers.

Bulgarie Bulgaria Bulgaria

Government Delegates

MATINCHEV, Evgueniy, Mr., Deputy Prime Minister, Minister of Labour and Social Affairs.
DOBREV, Valentin, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

CHRISTOSKOV, Jordan, Mr., Vice Minister of Labour and Social Affairs, Head, National Employment Service.
BALTOV, Atanas, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

MARKOVA, Plamenka, Mrs., Senior Expert, Ministry of Labour and Social Affairs.
SHEITANOV, Vladimir, Mr., Expert, Ministry of Foreign Affairs.
DANCHOVSKA, Tania, Mrs., Expert, General Directorate for Social Security.

Employers' Delegate

SIMEONOV, Tzvetan, Mr., Secretary General, Bulgarian Chamber of Commerce and Industry.

Adviser and substitute delegate

DIMITROV, Bojidar, Mr., Adviser to the President, Bulgarian Chamber of Commerce and Industry.

Advisers

PAVLOV, Vladimir, Mr., Secretary General, Union for Private Enterprise.
KORALSKY, Mintcho, Mr., Secretary, Union for Private Enterprise.

Workers' Delegate

NEYKOV, Ivan, Mr., Vice President, Confederation of Independent Trade Unions.

Adviser and substitute delegate

DIMITROVA, Dimitrina, Mrs., Expert, Confederation of Independent Trade Unions.

Advisers

NEYKOVA, Svetlana, Mrs., Lawyer, Confederation of the Independent Trade Unions.
MANOLOV, Dimitre, Mr., Vice President, Confederation of Labour 'Podkrepa'.
KOSSEVA, Evguenia, Mrs., Secretary, Confederation of Labour 'Podkrepa'.
MITREVA, Rossitsa, Mrs., Legal Adviser, Confederation of Labour 'Podkrepa'.
IVANOVA, Mariana, Mrs., Legal Adviser, Confederation of Labour 'Podkrepa'.

Burkina Faso

Ministre assistant à la Conférence

OUEDRAOGO, Ardjouma Alphonse, M., Ministre de l'Emploi, du Travail et de la Sécurité sociale.

Délégués gouvernementaux

SILGA, Guillaume, M., Directeur du travail.
SAWADOGO, Kouka Célestin, M., Chef de service des études et de la réglementation.

Conseiller technique et délégué suppléant

OUEDRAOGO, Karim François, M., Conseiller technique, Ministère de l'Emploi, du Travail et de la Sécurité sociale.

Conseillers techniques

YAMEOGO, Henri Marie Dieudonné, M., Directeur général, Office national de la promotion de l'emploi.
BADINI, Boureima, M., Directeur général, Caisse nationale de Sécurité sociale.
THIOMBIANO, Adama, M., Directeur général, Office de santé des travailleurs.

Délégué des employeurs

KABORE, Emile René, M., Secrétaire général, Conseil national du patronat burkinabé.

Conseiller technique et délégué suppléant

KABORE, Belco Pierre, M., Secrétaire permanent, CNPB.

Délégué des travailleurs

BA, Abdoulaye, M., Secrétaire général, Confédération nationale des travailleurs (CNTB).

Conseiller technique et délégué suppléant

SEBGO, Rigobert, M., Secrétaire général, Organisation nationale des syndicats libres (ONSL).

Burundi

Ministre assistant à la Conférence

BAKEVYUMUSAYA, Vénérand, M., Ministre du Travail et de la Formation professionnelle.

Délégués gouvernementaux

NSHIMIRIMANA, Perpétue, Mme, Ambassadeur, Mission permanente à Genève.
NZEYIMANA, Pierre-Claver, M., Conseiller Technique du Ministre du Travail et de la Formation professionelle.

Conseillers techniques et délégués suppléants

KARIKURUBU, Liboire, M., Directeur Général, l'Institut national de sécurité sociale (INSS).
NEGAMIYE, Aloys, M., Premier Conseiller, Mission permanente à Genève.
BUSHAHU, Salvator, M., Chef du bureau législation et contentieux, INSS.

Délégué des employeurs

NZISABIRA, Gaspard, M., Secrétaire Exécutif, Association des employeurs du Burundi (AEB).

Délégué des travailleurs

KUBWIMANA, Vincent, M., Secrétaire Général, Fédération des syndicats libres du Burundi (CSB).

Conseiller technique et délégué suppléant

NDAYIZEYE, Patricia, Mme, Secrétaire éxécutif des syndicats des travailleurs de l'administration publique, de la santé et des transports.

Cambodge Cambodia Camboya

Délégués gouvernementaux

SEM, Suy, M., Sécrétaire d'Etat des affaires sociales, du travail et des vétérans.
SEM, THACH, M., Directeur du département de la sécurité sociale.

Cameroun Cameroon Camerún

Ministre assistant à la Conférence

MBILA, Simon, M., Ministre du Travail et de la Prévoyance sociale.

Délégués gouvernementaux

NGOUBEYOU, François-Xavier, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
NYANGANG, Claire, Mme, Directeur du travail.

Conseiller technique et délégué suppléant

CHEBO, Tantoh Charles, M., Premier secrétaire, Mission permanente à Genève.

Conseillers techniques

OWONA ETENDE, Raphaël, M., Chef du service, Ministère des Relations extérieures.
MISSE, Herman, M., Inspecteur général No 1, Ministère du Travail et de la Prévoyance sociale.
MONGWA, Tening, M., Chargé de mission, Présidence de la république.
BELL, Mathias Louis, M., Chef, Service relations internationales du travail, Ministère du Travail et de la Prevoyance Sociale.

Délégué des employeurs

MOUKOKO KINGUE, Félix, M., Président, Union des syndicats professionnels (USPC).

Délégué des travailleurs

ETAME NDEDI, Emmanuel, M., Président, Confédération syndicale des travailleurs (CSTC).

Conseillers techniques

TSOGO, Salomé, Mme, Vice-présidente, CSTC.
MOUSSENI, André, M., Secrétaire général, CSTC.

Canada

Government Delegates

Délégués gouvernementaux

CARON, Lucille G., Mrs., Directrice exécutive, Bureau des affaires internationales, Ministère du Développement des ressources humaines; représentante gouvernementale au Conseil d'administration du BIT.

AUSMAN, John, Mr., Counsellor, Permanent Mission, Geneva.

Adviser and substitute delegate

Conseiller technique et délégué suppléant

DUBOIS, Paul, Mr., Représentant permanent adjoint, Mission permanente à Genève.

Advisers

Conseillers techniques

KLEIN, Suzanne Silk, Ms., Manager, Employment Conditions and Practices, Policy, Ministry of Labour, Ontario.

MCGINN, Ralph, Mr., Vice-President, Prevention Division, Workers' Compensation Board of British Columbia.

NIXON, Martha, Ms., Director General, Employment Policies and Operations, Human Resources Development Canada.

Other persons attending the Conference

Autres personnes assistant à la Conférence

DESLAURIERS, Christian, Mr., Conseiller, Direction des organisations internationales, Ministère des Affaires internationales du Québec.

PERREAULT, Gordon, Mr., Commission de la santé et de la sécurité du Québec.

Employers' Delegate

Délégué des employeurs

WOOLFORD, Peter, Mr., Senior Vice-President, Retail Council of Canada Dominion.

Adviser and substitute delegate

Conseiller technique et délégué suppléant

MCNICOLL, Madeleine, Mrs., Directrice exécutive, Conseil canadien des employeurs.

Advisers

Conseillers techniques

BELL, Allen, Mr., Senior Vice-President, Human Resources Division, Toronto-Dominion Bank.

CECUTTI, Albert, Mr., Director, Occupational Health and Hygiene, Falconbridge Ltd.

PIRIE, Jim, Mr., President, J.A. Pirie Associates Ltd.

SHAND, Sandy, Ms., Senior Policy Consultant, Human Resources Division, Canadian Imperial Bank of Commerce.

Workers' Delegate

Délégué des travailleurs

PARROT, Jean-Claude, Mr., Vice-président exécutif, Congrès du travail du Canada; Membre, Conseil d'administration du BIT.

Adviser and substitute delegate

Conseiller technique et délégué suppléant

MALLON, Brian, Mr., International Affairs, Canadian Labour Congress.

Advisers

Conseillers techniques

DESORMEAUX, Nicole, Mrs., Vice-présidente, Fédération des travailleurs et travailleuses du Québec.

PERQUIN, John, Mr., Staff Representative, Health and Safety, United Steelworkers of America, District 6.

MCGRAW, Don, Mr., Health and Safety Committee, United Steelworkers of America, Local 6500.

ROY, Marie, Mrs., Adjointe à l'exécutif, Confédération des syndicats nationaux (CSN).

Cap-Vert Cape Verde Cabo Verde

Ministre assistant à la Conférence

REIS, José Antonio Mendes, M., Ministre du Travail, de la Jeunesse et de la Promotion sociale.

Délégués gouvernementaux

SANTOS, Maria Conceição de Aparecida, Mme, Directrice générale du travail et de l'emploi.
LIMA, Maria Raquel, Mme, Président, Institut de la formation professionnelle.

Délégué des employeurs

CARVALHO, Edmund C. St. Aubyn de Sousa, M., Président, Association commerciale industrielle et agricole de Barlavento.

Délégué des travailleurs

SILVA, Julio Ascenção, M., Secrétaire général, Union nationale des travailleurs du Cap-Vert, centrale syndicale (UNTC-CS).

République centrafricaine Central African Republic República Centroafricana

Délégués gouvernementaux

OGBAMI, Fidele, M., Ministre de la Fonction publique, de l'Emploi , de la Sécurité sociale et de la Formation professionnelle.
SELENGUE, Nicolas, M., Chargé de mission en matière de travail.

Conseiller technique

PERKS, René-Gabriel, M., Directeur général, Office national de la main d'oeuvre; Inspecteur principal du travail.

Délégué des employeurs

PENNONE, Frédérique, Mme, Secrétaire général, Union nationale du patronat.

Délégué des travailleurs

MAZETTE, Jacquesson, M., Secrétaire général , Organisation des syndicats libres du secteur public (OSLP).

Chili Chile Chile

Ministro asistente a la Conferencia

ARRATE MAC NIVEN, Jorge, Sr., Ministro del Trabajo y Previsión Social.

Delegados gubernamentales

PEREZ VEGA, Guillermo, Sr., Subsecretario del Trabajo; Representante gubernamental, Consejo de Administración de la OIT.
TIRONI BARRIOS, Ernesto, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

ILABACA ORPHANOPOULOS, José Luis, Sr., Consejero, Misión Permanente en Ginebra; Representante gubernamental alterno, Consejo de Administración de la OIT.
ARAVENA ASTUDILLO, Duhamel, Sr., Abogado, Encargado de la Oficina de Relaciones Laborales Internacionales, Ministerio del Trabajo y Previsión Social; Consejero técnico gubernamental , Consejo de Administración de la OIT.

Consejeros técnicos

SANHUEZA BEZANILLA, Camilo, Sr., Tercer Secretario, Misión Permanente en Ginebra.
HUME FIGUEROA, Rodrigo, Sr., Tercer Secretario, Misión Permanente en Ginebra.
RIOS SOLIMAS, Francisco, Sr., Abogado, Misión Permanente en Ginebra.
RIVAS GOMEZ, Francisco, Sr., Agregado Laboral, Misión Permanente en Ginebra.
RODRIGUEZ TRUJILLO, María Luisa, Sra., Ministerio de Relaciones Exteriores.

Otras personas que asisten a la Conferencia

THAYER ARTEAGA, William, Sr., Senador, Misión Permanente en Ginebra.
MUÑOZ ABURTO, Pedro, Sr., Diputado, Misión Permanente en Ginebra.

Delegado de los empleadores

GUZMAN MATTA, José Antonio, Sr., Presidente, Confederación de la Producción y del Comercio.

Consejeros técnicos y delegados suplentes

MONTT BALMACEDA, Manuel, Sr., Abogado, Confederación de la Producción y del Comercio; Miembro Adjunto Suplente, Consejo de Administración de la OIT.

RIESCO SALVO, Walter, Sr., Abogado, Sociedad Nacional de Minería y Confederación de la Producción del Comercio.

BRUNA VARGAS, Augusto, Sr., Abogado, Confederación de la Producción y del Comercio.

Consejeros técnicos

FRUNS QUINTANA, Martín, Sr., Ingeniero de Minas, Asociación Chilena de Seguridad y Confederación de la Producción y del Comercio.

ARRATIA ALVARADO, Jaime, Sr., Ingeniero de Ejecución Mécanica, Confederación Gremial Nacional Unida de la Mediana y Pequeña Industria, Servicios y Artesanado.

Delegado de los trabajadores

ROZAS VELASQUEZ, María Herminia, Sra., Vicepresidente, Central Unitaria de Trabajadores (CUT).

Consejeros técnicos y delegados suplentes

CORTES MUÑOZ, Guillermo del Carmen, Sr., Confederación Nacional de Panificadores (CONAPAN) y CUT.

BUNNEY TUNACCA, Luis Alberto, Sr., Colegio de Profesores de Chile A.G. y CUT.

LABRAÑA MENA, Moises Reinaldo, Sr., Confederación Minera y CUT.

Consejeros técnicos

VON HAUSEN CARMONA, Hernán Antonio, Sr., Federación de Trabajadores del Petróleo y CUT.

ESPINOZA CONCHA, Raimundo del Carmen, Sr., Federación de Trabajadores del Cobre y CUT.

GARAY SANCHEZ, Carlos Arturo, Sr., Confederación de Trabajadores Bancarios y CUT.

SILVA ALARCON, Victor Domingo, Sr., Federación Nacional de Trabajadores de la Salud (FENATS) y CUT.

TURRA PAREDES, Eugenio Rigoberto, Sr., Confederación Campesina Nehuen y CUT.

Chine China China

Minister attending the Conference

LI, Boyong, Mr., Minister of Labour.

Government Delegates

ZHU, Jiazhen, Mr., Vice-Minister of Labour.

JIN, Yongjian, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

ZHANG, Youyun, Mrs., Director, International Cooperation Department, Ministry of Labour.

ZHANG, Wei, Mr., Councillor for Labour, Permanent Mission, Geneva.

Advisers

SONG, Xiaowu, Mr., Deputy Director, China Academy of Labour Science, Ministry of Labour.

ZHANG, Yishan, Mr., Councillor, Ministry of Foreign Affairs.

LIN, Maizhu, Mr., Branch Chief, International Cooperation Department, Ministry of Labour.

WANG, Jincheng, Mr., Branch Chief, General Office, Ministry of Labour.

ZHU, Mingguang, Mr., Branch Chief, Bureau of Safety and Health in Mines, Ministry of Labour.

WANG, Zhe, Mr., Branch Chief, Department of Employment, Ministry of Labour.

ZHU, Cangyou, Mr., Deputy Branch Chief, General Office, Ministry of Labour.

WANG, Jiyuan, Mr., Deputy Branch Chief, International Cooperation Department, Ministry of Labour.

ZHANG, Gengchen, Mr., Deputy Branch Chief, Institute of International Labour Studies, China Academy of Labour Science, Ministry of Labour.

ZUO, Huizhen, Mrs., Deputy Branch Chief, International Cooperation Department, Ministry of Labour.

XU, Nanshan, Mr., Deputy Branch Chief, Department of Foreign Exchange and Foreign Affairs, Ministry of Finance.

ZHANG, Feng, Mr., Official, International Cooperation Department, Ministry of Labour.

ZHU, Zhenguo, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

PAN, Chenglie, Mr., Deputy Director-General, China Enterprise Management Association (CEMA).

Adviser and substitute delegate

CHEN, Ying, Mrs., Director, International Labour Department, CEMA.

Advisers

SONG, Jianhua, Mrs., Deputy Director, Foreign Liaison Department, CAMA.

QIN, Jieming, Mr., Official, Foreign Liaison Department, CAMA.

Workers' Delegate

LI, Qisheng, Mr., Vice-Chairman, All-China Federation of Trade Unions (ACFTU).

Adviser and substitute delegate

HUANG, Rujie, Mr., Deputy Director, International Department, ACFTU.

Advisers

FU, Xushan, Mr., Deputy Director, International Department, ACFTU.

WANG, Yuxian, Mr., Branch Chief, International Department, ACFTU.

LIU, Jiyong, Mr., Branch Chief, International Department, ACFTU.

WANG, Liming, Mr., Branch Chief, International Department, ACFTU.

Chypre Cyprus Chipre

Minister attending the Conference

MOUSHOUTTAS, Andreas, Mr., Minister of Labour and Social Insurance.

Government Delegates

ANASTASSIADES, George, Mr., Permanent Secretary, Ministry of Labour and Social Insurance.

MACRIS, Nicos, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

SAMUEL, Lenia, Mrs., Principal Insurance Officer, Ministry of Labour and Social Insurance.

MARKIDES, Loria, Mrs., Counsellor A, Permanent Mission, Geneva.

Adviser

KOLOKOTRONIS, Charalambos, Mr., Chief Labour Officer (Employment/Industrial Training), Ministry of Labour and Social Insurance.

Employers' Delegate

PIERIDES, Antonis, Mr., Director General, Employers and Industrialists Federation, Substitute Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

PILICOS, Michael, Mr., Head, Industrial Relations and Labour Legislation Department, Employers' and Industrialists' Federation.

Advisers

PANAYIOTOU, Athanasios, Mr., Industrial Relations Officer, Employers' and Industrialists' Federation.

KYTHREOTIS, Christos, Mr., Secretary-Director, Banker Employers' Association.

MICHAEL, Emilios, Mr., Industrial Relations Officer, Chamber of Commerce and Industry.

SAVVIDES, Photos, Mr., Manager, Personnel Services, Telecommunications Authority.

Workers' Delegate

IOANNOU, Michalakis, Mr., General Secretary, Workers' Confederation (SEK); Substitute Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

KITTENIS, Dimitris, Mr., Deputy General Secretary, Workers' Confederation (SEK).

Advisers

ANTONIOU, Avraam, Mr., General Secretary, Pancypria Federation of Labour (PEO).

CHRISTOFI, Yiannakis, Mr., General Secretary, Hotels and Catering Establishments, Employees' Trade Unio Pancyprian Federation of Labour (PEO).

PRENTZAS, Renos, Mr., General Secretary, Democratic Labour Federation (DEOK).

TAPPA, Maria, Mrs., Secretary of the Womens' Committee, Legal Adviser, Cyprus Workers' Confederation (SEK).

Colombie Colombia Colombia

Delegados gubernamentales

MELO ACOSTA, José Elias, Sr., Ministro de Trabajo y Seguridad Social.

GONZALEZ MOSQUERA, Guillermo Alberto, Sr., Embajador, Representante Permanente en Ginebra, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

VALENCIA PINZON, Pedro Manuel, Sr., Secretario General del Ministerio de Trabajo y Seguridad Social.

CARBONELL BLANCO, Rafael, Sr., Director Técnico del Trabajo del Ministerio de Trabajo y Seguridad Social.

MESA CARDENAS, José Gabriel, Sr., Jefe de la Oficina de Asuntos Internacionales del Ministerio de Trabajo y Seguridad Social.

JIMENEZ DIAZ, Ernesto, Sr., Presidente de la Sala Laboral de la Corte Suprema de Justicia.

LECOMPTE LUNA, Alvaro, Sr., Honorable Magistrado de la Sección Segunda del Consejo de Estado.

GONZALEZ MONTOYA, Eduardo, Sr., Director del Departamento Administrativo de la Función Pública.

PARRA DE NIETO, Nohora, Sra., Ministro Consejero, Misión Permanente en Ginebra.

SALAZAR ACOSTA, José Renato, Sr., Primer Secratario, Misión Permanente en Ginebra.

SINTURA VARELA, Francisco José, Sr., Vicefiscal General de la Nación.

Consejero técnico

HERNANDEZ CORREA, Gerardo, Sr., Viceministro de Trabajo y Seguridad Social.

Otras personas que asisten a la Conferencia

BULA HOYOS, Rodrigo, Sr., Senador, Comisión Séptima Laboral del Congreso.

VALENCIA COSSIO, Fabio, Sr., Vicepresidente, Comisión Séptima Laboral del Congreso.

ANGARITA BARACALDO, Alfonso, Sr., Representante de los pensionados, Comisión Séptima Laboral del Congreso.

LOPEZ, Ruth, Sra., Asistente, Comisión Séptima Laboral del Congreso.

CEPEDA, Manuel, Sr., Miembro de la Comisión de Asuntos Laborales.

ARIAS, Jaime, Sr., Senador de la República, Miembro de la Comisión de Asuntos Laborales.

VANEGAS, Alvaro, Sr., Representante a la Cámara, Miembro de la Comisión de Asuntos Laborales.

COGOLLOS, Angela, Sra., Asistente Senador, Miembro de la Comisión de Asuntos Laborales.

Delegado de los empleadores

ANGEL ARANGO, Carlos Arturo, Sr., Presidente, Asociación Nacional de Industriales (ANDI).

Consejero técnico y delegado suplente

FAJARDO LIEVANO, Ernesto, Sr., Gerente de Relaciones Industriales de la Companía ESSO Colombiana Limited y Presidente Nacional de la Asociación Colombiana de Relaciones Industriales y Personal (ACRIP).

Consejeros técnicos

PRETELT DE LA VEGA, Sabas, Sr., Presidente, Federación Nacional de Comerciantes (FENALCO).

ALVAREZ POSADA, Enrique, Sr., Vicepresidente de Asuntos Jurídicos y Sociales, ANDI.

LOPEZ GUERRA, Guillermo, Sr., Miembro del Comité de Laboralistas, ANDI.

RODRIGUEZ GARCIA, Luz Stella, Sra., Asesora de Seguridad Social, ANDI.

BECERRA TORO, Rodrigo, Sr., Vicepresidente Jurídico de los Ingenios Central Castilla y Riopaila.

MONSALVE CUELLAR, Martha, Sra., Asesora Laboral, ANDI.

BEJARANO DAZA, Diego Mauricio, Sr., Vicepresidente Jurídico de la Federación Nacional de Comerciantes (FENALCO).

PEREZ GARCIA, Miguel, Sr., Director Ejecutivo de la Asociación Colombiana de Empresas de Servicios Temporales (ACOSET).

Delegado de los trabajadores

OBREGÓN SABOGAL, Orlando, Sr., Presidente de la Central Unitaria de Trabajadores (CUT); miembro adjunto suplente, Consejo de Administración de la OIT.

Consejeros técnicos

VALDERRAMA, Mario de J., Sr., Presidente de la Confederación General de Trabajadores Democráticos (CGTD).

ALVIS FERNANDEZ, Apecides, Sr., Presidente, Nacional Confederación de Trabajadores de Colombia (CTC).

GARZON, Luis Eduardo, Sr., Secretario General de la Central Unitaria de Trabajadores (CUT).

VELASQUEZ SANCHEZ, Rafael, Sr., Vicepresidente de SINTERCOR.

RODRIGUEZ ERAZO, Laureano, Sr., Presidente de la Unión de Trabajadores de Cundinamarca (UTRACUN).

Comores Comoros Comoras

Délégués gouvernementaux

SITTOU, Raghadat Mohamed, M., Ministre des Affaires sociales du Travail et de l'Emploi.
MADI, Omar, M., Directeur général du travail et de l'emploi.

Congo

Ministre assistant à la Conférence

TSOMAMBET, Anaclet, M., Ministre du Travail, de la Sécurité sociale et de la Solidarité.

Délégués gouvernementaux

LOUDI, Sylvain, M., Conseiller au travail.
NZABA, Anatole, M., Directeur général du travail.

Conseiller technique et délégué suppléant

MAN-DOBE, Atsouaye, M., Directeur de la coopération.

Délégué des employeurs

BOUSQUIE, Josy, Mme

Délégué des travailleurs

OSSOMBI, Michel, M.

République de Corée
Republic of Korea
República de Corea

Minister attending the Conference

KANG, Bong-Kyun, Mr., Vice-Minister, Ministry of Labour.

Government Delegates

PARK, Chang Il, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.
PARK, Chung Kyu, Mr., Senior Research Officer, Kore Labour Institute.

Advisers and substitute delegates

LEE, Joon Hee, Mr., Counsellor, Permanent Mission, Geneva.
LIM, Jae HONG, Mr., Director, Human Rights and Soc Affairs Division, Ministry of Foreign Affairs.
KIM, Yong Dal, Mr., Labour Attaché, Permanent Missi Geneva.
CHANG, Jai Gu, Mr., Director, International Cooperatio Division, Ministry of Labour.

Advisers

MA, Young Sam, Mr., Assistant Director, Human Right and Social Affairs Division, Ministry of Foreign Affairs.
KIM, Ghee Whan, Mr., Second Secretary, Permanent Mission, Geneva.
MOON, Ki-Seop, Mr., Deputy Director, International Cooperation Division, Ministry of Labour.
KIM, Yang-Hyun, Mr., Assistant Director, International Cooperation Division, Ministry of Labour.
KIM, Seok-Cheol, Mr., Deputy Director, Industrial Hygiene Division, Ministry of Labour.
LEE, Jeong Taik, Mr., Fellow, Korea Labour Education Institute.
PARK, Yong-Ung, Mr.

Employers' Delegate

WHANG, Jung-Hyun, Mr., Executive Deputy Chairman Korea Employers' Federation.

Advisers and substitute delegates

LEE, Dong-Eung, Mr., Deputy Director, International Cooperation Department, Korea Employers' Federation.
KIM, Hoon-Sik, Mr., Director, Research Department 1, Korea Employers' Federation.

Advisers

OH, Moon-Wan, Mr., Manager for Legal Affairs, Research Department 1, Korea Employers' Federatio
LEE, Kang-Seong, Mr., Manager for Economic Researc Research Department II, Korea Employers' Federati

Workers' Delegate

PARK, Chong-Kun, Mr., President, Federation of Korean Trade Unions.

Adviser and substitute delegate

KIM, Bong-Suk, Mr., Director, Department of International Affairs, Federation of Korean Trade Unions.

Advisers

WON, Chung-Yun, Mr., Deputy General Secretary, Department of Information and Publicity, Federation of Korean Trade Unions.

KIM, Sung-Jin, Mr., Deputy Director, Department of International Affairs, Federation of Korean Trade Unions.

PARK, Tae-Ju, Mr., President, Korea Federation of Professionals and Technicians' Union.

Costa Rica

Ministro asistente a la Conferencia

AYALES ESNA, Farid, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

DURAN VIQUEZ, Juan Vicente, Sr., Oficial Mayor y Director General Administrativo, Ministerio de Trabajo y Securidad Social.

RHENAN SEGURA, Jorge, Sr., Embajador, Encargado de Negocios a.i., Misión Permanente en Ginebra.

Consejero técnico y delegado suplente

JIMENEZ VEIGA, Danilo, Sr.

Delegado de los empleadores

GONZALEZ VARGAS, Ricardo Daniel, Sr., Unión de Cámaras y Asociaciones de la Empresa Privada.

Delegado de los trabajadores

BROWN YOUNG, Gilbert, Sr., Confederación de Trabajadores Rerum Novarum.

Côte d'Ivoire

Ministre assistant à la Conférence

ATSAIN, Achi, M., Ministre de l'Emploi et de la Fonction publique.

Délégués gouvernementaux

KOUAME, Koffi, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

N'DRI, Konan Lazare, M., Directeur de l'emploi et de la réglementation du travail.

Conseillers techniques

SIA BI SEI, M., Premier conseiller, Mission permanente à Genève.

ADJOUMANI, Kouadio, M., Conseiller, Mission permanente à Genève.

SERI, Marc, M., Conseiller, Mission permanente à Genève.

Délégué des employeurs

AKA ANGHUI, Joseph, M., Président d'honneur, Conseil national du Patronat Ivoirien (CNPI); Membre du Conseil d'administration du BIT. Président, Union patronale (UPACI).

Délégué des travailleurs

ADIKO, Niamkey Hyacinthe, M., Secrétaire général, Union générale des travailleurs (UGTCI).

Conseiller technique et délégué suppléant

ZADI, Sessegnon, M., Membre du Comité exécutif de l'UGTCI.

Conseiller technique

ETTE, Marcel, M., Secrétaire général, Fédération des syndicats autonomes (FESACI).

Croatie Croatia Croacia

Minister attending the Conference

PARAC, Ivan, Mr., Minister of Labour and Social Welfare.

Government Delegates

BABIC, Vera, Mrs., Ministry of Labour and Social Welfare.

MUSULIN, Marina, Mrs., Head, Department for Relations with International Organizations, Ministry of Labour and Social Welfare.

Employers' Delegate

IVANCEVIC, Zeloko, Mr., General Manager, Croatian Association of Employers.

Workers' Delegate

RIBIC, Vilim, Mr., President, Association of Trade Unions for Public Services.

Adviser and substitute delegate

BRAZZODURO, Predrag, Mr., Seafarers' and Dockers' Union.

Cuba

Ministro asistente a la Conferencia

LINARES CALVO, Francisco, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

PEREZ NOVOA, José, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

TRAVIESO DAMAS, Francisco, Sr., Director, Legislación Laboral, Ministerio del Trabajo y Seguridad Social.

Consejeros técnicos y delegados suplentes

HERNANDEZ OLIVA, Gretel, Sra., Especialista Principal, Ministerio del Trabajo y Seguridad Social.

LAGO SILVA, Jorge, Sr., Primer Secretario, Misión Permanente en Ginebra.

Consejero técnico

AROSTEGUI MEDEROS, Natasha, Sra., Funcionaria, Dirección Asuntos Multilaterales, Ministerio de Relaciones Exteriores.

Delegado de los empleadores

NAVARRO CABRERA, Jorge, Sr., Representante, Unión de Empresas Construcción de Viviendas.

Delegado de los trabajadores

BERNAL CAMERO, Joaquín, Sr., Secretario, Relaciones Internacionales, Central de Trabajadores de Cuba (CTC).

Consejeros técnicos

SANCHEZ VAZQUEZ, Danilo, Sr., Jefe de Departamento, Relaciones Internacionales, CTC.

MONTERO BISTILLEIRO, Manuel, Sr., Departamento de Relaciones Internacionales, CTC.

Danemark Denmark Dinamarca

Minister attending the Conference

ANDERSEN, Jytte, Ms., Minister of Labour.

Persons accompanying the Minister

OLESEN, Henning, Mr., Permanent Secretary, Ministry of Labour.

EDELBERG, Einar, Mr., Head of the Division, Ministry of Labour.

LARSEN, Anne Marie Moller, Ms., Private Secretary to the Minister of Labour.

Government Delegates

ADLER, Lone, Ms., Special Adviser on International Affairs to the Minister of Labour.

MÜLLER, Karen Vibeke, Ms., Head of Section, Ministry of Labour.

Adviser and substitute delegate

LARSEN, Jakob Esper, Mr., Ambassador, Permanent Mission, Geneva.

Advisers

KRISTENSEN, Lone Moberg, Ms., Embassy Secretary, Permanent Mission, Geneva.
PESCHARDT, Vibeke, Ms., Head of Section, Ministry of Labour.
ESPERSEN, Trine, Ms., Head of Section, Ministry of Labour.
MADSEN, Niels Aagaard, Mr., Head of Section, Ministry of Labour.
STAERMOSE, Vibeke, Ms., Head of Section, Ministry of Labour.

Other person attending the Conference

MOLLER, Lone, Ms., Member of Parliament.

Employers' Delegate

JOHANSEN, Birte, Ms., Head of Division, Danish Employers' Confederation.

Adviser and substitute delegate

THYGESEN, Niels Laurits, Mr., President, Danish Employers' Confederation.

Advisers

BURMOLLE, Keld, Mr., Head of Division, Danish Employers' Confederation.
MORKEBERG, Henrik, Mr., Chief Analyst, Danish Employers' Confederation.
MÜNTZBERG, Steen, Mr., Head of Section, Danish Employers' Confederation.

Workers' Delegate

AERENLUND, Nina, Ms., Secretary, Danish Federation of Trade Unions.

Adviser and substitute delegate

LEMKE, Georg, Mr., Consultant, Danish Federation of Trade Unions.

Advisers

MIKKELSEN, Jette Gram, Ms., Secretary, Danish Federation of Trade Unions.
KJAER, Britta, Ms., Translator, Danish Federation of Trade Unions.
BENDIXEN, Annette, Ms., International Secretary, Federation of Danish Public Servants and Salaried Employees' Organisations.

République dominicaine
Dominican Republic
República Dominicana

Ministro asistente a la Conferencia

ALBURQUERQUE DE CASTRO, Rafael, Sr., Secretario de Estado de Trabajo.

Delegados gubernamentales

BONETTI, Angelina, Sra., Ministro Consejero, Misión permanente en Ginebra.
ACOSTA, Pablo Antonio, Sr.

Consejeros técnicos y delegados suplentes

LORA, Miguel Angel, Sr.
ZAPATA, José Francisco, Sr.

Delegado de los empleadores

CASTILLO, Francisco José, Sr.

Consejeros técnicos y delegados suplentes

PEREZ MONTAS, Hernando, Sr.
STURLA RUIZ, Erasmo, Sr.
NADAL, Pablo, Sr.
HERRERA ROA, Fabio, Sr.
JAIME ALEMANY, Nassim, Sr.

Delegado de los trabajadores

NEGRON TEJADA, Mariano, Sr.

Consejeros técnicos y delegados suplentes

DEL RIO DOÑE, Gabriel Antonio, Sr.
ABREU, Rafael, Sr.

HERRERA, Leopoldo, Sr.
VASQUEZ, Mario, Sr.
CUEVAS, Bienvenido, Sr.

Egypte Egypt Egipto

Minister attending the Conference

ELAMAWY, Ahmed Ahmed, Mr., Minister of Manpower and Employment.

Government Delegates

ZAHRAN, Mounir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
EL-ASSAR, Abd El-Kader, Mr., Under-Secretary of State, Ministry of Manpower and Employment.

Advisers and substitute delegates

SHAHIN, Magda, Mr., Minister Plenipotentiary, Permanent Mission, Geneva.
GHEITA, Naguib, Mr., Counsellor for Labour Affairs, Permanent Mission, Geneva.

Advisers

AMINE, Islah, Ms., Director-General, International Labour Relations Department, Ministry of Manpower and Employment.
EL-GAZZAR, Nadia, Mrs., International Labour Relations Department, Ministry of Manpower and Employment.
ABDEL AZIZ, Maged, Mr., Counsellor, Director of Specialized Agencies Affairs, Ministry of Foreign Affairs.
MAHDY, Hassan Mohamed, Mr., Occupational Health and Safety Department, Ministry of Manpower and Employment.
BEBARS, Reda, Mr., Counsellor, Permanent Mission, Geneva.
ELMOAFI, Ashraf, Mr., Second Secretary, Permanent Mission, Geneva.
KHALIL, Hesham, Mr., Second Secretary, Permanent Mission, Geneva.
DOSS, Adly Doss, Mr., Second Secretary, Permanent Mission, Geneva.
SIRRY, Aly, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

BESHER, Taher Mostafa, Mr., Vice-President, Federation of Egyptian Industries.

Advisers and substitute delegates

EL-HERRAWI, Mohamed, Mr., Member, Board of the Federation of Egyptian Industries.
ELIBRACHY, Hussein Zaky, Mr., Director, Legislation and Economic Committee.

Workers' Delegate

RASHED, Sayed, Mr., President, Federation of Egyptian Trade Unions.

Advisers and substitute delegates

MONGI, Mostafa Mohamed, Mr., Vice-President, Federation of Egyptian Trade Unions.
LABIB, Mohamed Kamel, Mr., Vice-President, Federation of Egyptian Trade Unions.

Advisers

MORSI, Mohammed El-Saied, Mr., Secretary-General, Federation of Egyptian Trade Unions.
MOUSTAFA, Moustafa Ibrahim, Mr., Secretary for Foreign Relations, Federation of Egyptian Trade Unions.
EL KADY, Hosny Abdalla, Mr.
EL-BORAÏ, Ahmed Hassan, Mr.
DARAHEM, Mohamed Fouad, Mr.

El Salvador

Ministro asistente a la Conferencia

SIFONTES, Juan, Sr., Ministro de Trabajo y Previsión Social.

Delegados gubernamentales

MENDOZA, Carlos Ernesto, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.
ESCOBAR, Margarita, Srta., Embajador, Representante Permanente Adjunto, Misión Permanente en Ginebra.

Delegado de los empleadores

CASTILLO, Heli Amaya, Sr., Director, Propietario de la Junta Directiva de la Cámara Salvadoreña de la Industria de la Construcción (CASALCO).

Delegado de los trabajadores

GUTIERREZ, Roger Hernán, Sr., Secretario General, Federación de Asociaciones o Sindicatos Independientes (FEASIES).

Consejeros técnicos

CISNEROS, Israel Huiza, Sr., Secretario General de la Federación de Sindicatos de Trabajadores de Alimentos, Bebidas y Similares (FESITRABS).

CARTAGENA CRUZ, Edgar, Sr., Secretario General, Federación de Sindicatos de Trabajadores de la Industria del Alimento, el Vestido, Similares y Conexos de El Salvador (FESTIAVTSCES).

Emirats arabes unis
United Arab Emirates
Emiratos Arabes Unidos

Minister attending the Conference

AL-JARWAN, Saif Ali, Mr., Minister of Labour and Social Affairs.

Government Delegates

MAHMOOD, Abdul Reda A., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-SUWAIDI, Mohamed Issa, Mr., Under Secretary, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

OMRAN, Mohammed, Mr., Counsellor, Permanent Mission, Geneva.

AL-MUHAIRI, Salim Ali, Mr., Director, International Labour Relations Department, Ministry of Labour and Social Affairs.

AL ABSI, Mohmed Rashed, Mr., Counsellor, Ministry of Foreign Affairs.

SALEH, Fadhel Ahmed, Mr., Director, Office of the Minister of Labour and Social Affairs.

SIRAJ AL NOUR, Youssef Jaffar, Mr., Labour Adviser, Ministry of Labour and Social Affairs.

RABIAH, Ali Mohamed Rashed, Mr., Third Secretary, Permanent Mission, Geneva.

NJIMA, Ahmed, Mr., Staff Member, Permanent Mission, Geneva.

Employers' Delegate

MATAR, Khalifa Khamis, Mr., Member, Board of Directors, Federation of Chambers of Commerce and Industry.

Workers' Delegate

AL-ABDOOLI, Khalfan Jassim, Mr., Vice-President, Board of Directors, Engineering Association.

Adviser and substitute delegate

MOSTAFAWI, Abdul Rahim Ahmed, Mr., Treasurer, Medical Doctors' Association.

Equateur Ecuador Ecuador

Ministro asistente a la Conferencia

CORRAL BORRERO, Alfredo, Sr., Ministro de Trabajo y Recursos Humanos.

Delegados gubernamentales

PINOARGOTE CEVALLOS, Alfredo, Sr., Embajador, Representante Permanente, Misión permanente en Ginebra.

SALVADOR CRUZ, Hugo, Sr., Subsecretario Administrativo.

Consejero técnico y delegado suplente

RIOFRIO, Francisco, Sr., Misión Permanente en Ginebra.

Consejero técnico

ANDA S., Gustavo, Sr., Segundo Secretario, Misión Permanente en Ginebra.

Delegado de los empleadores

CUEVA, Aguilera Hernán, Sr., Ingeniero, Federación Ecuatoriana de Cámaras de la Construcción.

Delegado de los trabajadores

DUTAN ERRAEZ, Fausto, Sr., Confederación Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores.

Consejeros técnicos y delegados suplentes

CHANG CRESPO, Julio, Sr., Confederación Ecuatoriana de Organizaciones Sindicales Libres.
VELOZ CUEVA, Ramiro, Sr., Central Ecuatoriana de Organizaciones Clasistas.
ZURITA GIL, Eduardo, Sr., Confederación de Trabajadores.

Erythrée Eritrea Eritrea

Minister attending the Conference

DEGOL, Mohammed Nur Osman, Mr., Minister of Labour.

Government Delegates

WOLDEYOHANNES, Bereket, Mr., Adviser, Ministry of Foreign Affairs.
OKBANICAEL, Yemane, Mr.

Adviser and substitute delegate

BEREKETEAB, Job, Mr.

Employers' Delegate

HAILE, Melles, Mr.

Workers' Delegate

MOGOS, Tzeggai, Mr., Head, Foreign Relations, National Union of Eritrean Workers.

Advisers and substitute delegates

WOLDEKIDAN, Tewelde, Mr.
MEHARI, Ghebremeolhin, Mr.

Espagne Spain España

Ministro asistente a la Conferencia

GRIÑAN MARTINEZ, José Antonio, Sr., Ministro de Trabajo y Seguridad Social.

Personas que acompañan al Ministro

PEÑA PINTO, Marcos, Sr., Secretario General de Emple y Relaciones Laborales.
GONZALEZ DE LENA, Francisco J., Sr., Secretario General Técnico.
RODRIGUEZ VERA, Esteban, Sr., Director del Departamento de Asuntos Sociolaborales del Gabinet de la Presidencia del Gobierno.
CLAVIJO FERNANDEZ PALACIOS, Eduardo, Sr., Director del Gabinete, del Ministro de Trabajo y Seguridad Social.
GARCIA OSMA, Luis, Sr., Director del Gabinete del Subsecretario deTrabajo y Seguridad Social.

Delegados gubernamentales

VALENZUELA MARZO, Fernando Martín, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.
NAVARRO LOPEZ, Carlos, Sr., Subsecretario de Trabaj y Seguridad Social.

Consejeros técnicos y delegados suplentes

DE SEGOVIA, Luis Fernando, Sr., Representante permanente adjunto, Misión permanente en Ginebra.
ALBALATE LAFITA, Joaquín, Sr., Consejero laboral, Misión permanente en Ginebra.

Consejeros técnicos

LOSADA FERNANDEZ, Angel, Sr., Subdirector Genera de Organismos Internacionales Técnicos y para el Desarollo, Ministerio de Asuntos Exteriores.
JIMENEZ FONTES, Francisco, Sr., Jefe adjunto, Inspección Provincial de Trabajo de Sevilla.
ORTIZ GARCES DE LOS FAYOS, Salvador, Sr., Consejero técnico en la Dirección General de Minas de la Construcción y Vicepresidente de la Comisión d Seguridad Minera.
BERNARDO JIMENEZ, Ignacio, Sr., Inspector de Trabajo , Inspección Provincial de Asturias.
VICENTE SANZ, Pilar, Sra., Directora de Programas y Ordenación y Fomento del Empleo.
ARELLANO CATALAN, Juan-Cruz, Sr., Jefe de Servici de Empleo y Trabajo de la Oficina de Relaciones Sociales Internacionales.
TRUYOL WINTRICH, María Magdalena, Sra., Directora Jefe de Asuntos Laborales, Dirección General de Organizaciones y Conferencias Internacionales, Ministerio de Asuntos Exteriores.

Delegado de los empleadores

FERRER DUFOL, Javier, Sr., Vicepresidente de CONFEMETAL. Miembro del Consejo Economico y Social (CES).

Consejero técnico y delegado suplente

LACASA ASO, José María, Sr., Director del Departamento de Relaciones Internacionales de la Confedración Española de Organizaciones Empresariales (CEOE); Miembro, Consejo de Administración de la OIT.

Consejeros técnicos

JIMENEZ AGUILAR, Juan, Sr., Secretario General de la CEOE.
MORENO PIÑERO, Fernando, Sr., Director del Departamento de Relaciones Laborales de la CEOE.
BUGALLAL ORTIZ, Pedro, Sr., Departamento de Relaciones Internacionales de la CEOE.
ADRADOS GAUTIER, Paloma, Sra., Departamento de Relaciones Laborales de la CEOE.
SUAREZ GARCIA, Roberto, Sr., Secretario General de la Federación Leonesa de Empresarios. Miembro de la Junta Directiva de la Confederación Española de la Pequeña y Mediana Empresa (CEPYME).
MORENO DUARTE, Ricardo, Sr., Secretario General de la Confederación del Metal de Zaragoza.
GOMEZ ALBO, Pablo, Sr., Director del Departamento de Relaciones Laborales de la Confederación Empresarial de Madrid, CEOE (CEIM).
VILLALOBOS BELTRAN, Andrés, Sr., Secretario General de la Confederación Nacional de Empresarios de la Mineria y de la Metalurgia (CONFEDEM).

Delegado de los trabajadores

VILCHES ARRIBAS, María Jesús, Sra., Secretaria Confederal de Comisiones Obreras (CC.OO).

Consejero técnico y delegado suplente

GONZALEZ ZAMORA, Miguel, Sr., Abogado del Gabinete Jurídico de CC.OO.

Consejeros técnicos

VARAS GARCIA, Pilar, Sra., Abogada del Gabinete Jurídico de CC.OO.
VAZQUEZ FERNANDEZ, Aníbal, Sr., Minero Picador, Secretario de Seguridad y Salud de la Federación Minerometalurgica de CC.OO.
FRADES PERNAS, Jaime, Sr., Miembro del Gabinete Técnico Confederal , Unión General de Trabajadores (UGT).
RUIZ MARTINEZ, Isabel, Sra., Federación de Servicios Publicos, UGT.
CORRIOLS HERNANDEZ, Juan José, Sr., Federación de Industrias Afines (FIA), UGT.
BETELU BAZO, Amaia, Sra., Miembro del Departamento Internacional de ELA/STV.
MERA SANCHEZ, Manuel, Sr., Secretario Confederal de la Confederación Intersindical Gallega (CIG).

Estonie Estonia Estonia

Minister attending the Conference

LAURISTIN, Marju, Ms., Minister of Social Affairs.

Government Delegates

NERMANN, Heldur, Mr., Director, National Labour Inspection Board.
ZAHHAROV, Margus, Mr., Director, National Labour Market Board.

Advisers and substitute delegates

HINDOV, Eike, Ms., Head, ILO Bureau, Ministry of Social Affairs.
JOONSAAR, Anne, Ms., Lawyer, Ministry of Social Affairs.

Employers' Delegate

ROOS, Helgi, Ms., Director, Confederation of Estonian Chemical Industries.

Workers' Delegate

KAADU, Tiit, Mr., Labour Protection Secretary, Association of Trade Unions.

Adviser and substitute delegate

PAAVO, Raivo, Mr., Chairman, Association of Trade Unions.

Etats-Unis United States Estados Unidos

Minister attending the Conference

REICH, Robert B., Mr., Secretary of Labor.

Persons accompanying the Minister

DIMINUCO, Steven, Mr., Special Assistant to the Secretary.
MEAGHER, Mary, Ms., Deputy Assistant Secretary.
WILLIAMSON, Thomas S., Mr., Solicitor of Labor, Department of Labor.
CANARIS, Michael, Mr., Office of the Secretary.
BURTON, Robert, Mr., Office of the Secretary.
GIBSON, Wellington, Mr., Office of the Secretary.

Government Delegates

OTERO, Joaquin F., Mr., Deputy Under Secretary for International Affairs, Department of Labor.
FREEMAN, Anthony G., Mr., Deputy Assistant Secretary, Democracy, Human Rights and Labor Department for State.

Advisers and substitute delegates

PETERSON, David A., Mr., Senior Policy Adviser, Department of Commerce.
SPIEGAL, Daniel L., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

DUNKAK, Barbara A., Ms., Assistant Director, Office of International Organizations, Department of Labor.
EICHER, Peter, Mr., Political Officer, Permanent Mission, Geneva.
GRAISS, Gamal, Mr., Permanent Mission, Geneva.
HOWARD, Kenneth T., Mr., Director of Technical Support, Mine Safety and Health Administration, Department of Labor.
MCATEER, Davitt J., Mr., Assistant Secretary for Mine Safety and Health, Department of Labor.
MISNER, Julia E., Mr., Office of International Organisations, Bureau of International Labor Affairs, Department of Labor.
NUSSBAUM, Karen, Ms., Director, Women's Bureau, Department of Labor.
REED, Gary B., Mr., Director, Office of Program Economics, Office of the Assistant Secretary for Policy, Department of Labor.
SHANNON, Thomas A., Mr., Labor Attaché, American Consulate General, Johannesburg, South Africa.
SPRING, H. Charles, Mr., Director, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.
STIGLIANI, Nicholas, Mr., Labor Attaché, Permanent Mission, Geneva.
WIDOM, Barton S., Mr., Deputy Associate Solicitor, Department of Labor.
ZAZZALI, James R., Mr., Consultant, Newark, New Jersey.
ZORN, Richard, Mr., Deputy Director, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State.
WEINTRAUB, Leon, Mr., International Resource Management Officer, Permanent Mission, Geneva.

Employers' Delegate

MOORHEAD, Thomas B., Mr., Vice-President, Human Resources, Carter-Wallace, Inc.

Advisers and substitute delegates

POTTER, Edward E., Mr., International Counsel to the US Council for International Business.
TUCKER, Amanda, Ms., US Council for International Business.

Advisers

BILLER, Joel W., Mr., Senior Vice-President, Manpower.
CANNING, Michael, Mr., Manager for Industrial Relations, The Coca-Cola Company.
LAURISKI, David D., Mr., Director, Health, Safety & Government Affairs, Interwest Mining Company.

Workers' Delegate

GRAY, Charles, Mr., Director, International Affairs Department, AFL-CIO; Member, Governing Body of the ILO.

Adviser and substitute delegate

ZELLHOEFER, Jerald, Mr., AFL-CIO, European Representative, Paris.

Advisers

FISHMAN, Philli, Mr., Assistant Director, International Affairs, AFL-CIO.
FRIEDMAN, Jesse, Mr., Deputy Executive Director, American Institute for Free Labor Development.
HICKEY, Edward J., Mr., Attorney at Law, Mulholland & Hickey.
JOYCE, John T., Mr., President, International Union of Bricklayers and Allied Craftsmen.

KIMBERLE, Diane, Ms., Special Representative, United Food and Commercial Workers International Union.
LYNCH, Leon, Mr., Vice President, United Steelworkers of America.
MAIN, Joseph A., Mr., Administrator, Department of Health and Safety, United Mine Workers of America.
O'FARRELL, Patrick J., Mr., Executive Director, African American Labor Center.
TRUMP, Rosemary, Ms., International Vice President, Service Employees International Union.

Ethiopie Ethiopia Etiopía

Government Delegates

W/MARIAM, Desta, Mr., Vice Minister of Labour.
ALEMU, Minelik, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

IACONA, Roberto, Mr.

Adviser and substitute delegate

KIFLE, Moges, Mr.

Workers' Delegate

IBRAHIM, Dawi, Mr., President, Confederation of Ethiopian Trade Unions.

Fidji Fiji Fiji

Minister attending the Conference

VUNIBOBO, Berenado, Mr., Minister for Home Affairs, Immigration, Labour and Industrial Relations, Youth, Employment Opportunities and Sport.

Government Delegates

JALE, Anare, Mr., Chief Labour Officer, Ministry of Labour, Employment and Industrial Relations.
TAGICAKIBAU, Taina, Mrs., Counsellor, Embassy, Brussels.

Adviser

ARRIBEHAUTE, Philippe, Mr.

Employers' Delegate

HATCH, Hector Rex, Mr., Vice-President, Employers' Federation.

Workers' Delegate

RAMAN, James Raghwan, Mr., National Secretary, Trade Union Congress.

Finlande Finland Finlandia

Minister attending the Conference

KANERVA, Ilkka, Mr., Minister of Labour

Person accompanying the Minister

VOIPIO, Iikko, Mr., Ministry of Labour.

Government Delegates

SALMENPERÄ, Matti, Mr., Director, Working Environment Division, Ministry of Labour.
MANNER, Eero, Mr., Deputy Director, Unit for Employment Service and Vocational Guidance.

Advisers and substitute delegates

HEINONEN, Liisa, Ms., Government Secretary, Ministry of Labour.
KORHONEN, Klaus, Mr., First Secretary, Permanent Mission, Geneva.

Advisers

HYNNINEN, Antti, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
NORDBERG, Riitta, Ms., Legal Secretary, Labour Council, Ministry of Labour.
REINIKKA, Erkki, Mr., Chief Engineer, Ministry of Labour.
VELTHEIM, Risto, Mr., Ambassador, Permanent Mission, Geneva.
SORMUNEN, Juhani, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

HULTIN, Göran, Mr., Director, Confederation of Finnish Industry and Employers; Member, Governing Body of the ILO.

Adviser and substitute delegate

HUTTUNEN, Martti, Mr., Senior Adviser, Employers' Confederation of Service Industires.

Advisers

INKEROINEN, Eeva-Liisa, Ms., Legal Adviser, Employers' Confederation of Service Industries.

HUVINEN, Markku, Mr., Doctor of Medecine, Outokumpu Oy.

Workers' Delegate

TAPIOLA, Kari, Mr., International Affairs Director, Central Organization of Finnish Trade Unions; Member, Governing Body of the ILO.

Adviser and substitute delegate

REUNA, Martti, Mr., International Affairs Director, Confederation of Salaried Employee Organizations.

Advisers

HEMMER, Mona, Ms., Organization Secretary, Confederation of Unions for Academic Professionals.

PUURA, Heli, Ms., Legal Adviser, Central Organization of Finnish Trade Unions.

RUSANEN, Jorma, Mr., Legal Adviser, Central Organization of Finnish Trade Unions.

France France Francia

Ministre assistant à la Conférence

GIRAUD, Michel, M., Ministre du Travail, de l'Emploi et de la Formation professionnelle.

Délégués gouvernementaux

CHOTARD, Yvon, M., Président de groupe, Conseil économique et social; représentant gouvernemental, Conseil d'administration du BIT.

RAMOND, Maurice, M., Inspecteur général des affaires sociales; représentant gouvernemental suppléant, Conseil d'administration du BIT.

Conseillers techniques et délégués suppléants

DE BONNECORSE, Michel, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

CARTIER, Jean-Louis, M., Sous-directeur, chargé de mission pour les questions internationales, Ministère du Travail, de l'Emploi et de la Formation professionnelle.

Conseillers techniques

BESSE, Geneviève, Mme, Administrateur civil, Direction des relations du travail, Ministère du Travail, de l'Emploi et de la Formation professionnelle.

BONNEVIALE, Pierre, M., Ingénieur en Chef des Mines, Direction de l'action régionale et de la petite et moyenne industrie, Sous-direction de la sécurité industrielle, Ministère de l'Industrie.

BONNEVILLE, Patrick, M., Conseiller des Affaires étrangères, Mission permanente à Genève.

BOULLIER, Karine, Mme, Chargé de mission, Direction des relations du travail, Ministère du Travail, de l'Emploi et de la Formation professionnelle.

COCUDE, Marcel, M., Ingénieur général des mines, Conseil général des mines, Ministère de l'Industrie.

DELAFOSSE, Gérard, M., Chargé de Mission, Département des relations du travail, de l'emploi et de la formation professionnelle, Ministère des Départements et Territoires d'Outre-Mer.

IMBERT, Philippe, M., Attaché, Mission permanente à Genève.

LACOSTE, Xavier, M., Administrateur civil, Délégation à l'emploi, Ministère du Travail, de l'Emploi et de la Formation professionnelle.

METTRA, Nicolas, M., Conseiller des affaires étrangères, Direction des Nations Unies et des organisations internationales, Ministère des Affaires étrangères.

MEUNIER, Guillemette, Mme, Secrétaire des affaires étrangères, Direction des Nations Unies et des organisations internationales, Ministère des Affaires étrangères.

PONE, Catherine, Mme, Chef de bureau, Direction des relations du travail, Ministère du Travail, de l'Emploi et de la Formation professionnelle.

ROUX, Henri, M., Chargé de mission à la division synthèse, Délégation à l'emploi, Ministère du Travail, de l'Emploi et de la Formation professionnelle.

CLERC, Bruno, M., Premier secrétaire, Mission permanente à Genève.

Délégué des employeurs

OECHSLIN, Jean-Jacques, M., Délégué du conseil national du patronat français (CNPF); Vice-président, Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

BOUSSAT, Bernard, M., Directeur des affaires sociales européennes et internationales, CNPF.

Conseillers techniques

BERLAND, Jean, M.; Ingénieur principal, Charbonnages de France.
DRAGUE, Olivier, M., Union des industries métallurgiques et minières (UIMM).
LARREUR, Jean-pierre, M., Ingénieur en chef, Charbonnages de France.
MORIN, Paul-Robert, M., Président de la commission energie, Confédération générale des petites et moyennes entreprises (CGPME).
ROILAND, Marie-Paule, Mme, Service des affaires internationales, Union des industries métallurgiques et minières (UIMM).
TASSIN, Jacques, M., Délégué général honoraire, Fédération française des sociétés d'assurances.
VEYSSET, Jean-François, M., Vice-président, Fédération nationale de l'Industrie hôtelière (FNIH).
VINCENSINI, Pierre, M., Chargé de Mission, Direction des affaires sociales, européennes et internationales du CNPF.

Délégué des travailleurs

BLONDEL, Marc, M., Secrétaire général, CGT-Force Ouvrière.

Conseiller technique et délégué suppléant

PE, Jacques, M., Secrétaire confédéral, CGT-Force Ouvrière.

Conseillers techniques

BRIESCH, Roger, M., Chargé de Mission, Département international, Confédération française démocratique du travail (CFDT); membre adjoint, Conseil d'administration du BIT.
DELHOMENIE, Jean-Pierre, M., Secrétaire confédéral, Département international-Europe, CFDT.
DEUTSCH, Joëlle, Mme, Service international, CFE-CGC.
GONORD, Marie-Thérèse, Mme, Collaboratrice du Bureau confédéral, responsable du secteur emploi, Confédération générale du travail (CGT).
MOHR, Jean-Marc, M., Secrétaire général adjoint, Confédération française des travailleurs chrétiens (CFTC).
TIXIER, Jacques, M., Collaborateur du bureau confédéral, Responsable de la commission CGT/OIT.
VERONESE, Alphonse, M., Secrétaire de la CGT, responsable des relations internationales, CGT.
RULIE, Jean-Pierre, M., Conseiller fédéral, Fédération de l'éducation nationale (FEN).

Gabon

Ministre assistant à la Conférence

PENDY-BOUYIKI, Jean-Rémy, M., Ministre du Travail et des Ressources humaines.

Personnes accompagnant le Ministre

MANGOUMBA, Jean Lucien, M., Directeur de cabinet du ministre du Travail, et des Ressources humaines.
BOUYOU, Alphonsine, Mme, Attachée de cabinet.
KOMBO POUNGUI, Yves, M., Attaché de cabinet.

Délégués gouvernementaux

NDONG NANG, Daniel, M., Secrétaire général, Ministère du Travail et des Ressources humaines.
TCHEN, Eugénie, Mme, Directeur général du travail, de la main-d'oeuvre et de l'emploi.

Conseillers techniques et délégués suppléants

DOSSOU NAKI, Honorine, Mme, Ambassadeur, Représentant permanent, Mission permanente à Genève.
MAMVA NKELE, M., Premier Conseiller, Mission permanente à Genève.
IBINGA MOMBO, Robert, M., Conseiller du ministre pour les questions du BIT.

Conseillers techniques

AKOE-MBA, Jean-Baptiste, M., Directeur, Relations internationales.
ZENG-MEGNIER, Edouard, M., Chef du service de l'hygiène et de la sécurité du travail.
EDOU, Lambert, M., Conseiller à la présidence de la République.

Délégué des employeurs

ABOUGHE-OBAME, Jean, M., Directeur des ressources humaines à ELF-GABON, Confédération patronale Gabonaise (CNPG); membre adjoint, Conseil d'administration du BIT.

Conseillers techniques

AKOULOU-EYELEKO, Claude, M., Deuxième président de la CNPG.
TCHOUA, Jean-Pierre, M., Président de la CNPG.

Délégué des travailleurs

ALLINI, Martin, M., Secrétaire général, Confédération syndicale gabonaise (CO.SY.GA).

Conseillers techniques

ONDO-BEKALE, Jean-Marc, M., Secrétaire général adjoint, Confédération gabonaise des syndicats libres (CGSL).
DIBADI-OBAME, Clément, M., Secrétaire confédéral, chargé des relations extérieures et de recherche.
PAMBHOO, Jean, M., Secrétaire confédéral chargé de l'administration centrale (CO.SY.GA).
EDOU OVONO, Célestin, M., Président, Union des Travailleurs gabonais (UTG).
MOUSSAVOU, Moussavou, M., Secrétaire général, UTG.

Ghana

Minister attending the Conference

BOATENG, D.S., Mr., Minister for Employment & Social Welfare.

Government Delegates

POKU, Fritz K., Mr., Acting Permanent Representative, Permanent Mission, Geneva.
BEBAAKO-MENSAH, J.K., Mr., Chief Director, Ministry of Employment & Social Welfare.

Adviser and substitute delegate

OBENG-FOSU, P., Mr., Chief Labour Officer.

Advisers

NEE WHANG, E., Mrs., Counsellor, Permanent Mission, Geneva.
AMATTEY, Florence, Mrs., Senior Manager, Social Security & National Insurance Trust of Ghana.

Employers' Delegate

AMONOO, H.R., Mr., Vice President, Ghana Employers' Association.

Advisers

MINTA JACOBS, T., Mr., Executive Director, Employers' Association.
ADJIERTEH, E.K., Mr., Administrative/Personnel Manager, Black Star Line.
KARIKARI ANANG, Rose, Mrs., Chief, Personnel & Administration, Ghana Ports & Harbours Authority.
ASHIADEY, F.K., Mr., Personnel Manager, UTC, Ghana.
YAMSON, I.E., Mr., President, Ghana Employers' Association.
ARTHUR, Eva, Ms., Personnel Manager, Ghana National Procurement Agency.

Person appointed in accordance with Article 2, paragraph 3(i)

YAMSON, I.E., Mr., Ghana Employers Association.

Workers' Delegate

AGYEI, C.A., Mr., Secretary-General, Trades Union Congress.

Advisers

NUNOO-QUAYE, S.O., Mr., Head, International Department, Trades Union Congress.
COLE, Robert K., Mr., General Secretary, Mine Workers' Union, TUC Hall.
AYIKWEI-KOFIE, Veronica, Ms., Head, Women's Desk, TUC Hall.

Grèce Greece Grecia

Ministre assistant à la Conférence

YANNOPOULOS, Evangelos, M., Ministre du Travail.

Personne accompagnant le Ministre

HELMIS, Georges P., M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

KOTSAKAS, Antonis, M., Sous-secrétaire d'état au travail.
BOUCAOURIS, Jean, M., Ministre Plénipotentiaire, Représentant permanent adjoint, Mission permanent, Genève.

Conseillers techniques et délégués suppléants

STAIKOS, Evangelos, M., Secrétaire général, Ministère du Travail.
SOTIRIADOU, Victoria, Mme, Secrétaire général à l'emploi et à la gestion de resources communautaires.
SPYROPOULOS, Robertos, M., Directeur,Organisation d'emploi de main-d'oeuvre.
YANTAIS, Dimitris, M., Premier Conseiller, Mission permanente à Genève.
CRITICOU, Ecaterini, Mme, Chef de Section, Ministère du Travail.

Conseillers techniques

KARAKATSANIDIS, Stelios, M., Chef de service des relations internationales à l'organisation d'emploi et de main-d'oeuvre.
ZERVAKI, Ioanna, Mme, Président du Foyer Ouvrier.
BAGHE, Evangélia, Mme, Chef de section, Ministère de la Santé, de la Prévoyance et de la Sécurité sociale.
PISSIMISSI, Stamatina, Mme, Chef de section, Ministère du Travail.
THEODOROU, Théodoros, M., Secrétaire d'Ambassade, Mission permanente à Genève.
PEFANIS, Ménélaos, M., Société d'électricité publique.
BACOPOULOS, Constantinos, M., Ministère du Travail.
ASSIMAKIS, Georgios, M., Ministère du Travail.
KATSANI, Maria, Mme, Fonctionnaire, Direction des relations internationales, Ministère du Travail.
CHRYSSANTHOU, Evdokia, Mme, Fonctionnaire, Direction des relations internationales, Ministère du Travail.

Délégué des employeurs

ANALYTIS, Nicolaos, M., Vice-Président, Fédération des Industries de Grèce (FIG).

Conseillers techniques et délégués suppléants

HARAKAS, Harilaos, M., Conseiller juridique, FIG.
TSOUMANI-SPENTZA, Evgenia, Mme, Avocat, FIG.

Conseillers techniques

PAPAIOANNOU, Lambros, M., Avocat, FIG.
KOUTSIVITOU, Anastasia, Mme, Conseiller, FIG.
SKIADAS, Alexandros, M., Conseiller, FIG.
VAGIAS, Antonis, M., Conseiller, FIG.
DASKALAKIS, Démosthène, M., Conseiller, Union des associations commerciales.
ILIOPOULOS, Konstantinos, M., Professeur de droit commercial.

Délégué des travailleurs

PROTOPAPAS, Christos, M., Président, Confédération générale des travailleurs grecs (CGTG).

Conseillers techniques et délégués suppléants

THEONAS, Ioannis, M., Secrétaire général, CGTG.
DASSIS, Georgios, M., Membre de la CGTG, responsable pour les relations avec l'Europe occidentale.
DELIGIANNAKIS, Theodoros, M., Conseiller juridique, CGTG.
STAMOU, Spyros, M., Secrétaire en matière d'organisation, CGTC.
CONTOPOULOS, Ilias, M., Membre du conseil éxécutif, Confédération générale du travail.
POLIZOGOPOULOS, Christos, M., Membre du conseil éxécutif, CGTC.
MAVRIKOS, Giorgos, M., Membre du conseil d'administration, CGTC.
STAVROPOULOS, Yannis, M., Membre du conseil d'administration, CGTC.
LEOUTSAKOS, Stathis, M., Membre du conseil d'administration, CGTC.
GOUVERI, Réa, Mme, Membre du conseil executif, CGTG.

Personne désignée en conformité avec l'article 2, alinéa 3 i)

KARABINIS, Christos, M., Vice-président, CGTG.

Grenade Grenada Granada

Government Delegates

THOMAS, Edzel, Mr., Minister for Labour.
ROBINSON, Robert, Mr., Labour Consultant.

Employers' Delegate

SMITH, Angela, Mrs., Executive Director, Grenada Employers' Federation.

Workers' Delegate

PIERRE, Eric, Mr., President, Grenada Trade Union Council.

Guatemala

Ministro asistente a la Conferencia

MORFIN MANSILLA, Gladys Anabella, Sra., Ministra de Trabajo y Previsión Social

Persona que acompaña al Ministro

RIEDEL-TELGE, Claudio, Sr., Embajador de Guatemala en Belgica

Delegados gubernamentales

URRUELA PRADO, Federico, Sr., Representante Permanente, Misión Permanente en Ginebra.

MORALES TRUJILLO, Hilda Marina, Sra., Asesora.

Consejeros técnicos y delegados suplentes

DE LEON DE BARREDA, Beatriz Ofelia, Sra., Asesora

RODRIGUEZ DE FANKHAUSER, Carolina, Sra., Ministro Consejero, Misión Permanente en Ginebra.

PUTZEYS, Ricardo, Sr., Misión Permanente en Ginebra

CUESTAS, Juan Carlos, Sr., Misión Permanente en Ginebra

PHEFUNCHAL, Araceli, Sra., Misión Permanente en Ginebra.

Delegado de los empleadores

REYES MAYEN, Luis Alberto, Sr.

Consejero técnico y delegado suplente

MENENDEZ CASTEJON, Adolfo, Sr.

Delegado de los trabajadores

ESCOLASTICO PINZON, José, Sr.

Guinée Guinea Guinea

Ministre assistant à la Conférence

LOUA, Fassou René, M., Ministre de la Réforme administrative, de la Fonction publique et du Travail.

Délégués gouvernementaux

CAMARA, Ibrahima, M., Directeur national du travail et des lois sociales.

SIDIBE, Mansa Moussa, M., Inspecteur général du travail.

Conseillers techniques

TOURE, Sidi Mohamed, M., Directeur général, Office national de formation et de perfectionnement.

KABA, Souleymane, M., Directeur général, Office national de l'emploi et de la main-d'oeuvre.

Délégué des employeurs

SOW, Ramatoulaye, Mme, Secrétaire aux affaires sociales et juridiques, Conseil du patronat guinéen.

Délégué des travailleurs

KEBE, Mohamed Samba, M., Secrétaire général de la CNTG.

Guyana

Government Delegates

JEFFREY, Henry, Mr., Minister of Labour, Human Services and Social Security.

AKEEL, Mohamed, Mr.

Employers' Delegate

YANKANA, David, Mr.

Workers' Delegate

LEWIS, Lincoln, Mr.

Haiti

Ministre assistant à la Conférence

DENIS, Hervé, M., Ministre de l'Information du gouvernement constitutionnel.

Délégués gouvernementaux

ANTONIO, Joseph Philippe, M., Ministre conseiller, Chargé d'affaires a.i., Mission permanente à Genève.
GASPARD, Fritzner, M., Mission permanente à Genève.

Conseillers techniques

DORZIN DE LANDSHEER, Sandra, Mme, Mission permanente à Genève.
LUBIN, Willy, M., Mission permanente à Genève.

Honduras

Delegados gubernamentales

CARIAS ZAPATA, Maria Guadalupe, Sra., Encargada de Negocios, a.i., Consejero, Mision permanente en Ginebra.
TURCIOS DIAZ, Marlen, Srta., Primer Secretario, Mision permanente en Ginebra.

Hongrie Hungary Hungría

Minister attending the Conference

KISS, Gyula, Mr., Minister of Labour.

Government Delegates

BOYTHA, György, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
KLEKNER, Peter, Mr., Director-General, Ministry of Labour; Government Deputy Representative, Governing Body of the ILO.

Advisers and substitute delegates

VARGA, Imre, Mr., First Secretary, Permanent Mission, Geneva.
HORVÅTH, Istvan, Mr., Acting Director-General, Ministry of Labour.
BAGO, Jozsef, Mr., Head of Section, Ministry of Labour.
BEKES, Andras, Mr., Deputy Director-General, Labour Inspectorate.
FARI, Laszlo, Mr., Senior Official, Ministry of Labour.
BUZAS, Katalin, Mr., Second Secretary, Ministry of Foreign Affairs.
MARTINUSZ, Zoltan, Mr., Third Secretary, Permanent Mission, Geneva.
CSEP, Balazs, Mr., Expert, Office of Mining.

Employers' Delegate

SZÜCS, György, Mr., President, National Association of Industrial Corporations.

Advisers and substitute delegates

FILIPSZ, Laszlo, Mr., Head of Secretariat, National Federation of Agricultural Cooperators and Producers.
BARATH, Etele, Mr., President, National Association of Employers.
SZIRMAI, Peter, Mr., Co-President, National Association of Entrepreneurs.
VOROS, Tibor, Mr., Secretary, National Council for Reconciliation of Interests.

Workers' Delegate

NAGY, Sandor, Mr., President, National Confederation of Trade Unions.

Advisers and substitute delegates

GYORGY, Karoly, Mr., Head of Section, National Confederation of Trade Unions.
FUKOH, Levente, Mr., Expert, Trade Unions Cooperation Forum.
GERGELY, Pal, Mr., Senior Expert, Autonomous Trade Union Federation.
TOTH, Attila, Mr., Expert, Confederation of Unions of Professionals.
IVANY, Judit, Mr., Expert, National Federation of Workers' Councils.
CSETE, Andras, Mr., Expert, National Confederation of Trade Unions.
VARGA, Mariann, Ms., Expert, Democratic League of Independent Trade Unions.

Inde India India

Ministers attending the Conference

SANGMA, P.A., Mr., Minister for Labour.

GHATOWAR, Paban Singh, Mr., Deputy Minister, Health and Family Welfare.

Government Delegates

GOPALAN, S., Mr., Labour Secretary, Ministry of Labour.
CHANDRA, Satish, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

GHOSH, Abhik, Mr., Joint Secretary, Ministry of Labour.
SABHARWAL, Neelam, Mrs., Deputy Permanent Representative, Permanent Mission, Geneva.
SARAN, B.K., Mr., Director General of Mines Safety.
BABU, P.P.P., Mr., Labour & Employment Advisor.
KANAKIAH, J., Mr., Joint Labour Commissioner, Ministry of Labour.
TRIPATHI, S.K., Mr., Consul General, Consulate General, Geneva.
TIRUMURTI, T.S., Mr., First Secretary, Permanent Mission, Geneva.
SACHAR, Rajat, Mr., Deputy Director, Ministry of Labour.
PATNAIK, Dinesh K., Mr., Third Secretary, Permanent Mission, Geneva.
CHAKRAVARTY, A.K., Mr., Additional Chief Secretary, Government of the State of Gujarat.
PRANESH, Lakshmi, Mrs., Labour Secretary, Government of the State of Tamil Nadu.

Representative of a State or Province

D'SOUZA, Blasius, Mr., Labour Minister, Government of the State of Karnataka.

Employers' Delegate

SINGH, Rajendra, Mr., Chairman, National Thermal Power Corporation.

Advisers

ANAND, I.P., Mr., Deputy Member, Governing Body of the ILO.
MRIG, G.C., Mr., Chairman, B.C.C.L.
RAI, Kulwant, Mr., President, AIOE; Chairman, Usha Ractifier Corporation India Limited..
CHOWDHARY, J.P., Mr., President, Indian Chamber of Commerce, Calcutta; Managing Director, Titagarh Steel Limited.
MOHAN RAO, V., Mr., President, All India Manufacturers' Organisation.

Workers' Delegate

BAROT, N.M., Mr., Indian National Trade Union Congress.

Advisers

MOOKERJEE, Subrata, Mr., Indian National Trade Union Congress.
VENUGOPAL, R., Mr., Bhartiya Mazdoor Sangh.
GORE, Mukund, Mr., Bhartiya Mazdoor Sangh.
TIAGI, Veereshwar, Mr., Hind Mazdoor Sabha.
PUROHIT, Umraomal, Mr., Hind Mazdoor Sabha.

Indonésie Indonesia Indonesia

Minister attending the Conference

LATIEF, Abdul, Mr., Minister of Manpower.

Government Delegates

SARDADI, Baroto, Mr., Secretary-General, Department of Manpower.
SUWARTO, Mr., Director-General, Industrial Relations and Labour Standards Development, Department of Manpower.

Advisers and substitute delegates

BROTODININGRAT, Soemadi D.M., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SILALAHI, Adian, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Advisers

SUDONO, Agus, Mr., Member, Supreme Advisory Council.
SIMANJUNTAK, Payaman J., Mr., Senior Adviser to the Minister of Manpower.
SARIDJO, A.B., Mr., Senior Adviser to the Minister of Home Affairs.
WASARAKA, Mr., Head, 6th Commission, House of People's Representatives.
SITUMORANG, Basani, Mrs., Head, Legal Affairs, Department of Manpower.
NUSI, Abdillah, Mr., Director, Social Labour Insurance Company.
KURDI, Mulyadi, Mr., Director of Productivity, Directorate General of Manpower, Training and Productivity Development, Department of Manpower.

THAHARUDDIN, Fachri, Mr., Head, Bureau of Public Relations and International Cooperation, Department of Manpower.

WIDODO, Makmur, Mr., Minister Counsellor, Permanent Mission, Geneva.

MOEHARIO, Dienne, Ms., Second Secretary, Permanent Mission, Geneva.

HUTAHURUK, Binsar, Mr., Official, Department of Mines and Energy.

HANARTANI, Myra Maria, Ms., Official, Department of Manpower.

SETYAWATI, Wiwiek, Ms., Official, Directorate of International Organizations, Department of Foreign Affairs.

SUKARJA, Erwan, Mr., Official, Department of Manpower.

TAHAR, Reshanty, Ms., Third Secretary, Permanent Mission, Geneva.

KADARISMAN, S. Sayoga, Mr., Third Secretary, Permanent Mission, Geneva.

SURYATNA, Harry, Mr., Official, Department of Manpower.

SOERYOATMODJO, Ratna Wulansuri, Ms., Official, Department of Manpower.

Persons appointed in accordance with Article 2, paragraph 3(i)

PRATOMO, Eddy, Mr., First Secretary, Permanent Mission, Geneva.

OEDYANTO, H.S., Mr., Member, 6th Commission of the House of People's Representatives.

SUTANTO, Mr., Official, Department of Manpower.

SURJOHOEDOJO, Sarwoko, Mr., Department of Manpower.

SURIAATMADJA, Sukarna, Mr., Department of Manpower.

Employers' Delegate

HADISUWITO, H. Suratno, Mr., Chairman, Employers' Association.

Advisers

SUKARTIN, Subingar, Mr., Board Member, Employers' Association.

THAMRIN, H.M. Rienaldo, Mr., Board Member, Employers' Association.

FERDINANDUS, F.F., Mr., Board Member, Employers' Association.

DJOJOSUMARTO, Margono, Mr., Board Member, Employers' Association.

SUTRISNO, Mr., Board Member, Employers' Association.

ENDRO, Herman S., Mr., Board Member, Employers' Association.

RAHMAN, Hasanuddin, Mr., Board Member, Employers' Association.

SUPANNI, Henri, Mr., Board Member, Employers' Association.

RASJID, Rifat, Mr., Board Member, Employers' Association.

SYAMBUDI, Mr., Board Member, Employers' Association.

Persons appointed in accordance with Article 2, paragraph 3(i)

PAKASI, I.A.W., Mr., Board Member, Employers' Association.

KASIM, Bellamy, Mr., Board Member, Employers' Association.

BOEDJOSASTRO, Soeprapto, Mr., Board Member, Employers' Association.

Workers' Delegate

MUKADI, Sofiati, Ms., Board Member, All Indonesia Workers' Union.

Advisers

SUDARWO, Imam, Mr., Chairman, All Indonesia Workers' Union.

ACHMAD, Marzuki, Mr., Board Member, All Indonesia Workers' Union.

KARIM, Thaheransjah, Mr., Board Member, All Indonesia Workers' Union.

SITORUS, Saman, Mr., Board Member, All Indonesia Workers' Union.

SOEMADJI, Arief, Mr., Board Member, All Indonesia Workers' Union.

PURBA, Saralen, Mr., Board Member, All Indonesia Workers' Union.

PATOMBONG, Sjaiful Daeng, Mr., Board Member, All Indonesia Workers' Union.

PASARIBU, H. Bomer, Mr., Board Member, All Indonesia Workers' Union.

OLOENA, Albert G., Mr., Board Member, All Indonesia Workers' Union.

PEDJIONO, Mr., Board Member, All Indonesia Workers' Union.

Persons appointed in accordance with Article 2, paragraph 3(i)

MOEIN, Muchtar, Mr., Board Member, All Indonesia Workers' Union.

SAMIOEN, Ali, Mr., Board Member, All Indonesia Workers' Union.

République islamique d'Iran
Islamic Republic of Iran
República Islámica del Irán

Minister attending the Conference

KAMALI, Hossein, Mr., Minister of Labour and Social Affairs.

Persons accompanying the Minister

BAGHERI, Ahmad, Mr., Deputy-Minister for Coordination of Provinces.
ALIHOSSEINI, Mohammad Taghi, Mr., Deputy Minister for Cultural and International Affairs.
NASERI, Sirous, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Government Delegates

GOLMOHAMMADI, Mahmood, Mr., Advisor to the Minister; General Director for International Relations.
FANNI ZADEH, Kamran, Mr., Counsellor for Labour, Permanent Mission, Geneva.

Advisers and substitute delegates

HOSSEINI, Pirouz, Mr., Director, United Nations Specialised Agencies Bureau, Ministry of Foreign Affairs.
AFKARI, Mohammad, Mr., Advisor on economic, international and social affairs, Ministry of Labour and Social Affairs (MLSA).

Advisers

HADJILOU, Mr., Director General, Employment of Disabled Persons.
HOMAEI-NEJAD, Mohammad, Mr., Counsellor, Minister of Foreign Affairs.
SHAHMIR, Amir Hossein, Mr., Senior Expert, International Relations Bureau (MLSA).
FAGHIHI, Aliehsan, Mr., Senior Expert, International Relations Bureau (MLSA).
TORABI-HADI, Mr., Labour Inspector, (MLSA).

Employers' Delegate

SAFAR, Zadeh Mahdi, Mr.

Adviser and substitute delegate

MIRZAYE HEKMATI, Mozaffar, Mr., Member, Suprim Council of Labour.

Workers' Delegate

SALIMIAN, Jabbar Ali, Mr., Member, Workers' House, Province of Yazd.

Advisers and substitute delegates

MOSHIRAN, Ahmad, Mr., Representative, Central Council Tehran Provincial Congress, Workers' House.
AMINI, Hossein, Mr., Director, International Affairs, Workers' House.

Advisers

MAHJUB, Alireza, Mr., Secretary General, Workers' House.
DJELODAR ZADEH, Soheila, Ms., Member, Women's Central Council, Workers' House.
HOZOURI, Fatemeh, Ms., Member, Women's Central Council, Workers' House.
RABII, Ali, Mr., Member, Workers House.
GHEITASI, Emad, Mr., Member, Workers' House.

Iraq

Minister attending the Conference

JASSIM, Latef Nsayef, Mr., Minister of Labour and Social Affairs.

Government Delegates

SAID, Ali, Mr.
HUSSEIN, Mohamed, Mr., Adviser, Permanent Mission, Geneva.

Adviser and substitute delegate

NAJME, Farouk Hassan, Mr., Director, Information Department, Ministry of Work and Social Affairs.

Advisers

SALMAN, Mohamed, Mr., First Secretary, Permanent Mission, Geneva.

AL-KAISSI, Abdul Ghafour, Mr., Second Secretary, Permanent Mission , Geneva.

AL-KHERO, Khalid, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

AL-KHAFAF, Abbas Abdul Ridha, Mr.

Adviser

AL-WATAR, Fuad Dawood, Mr.

Workers' Delegate

GAREEB, Fadel Mahmoud, Mr.

Irlande Ireland Irlanda

Minister attending the Conference

O'ROURKE T.D., Mary, Ms., Minister for Enterprise and Employment.

Person accompanying the Minister

GORDAN, David, Mr., Adviser.

Government Delegates

LOWE, James, Mr., Assistant Secretary, Department of Enterprise & Employment.

SWIFT, John H.E., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

ENGLISH, Michael, Mr., Assistant Principal, Department of Enterprise & Employment.

DENHAM, Donal, Mr., First Secretary, Permanent Mission, Geneva.

Advisers

BEAMISH, Cecil, Mr., Assistant Principal, Department of Enterprise and Employment.

GRIFFIN, Patrick, Mr., Inspector, National Authority for Occupational Safety and Health.

TISDALL, Brian, Mr., Executive Officer, Permanent Mission, Geneva.

Employers' Delegate

MCAULEY, Dan, Mr., International Affairs Adviser, Irish Business and Employers' Confederation.

Adviser

DUNNE, John, Mr., Director General Irish Employers' Confederation.

Workers' Delegate

O'DONOVAN, Patricia, Ms., Assistant General Secretary, Irish Congress of Trade Unions.

Adviser

WALL, Tom, Mr., Irish Congress of Trade Unions.

Islande Iceland Islandia

Minister attending the Conference

SIGURDARDÓTTIR, Jóhanna, Mrs., Minister, Social Affairs.

Person accompanying the Minister

ÁSGEIRSDÓTTIR, Berglind, Ms., Permanent Under Secretary, Ministry of Social Affairs.

Government Delegates

JÓHANNSSON, Kjartan, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

KRISTINSSON, Gylfi, Mr., Head of Division, Ministry of Social Affairs.

Advisers and substitute delegates

ÓLAFSDÓTTIR, Lilja, Ms., Deputy Counsellor, Permanent Representative, Permanent Mission, Geneva.

HELGASON, Gudmundur, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

STEFÁNSDÓTTIR, Hrafnhildur, Ms., Attorney-at-law, Confederation of Icelandic Employers.

Adviser and substitute delegate

MAGNÚSSON, Jón, Mr., Attorney-at-law, Confederation of Icelandic Employers.

Workers' Delegate

HLÖDVERSDÓTTIR, Bryndís, Ms., Attorney-at-law, Icelandic Federation of Labour.

Adviser and substitute delegate

GUNNARSSON, Hervar, Mr., Vice-Chairman, Icelandic Federation of Labour.

Adviser

OLAFSSON, Gudmundur, Mr., Attorney of Law, Store and Office Workers' Union.

Israel

Government Delegates

LIOR, Itzhak, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

BARAK, Yitzhak, Mr., Legal Adviser, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

WALDEN, Raphael, Mr., Minister-Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva.

FRANKEL, Simona, Mrs., Permanent Mission, Geneva.

LEVY-FURMAN, Tova, Mrs., Counsellor, Permanent Mission, Geneva.

SASON, Horia, Mr.

Employers' Delegate

GATTEGNO, Joseph, Mr., Head, Labour and Human Resources Division, Manufacturers Association.

Adviser and substitute delegate

HILB, Michael, Mr., Director, Labour Law Department, Israel Manufacturers Association.

Workers' Delegate

KARA, Yossuf, Mr., Member, Histadrut Executive Bureau; Deputy Member, Governing Body of the ILO.

Advisers and substitute delegates

HOLZMAN, Eliyahu, Mr., Member, Histadrut Executive Bureau.

ZILONI, Ephraim, Mr., Histadrut Executive Bureau.

SHAHARABANY, Victor, Mr., Histadrut Supreme Judicial Authority.

LICHTENSZTAJN, Bernardo, Mr., Histadrut Representative to Latin America.

ALMOG, Ziva, Mrs., Economist, Histadrut Economic & Social Research Insitute.

FASSA, Nahum, Mr., Histadrut Representative in Europe.

Italie Italy Italia

Ministre assistant à la Conférence

MASTELLA, Clemente, M., Ministre du travail.

Personnes accompagnant le Ministre

BALDOCCI, Giuseppe, M., Ambassadeur, représentant permanent, Mission permanente à Genève.

CORRIAS, Francesco, M., Directeur général de l'émigration et des affaires sociales. Ministére des Affaires étrangéres.

VALCAVI, Domenico, M., Directeur général de l'emploi, Ministère du Travail.

NICOSIA, Guido R., M., Ministre plénipotentiare, Ministère du Travail.

LANATA, Francesco, M., Ministre plénipotentiare, Ministère des Affaires étrangères.

MAGNO, Pietro, M., Professeur de droit communautaire, Ecole de Pescara.

AMATO, Emiliano, M., Conseiller juridique, Ministère du Travail.

PASTORE, Raffaele, M., Ministére du Travail

Délégués gouvernementaux

CAVAGLIERI, Alberto, M., Ambassadeur.

CACOPARDI, Giuseppe, M., Directeur général, Ministère du Travail.

Conseillers techniques et délégués suppléants

VINCENTI MARERI, Giovanni, M., Ministre Plénipotentiaire. Ministère des Affaires étrangères.

BALBONI, Alberto, M., Représentant permanent adjoint, Mission permanente à Genève.
MASCIA, Gian Luigi, M., Premier conseiller, Mission permanente à Genève.
CARLA, Daniela, Mme, Ministère du Travail.
MISCIA, Claudio, M., Ministère des Affaires étrangères.

Conseillers techniques

CALAMITA, M. Clotilde, Mme, Ministére du travail
FERRARI, Concetta, Mme, Ministère du Travail.
ALVINO, Mario, M., Ministère du Travail.
PUGLIESE, Isabella, Mme, Ministère du Travail.
BOSIO, Gabriella, Mme, Bureau affaires internationales, Cabinet du Ministre.

Délégué des employeurs

SASSO MAZZUFFERI, Lucia, Mme, Dirigeant, Bureau affaires internationales, CONFINDUSTRIA; membre adjoint, Conseil d'administration du BIT..

Conseiller technique et délégué suppléant

BESUSSO, Carlo, M., CONFINDUSTRIA.

Conseillers techniques

PERSIA, Giovanni, M., CONFINDUSTRIA.
FABRETTI, Giuseppe, M., CONFCOOPERATIVE.
FERRARA, Giancarlo, M., ASSICREDITO.
GIARDINA, Stefano, M., CONFCOMMERCIO.
MACCIO', Sergio, M., INTERSIND.

Personne désignée en conformité avec l'article 2, alinéa 3 i)

OCCHPINTI, Armando, M., CONFAPI.

Délégué des travailleurs

LETTIERI, Antonio, M., Département international, CGIL.

Conseiller technique et délégué suppléant

VANNI, Raffaele, M., Secrétaire général, UILTUCS; membre adjoint, Conseil d'administration du BIT.

Conseillers techniques

MAGNANI, Sauro, M., Département international, CGIL.
D'ALOIA, Giusepe, M., Département politiques contractuelles, CGIL.
SIGNORELLI, Paolo, M., Bureau international, CISL.
BRIGHI, Cecilia, Mme, Bureau international, CISL.
FERRARI, Renato, M., Secrétaire général, UIL - Pavia.

Personne désignée en conformité avec l'article 2, alinéa 3 i)

ANGELO, Maurizio, M., Secrétaire général adjoint, CEC.

Jamaïque Jamaica Jamaica

Minister attending the Conference

SIMPSON, Portia, Ms., Minister of Labour and Welfare.

Government Delegates

SMITH, Gresford, Mr.
PIERCE, Richard, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

BETTON, Vivia, Ms.
STEWART, Julia, Ms.

Employers' Delegate

ROBINSON, Barrington, Mr.

Workers' Delegate

GOODLEIGH, Lloyd, Mr.

Adviser and substitute delegate

ENNIS, Reginald, Mr.

Japon Japan Japón

Minister attending the Conference

KAWAKAMI, Nobuo, Mr., Parliamentary Vice-Minister.

Persons accompanying the Minister

OGATA, Tsuyoshi, Mr., Secretary to the Parliamentary Vice-Minister of Labour.

NAKAOKI, Go, Mr., Deputy Director, International Labour Affairs Division, Ministry of Labour.

Government Delegates

ENDO, Minoru, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

TAKAHASHI, Sakutaro, Mr., Assistant Minister for Labour, Ministry of Labour.

Advisers and substitute delegates

NAITO, Shohei, Mr., Minister, Permanent Mission, Geneva.

KEGASAWA, Katsumi, Mr., Ministerial Councillor, Ministry of Labour.

ITO, Tetsuo, Mr., Minister, Permanent Mission, Geneva.

WAKAKI, Fumio, Mr., Counsellor, Permanent Mission, Geneva.

HIGASHI, Yoshinobu, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

KAWAMURA, Masahiro, Mr., Director, Public Service Personnel Division, Public Service Personnel Department, Local Administration Bureau, Ministry of Home Affairs.

INO, Tsumoru, Mr., Director, Fire Defence Division, Fire Defence Agency, Ministry of Home Affairs.

IWATA, Kimie, Ms., Director, Women's Policy Planning Division, Women's Bureau, Ministry of Labour.

TSUNEKAWA, Kenji, Mr., Special Adviser, Minister's Secretariat, Ministry of Labour.

IHARA, Katsusuke, Mr., Head, Private Undertakings of Labour Demand and Supply Office, Employment Security Bureau, Ministry of Labour.

MATSUI, Kazumi, Mr., Director, Women's Division, Women's Bureau, Ministry of Labour.

HIRAYAMA, Kouichi, Mr., Chief Central Expert Officer in Industrial Health, Labour Standards Bureau, Ministry of Labour.

TSUNAKI, Masatoshi, Mr., Counsellor, Personnel Bureau, Management and Coordination Agency.

SAKASHITA, Hideya, Mr., Deputy Director, International Labour Affairs Division, Minister's Secretariat, Ministry of Labour.

ISAWA, Akira, Mr., First Secretary, Mission of Japan to the European Communities.

MIYOSHI, Mari, Ms., First Secretary, Permanent Mission, Geneva.

OIKAWA, Katsura, Mr., Deputy Director, Labour Legislation Division, Labour Relations Bureau, Ministry of Labour.

ISONO, Hiroshi, Mr., Senior Legal Affairs Officer, Legal Affairs Division, National Personnel Agency.

ISHIGAI, Tsuyoshi, Mr., First Secretary, Permanent Mission, Geneva.

TAKAHASHI, Hiroshi, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

TSUJINO, Hiroshi, Mr., Member, Policy Board; Executive Director, Japan Federation of Employers' Associations (Nikkeiren); President, General Council of IOE; Member, Governing Body of the ILO.

Advisers

ANDO, Takayuki, Mr., Adviser, Federation of Employers Associations (Nikkeiren).

AKEZUMI, Yoshio, Mr., Deputy General Manager, Environmental and Safety Department, Nikkeiren.

SUZUKI, Toshio, Mr., Senior Managing Director, Nikkeiren International Cooperation Centre.

KASAKAWA, Hikaru, Mr., Director, International Division, Nikkeiren.

HASEGAWA, Shigeru, Mr., Manager, Personnel Management Division, Nikkeiren.

MATSUI, Hiroyuki, Mr., Assistant Manager, Personnel Management Division, Nikkeiren.

Workers' Delegate

ITOH, Sukesada, Mr., Vice-President, Japanese Trade Union Confederation (JTUC-RENGO); Member, Governing Body of the ILO.

Advisers

KAIBARA, Naotake, Mr., Member, Executive Committee Director, International Department, Japanese Trade Union Confederation (JTUC-RENGO).

FUJIMOTO, Katsuo, Mr., Director, JTUC-RENGO Liaison Office in Europe.

TANAKA, Mitsuo, Mr., Assistant Director, International Policy Department, (JTUC-RENGO).

KUMAGAI, Kenichi, Mr., Section Chief, Employment Department, (JTUC--RENGO).

MORIKAGE, Hachiro, Mr., Vice-President, All Japan Postal Labour Union.

SHIDO, Mitsuo, Mr., President, Japan Coal Miner's Unio (TANRO).

SASAKI, Shunichi, Mr., Assistant General Secretary, Japanese Metal Mine Workers' Union.

IWAMOTO, Shinichi, Mr., Deputy Director, Wage and Working Conditions Department, All Japan Prefectura and Municipal Workers' Union, (JTUC-RENGO).

TAKAYANAGI, Hideki, Mr., Permanent Secretary, International Department, All Japan Prefectural and Municipal Workers' Union (JICHIRO).

HATSUOKA, Shouichiro, Mr., Director, Tokyo Office Postal, Telegraph and Telephone International (PTTI).

Jordanie Jordan Jordania

Minister attending the Conference

AL GHAZAWY, Salah, Khalid, Mr., Minister of Labour.

Government Delegates

SHARAF, Al Sherif Fawaz, Mr., Ambassador, Permanent Mission, Geneva
BATARSEH, Ayoub, Mr., Ministry of Labour.

Advisers and substitute delegates

ABU-GHALYOUN, Suleiman, Mr., Head, International Relations Section.
AL-ABDALLAH, Ali, Mr., Director,The Guest Workers' Office.
AWAWDEH, Ibrahim, Mr., Permanent Mission, Geneva.

Employers' Delegate

HABAYBEH, Abdel Nour, Mr., Secretary-General, Amman Chamber of Industry; Substitute Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

DAJANI, Ali I., Mr., Consultant, Amman Chamber of Industry.

Advisers

HUSSEINI, Amin, Mr., Secretary General, Amman Chamber of Trade.
AMMAR, Moh'd Saleh, Mr., Director General, Amman Chamber of Commerce.
ALAM, Leen J., Ms., Assistant, International Relations Department.
MUHAREB, Muhareb, Mr., Research and Information department.

Workers' Delegate

AL-KHALDI, Fawzi, Mr., Head of Central Council.

Adviser and substitute delegate

AL-SHRAIDEH, Ahmad, Mr., Member, Executive Council.

Kazakhstan Kazakhstan Kazajstán

Government Delegates

SOBOLEV, Victor, Mr., Minister of Labour.
OMIRZHANOV, T, Mr., Chief, Foreign Relations Department, Ministry of labour.

Employers' Delegate

MUKHAMEDJANOV, Bektas, Mr., Vice-President, Employers' Congress.

Workers' Delegate

MUKASHEV, Sijasbek, Mr., Chairman, Council of Trade Union Federation.

Kenya

Minister attending the Conference

MASINDE, Philip J.W., Mr., Minister for Labour & Manpower Development.

Person accompanying the Minister

NANJIRA, D.D.C. Don, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Government Delegates

RANDIGA, Samuel, Mr., Deputy Secretary, Ministry of Labour & Manpower Development.
NGARE, Ephraim Waweru, Mr., Deputy Labour Commissioner, Ministry of Labour & Manpower Development; Substitute Member, Governing Body of the ILO.

Adviser and substitfute delegate

OTIENO, Barack E. Oduor, Mr., Director of Employment, Ministry of Labour & Manpower Development.

Adviser

CHEPSIROR, A. K., Mrs., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

OWUOR, Tom Diju, Mr., Executive Director, Federation of Kenya Employers; Member, Governing Body of the ILO.

Adviser and substitute delegate

WANGANJU, Francis, Mr., Chairman, Federation of Kenya Employers.

Workers' Delegate

MUGALLA, Joseph Jolly, Mr., Secretary General, Central Organization of Trade Unions; Member, Governing Body of the ILO.

Adviser and substitute delegate

MURUGU, John Wangoru, Mr., Treasurer General, Central Organization of Trade Unions.

Koweït Kuwait Kuwait

Minister attending the Conference

AL-KULAIB, Ahmed khalid, Mr., Minister of Social Affairs and Labour.

Government Delegates

AL-SALLAL, Muhammad Saad, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-THAMIR, Muhammad Shabnan, Mr., Assistant Under-Secretary for Cooperative Affairs, Acting Assistant, Under-Secretary for Labour Affairs.

Advisers and substitute delegates

AL-BLOUSHY, Faisal Ibraheem, Mr., Director, National Labour Development Office.

AL-NAMI, Nami Saif, Mr., Director, Collective Relations Department.

AL-SHAIKH, Saleh Ali Hasan, Mr., Director, Capital Governorate Labour Department.

AL-ORAIFI, Waleed Naser, Mr., Director, Labour Coordination Department.

Advisers

AL-SAMMAR, Fawaz Humood, Mr., Director, Minister's Office Department.

AL-HUMAIDHAN, Fahad Abdulaziz, Mr., Director , Minister's Department.

ABUKUHAIL, Khaled Sulaiman, Mr., Director, Jobs Classification Department, Civil Service Commission.

BELAL, Ali Mohammed, Mr., Assistant Director, Public Relations Department.

MOTTAR, Khaled Ahmed, Mr., Head, International Affairs Section, Foreign Relations Department.

Employers' Delegate

AL-JASEM, Aqeel Ahmed, Mr., Deputy Director Kuwait, Chamber of Commerce and Industry; Substitute Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

AL-OMAR, Hamad Jarrah, Mr., Director, Administrative and Financial Affairs Department.

Adviser

AL-SUBAIHI, Abdulaziz, Mr., Chamber of Commerce and Industry

Workers' Delegate

AL-BAKER, Abdulla Abdulsalam, Mr., President, Genera Union of Kuwait Workers.

Advisers and substitute delegates

AL-FAILAKAWI, Bader Duaij, Mr., Member, General Union.

AL-HAJERI, Saad Saif, Mr., Member, General Union.

Adviser

AL-ASFOOR, Soud Nahar, Mr., Member, General Union of Kuwait Workers.

République dém. populaire du Lao Lao People's Dem. Rep. República Dem. Pop. Lao

Délégués gouvernementaux

SISOULITH, Thong Lounh, M., Ministre du Travail et du Bien-être social.
TANDAVONG, Sisouvanh, M., Directeur-adjoint, Département du travail.

Conseiller technique et délégué suppléant

VISISOMBAT, Kham Phanh, M.

Délégué des employeurs

SOULINPHOUMY, Inpong, M., Chambre du commerce et des industries.

Délégué des travailleurs

PHILAVONG, Kham Pane, M., Président fédération centrale des syndicats.

Conseillers techniques et délégués suppléants

INTHATHIRATH, Outhay, M.
VANNABOUATHONG, Khampheng, M., Lao Federation of Trade Unions.

Lesotho

Minister attending the Conference

MOLOPO, N., Mr., Minister Attending Conference.

Government Delegates

THAMAE, C.T., Mr., Head of Delegation, Principal Secretary.
FANANA, N.M., Mr., Government Representative, Labour Commissioner.

Advisers

JONATHAN, P., Mr., Government Advisor.
MAFEREKA, L., Mrs., Government Adviser.

Employers' Delegate

MAKEKA, T., Mr., Employers' Delegate, Executive Director, Association of Lesotho Employers, deputy Member, Govemeing Body of the ILO.

Workers' Delegate

JONATHAN, S.M., Mr., Workers' Delegate.

Lettonie Latvia Letonia

Minister attending the Conference

RITENIS, Janis, Mr., Minister of Welfare.

Government Delegates

BERZINS, Andris, Mr., State Minister of Labour.
KALNIETE, Sandra, Mrs., Chargé d'Affaires of the Republic of Latvia.

Employers' Delegate

BERTRANDS, Janis, Mr., President, Latvian Employers' Confederation.

Workers' Delegate

SILINS, Andris, Mr., Chairman, Latvian Free Trade Unions Federation.

L'Ex-Rép. yougos. de Macédoine The Former Yugos.Rep. of Macedonia La ex Rep. Yugoslava de Macedonia

Minister attending the Conference

SABRIU, Ilijaz, Mr., Minister of Labour and Social Policy.

Government Delegates

PETREVSKI, Goce, Mr., Ambassador, Permanent Mission, Geneva.

TRAJANOV, Stojan, Mr., Assistant Minister, Ministry of Labour and Social Policy.

Advisers and substitute delegates

TASEVSKA, Biljana, Ms., Counsellor, Permanent Mission, Geneva.
ANDREEVSKA, Elena, Ms., Counsellor, Ministry of Foreign Relations.

Employers' Delegate

KOVCEGARSKI, Ljupco, Mr., Secretary General, Chamber of Economy.

Workers' Delegate

GEORGIEVSKI, Tome, Mr., Vice-President, Trade Unions.

Liban Lebanon Líbano

Ministre assistant à la Conférence

AL AMIN, Abdallah, M., Ministre du Travail.

Personnes accompagnant le Ministre

EL KHAZEN, Amine, M., Ambassadeur, Mission permanente à Genève.
BECHARA, Antoine, M.
ZEIDAN, Habib, M.

Délégués gouvernementaux

RAYESS, Antoine, M., Directeur général, Ministère du Travail.
SOUED, Maarouf, M., Conseiller du ministre.

Conseillers techniques et délégués suppléants

GHOREIB, William, M., Chef du département du travail et des relations professionnelles.
EL HELOU, Nelly, Mlle, Chef du département des syndicats.
SAAB, May, Mlle, Chef du département des relations professionnelles.
FARHAT, Abbas, M., Conseiller, Caisse de sécurité sociale.
EL ZOGBY, Ghoneim, M., Conseiller, Caisse de sécurité sociale.
MASAAD, Michel, M., Expert, Ministère du Travail.

Conseiller technique

NEJM, Joseph, M., Conseiller spécial du Ministre du Travail .

Délégué des employeurs

BEYDOUN, Rachid, M.

Conseillers techniques et délégués suppléants

NASR, Marwan, M., Membre, Conseil d'administration du BIT.
BALBOUL, Fouad, M.
EL KAISSI, Muhi El Din, M.

Délégué des travailleurs

ABOU RIZK, Elias, M., Président, Confédération générale du travail (CGTL).

Conseillers techniques et délégués suppléants

NEHME, Yasser, M., Secrétaire général (CGTL).
NAJDE, Abdul Amir, M., Responsable des relations internationales, (CGTL).

Conseiller technique

CHALOUK, Ghassan, M., Conseiller juridique, (CGTL).

Liberia

Government Delegates

WOEWIYU, Juncontee Thomas, Mr., minister of Labor, Head of Delegation
VORKPOR, Venecious K., Mr., Alternate Deputy Minister of Labor.

Adviser and substitute delegate

WILLIAMSON, Henry D., Mr., Chargé d'affaires, Permanent Mission, Geneva.

Jamahiriya arabe libyenne
Libyan Arab Jamahiriya
Jamahiriya Arabe Libia

Government Delegates

DERBI, Abdulhafid Mohamed, Mr., General-Secretary, Administrative Committee, General Authority for the Labour Force.
DROUJI, Mousa, Mr., Minister Plenipotentiary, Permanente Mission, Geneva.

Advisers and substitute delegates

ZAWI, Ali, Mr., Member, High Committee.
ALHOUSH, Bashir M., Mr., Director, Technical Cooperations and Relations.
MUNTASSER ALI, Mohamed A., Mr., Director, Administrative and Financial Affairs.
ALSAADAWI, Mohamed M., Mr., General People's Committee.
GASUDA, Rabia H., Mrs., General People's Committee.
RABAB, Ramadan A., Mr., Counsellor, Permanent Mission, Geneva.

Employers' Delegate

KWAIRY, Abdalla, Mr.

Adviser and substitute delegate

MEGHERBI, Mohamed, Mr.

Adviser

ETWIJER, El Mabruk Ali, Mr.

Workers' Delegate

JALLOUD, Salem Ahmed, Mr.

Advisers and substitute delegates

IDRISS, Abdalah, Mr.
ABOUZEID, Mohamed, Mr.
ABDELALE, Ahmed Abdelale, Mr.

Lituanie Lithuania Lituania

Minister attending the Conference

STANKEVICIUS, Mindaugas, Mr., Minister of Social Security.

Person accompanying the Minister

KAIRELIS, Rimontas, Mr., Deputy Minister, Ministry of Labour and Social Security.

Government Delegates

PRIELAIDA, Narcizas, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
BALTUTYTE, Elvyra, Ms., Consultant, Ministry of Social Security.

Employers' Delegate

RAINYS, Gediminas, Mr., Expert-Consultant, Industrialists' Confederation.

Workers' Delegate

KVEDARAVICIUS, Algirdas, Mr., Chairman, Trade Unions' Centre.

Luxembourg Luxembourg Luxemburgo

Ministres assistant à la Conférence

JUNCKER, Jean-Claude, M., Ministre du Travail, Ministre des Finances.
DELVAUX-STEHRES, Mady, Mme, Secrétaire d'Etat à la Sécurité sociale.

Délégués gouvernementaux

ZAHLEN, Jean, M., Conseiller de Gouvernement, Ministère du Travail.
MOUSEL, Jean-Marie, M., Directeur de l'administration de l'emploi.

Conseillers techniques et délégués suppléants

BICHELER, Claude, M., Conseiller de direction 1ère classe, Administration de l'emploi.

WEBER, Paul, M., Directeur à l'inspection du travail et des mines.
FABER, Joseph, M., Attaché de Gouvernement 1er en rang, Ministère du Travail.
DUHR, Paul, M., Représentant Permanent adjoint, Mission Permanente à Genève.
ROUSSEAUX, Jean-Paul, M., Mission permanente à Genève.

Conseillers techniques

FEYEREISEN, Marc, M., Directeur adjoint à l'inspection du travail et des mines.
KUNSCH, Andrée, Mme, Assistante sociale, Inspection du travail et des mines.
DORNSEIFFER, Erny, M., Inspecteur principal 1er en rang, Ministère du Travail.
TUNSCH, Gary, M., Inspecteur, Ministère du Travail.
WEBER, Alain, M., Attaché, Mission Permanente à Genève.

Délégué des employeurs

JUNG, Lucien, M., Administrateur directeur de la fédération des industriels Luxembourgeois.

Conseiller technique et délégué suppléant

SAUBER, Marcel, M., Secrétaire Général de la fédération des artisans.

Conseillers techniques

BEFFORT, Romain, M., Conseiller social, Fédération des industriels luxembourgeois.
SCHMIT, Romain, M., Attaché de direction, Fédération des artisans.
SCHAUL, Christiane, Mlle, Attachée, Fédération des industriels luxembourgeois.

Délégué des travailleurs

PIZZAFERRI, René, M., Membre du Comité exécutif de la confédération générale du travail.

Conseiller technique et délégué suppléant

MERTEN, René, M., Président de la FEP/FIT et cadres.

Conseillers techniques

BAUSCH, Eugène, M., Membre du comité national de la CGT.
KONZ, Josy, M., Secrétaire général de la CGT.
WAGNER, Carlo, M., Vice-Président de la FEP/FIT et cadres.
DALEIDEN, Jos, M., Secrétaire général de la CGFP.
HAAS, Félix, M., Trésorier de la CGFP.
WEBER, Robert, M., Secrétaire général du LCGB.
GOEREND, Marcel, M., Secrétaire du LCGB.

Madagascar

Ministre assistant à la Conférence

RAKOTOVOLOLONA, Henri, M., Ministre de la Fonction publique, du Travail et des Lois sociales.

Délégués gouvernementaux

RABEMANANTSOA, Pierrot, M., Directeur général de la caisse nationale de prévoyance sociale (CNAPS).
RABESANDRATANA, Aristide, M., Directeur général du travail et de la protection sociale

Conseiller technique et délégué suppléant

RAKOTONIAINA, Faralalao, Mme, Chargée d'affaires a.i., Mission permanente à Genève.

Conseillers techniques

RAMAMBAZAFY, Ralainony Jacques, M., Administrateur de la CNAPS.
EDAFE, Phabien, M., Conseiller, Mission permaente à Genève.

Délégué des employeurs

ANDRIATSITOHAINA, Charles, M., Secrétaire général du GEM.

Conseiller technique

RAKOTO, Francis, M.

Délégué des travailleurs

RAKOTOBE, Thomas, M., Président du conseil d'administration de la CNAPS et Vice-président du FISEMA.

Conseiller technique

SILAMO, David André, M., Secrétaire général de la SEKRIMA.

Malaisie Malaysia Malasia

Minister attending the Conference

DATO'LIM, Ah Lek, Mr., Minister of Human Resources.

Persons accompanying the Minister

HARON, Siraj, Mr., Ambassador, Permanent Mission, Geneva.
LEE, Peng Seng, Mr., Senior Confidential Secretary to Minister of Human Resources.
WAHAB, Salleh, Mr., Director, Department of Labour, Ministry of Human Resources.

Government Delegates

DATO' ANTHONY YEO, K.S., Mr., Secretary-General, Ministry of Human Resources.
AHMAD, Mohd. Idrus, Mr., Director-General, Department of Industrial Relations, Ministry of Human Resources.

Adviser and substitute delegate

TENGKU DATO' OMAR, Tengku Bot, Mr., Director General of Labour, Ministry of Human Resources.

Advisers

GANAPATHY, A., Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
HAJI MOHD MANSOR, Haji Lop Pehie, Mr., Director-General, Department of Trade Unions Affairs, Ministry of Human Resources.
MOHD. SAUFFEE, Ab. Muain, Mr., Councillor, Permanent Mission, Geneva.
SIVANANTHIRAN, A., Mr., Assistant Secretary, International Division, Ministry of Human Resources.
ROHANA, Ramli, Ms., First Secretary, Permanent Mission, Geneva.
ROSTAM, A. Salleh, Mr., Second Secretary, Permanent Mission, Geneva.
FERNANDIS, Walter, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

DATUK MOKHZANI, Abd. Rahim, Mr., President, Malaysian Employers' Federation; Deputy Member, Governing Body of the ILO.

Advisers and substitute delegates

DATO' SOPIEE, Mohamed, Mr., Vice-President, Malaysian Employers' Federation.
ZAIN, Majid, Mr., Executive Director, Malaysian Employers' Federation.

Workers' Delegate

MOHAMED, Mat Jid, Mr., President, Congress of Union of Employees in the Public and Civil Service.

Adviser and substitute delegate

GOPALAKRISHNAN, G., Mr., Assistant Secretary-General, Malaysian Labour Organisation.

Malawi

Minister attending the Conference

KANYANYA, George Akogo, Mr., Minister, Labour and Manpower Development.

Government Delegates

MGOMEZULU, Gadi G.Y., Mr., Secretary for Labour and Manpower Development.
MANDA, C.M., Mr., Labour Commissioner.

Advisers and substitute delegates

NDOVI, C.R., Mr., Chief Inspector of Factories.
KAMBUTO, Z.M.K., Mr., Principal Labour Officer.

Employers' Delegate

MUYENZA, Exson, Mr., Acting Executive Director, Employers' Consultative Association.

Workers' Delegate

MATTENJE, F.L., Mr., Chairman, Trades Union Congress of Malawi.

Mali

Ministre assistant à la Conférence

AG ERLAF, Mohamed, M., Ministère de l'Emploi, de la Fonction publique et du Travail.

Délégués gouvernementaux

TRAORE, Maharafa, M., Conseiller technique, Ministère de l'Emploi, de la Fonction publique et du Travail.

SIDIBE, Tall Penda, Mme, Directrice nationale, Direction nationale de l'emploi, du travail et de la sécurité sociale.

Conseillers techniques

SISSOKO, Mamadou, M., Directeur général, Office national main d'oeuvre et emploi.

DIAKITE, Mamadou, M., Directeur Général, Institut national de prévoyance sociale.

Délégué des employeurs

COULIBALY, Moussa Balla, M., Président, Fédération nationale des employeurs du Mali (FNEM).

Conseiller technique et délégué suppléant

TOURE, Ousmane, M., Secrétaire Permanent, Fédération nationale des employeurs du Mali; Membre adjoint, Conseil d'administration du BIT.

Délégué des travailleurs

DOUCOURE, Issa dit Issé, M., Secrétaire Général, Union nationale destravailleurs du Mali (UNTM); Membre, Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

BATHILY, Mamadou Sourakhe, M., Union nationale des travailleurs du Mali (UNTM).

Malte Malta Malta

Minister attending the Conference

CASSAR, Joseph, Mr., Parliamentary Secretary, Ministry of Education and Human Resources.

Persons accompanying the Minister

FIORINI-LOWELL, Alfred, Mr., Permanent Secretary, Ministry of Education and Human Resources.

GAMBIN, Joe, Mr., Private Secretary.

Government Delegates

CILIA-DEBONO, Emanuel, Mr., Director, Labour, Ministry of Education and Human Resources..

FARRUGIA, Richard, Mr., ILO Affairs Desk Officer, Ministry of Education and Human Resources.

Advisers and substitute delegates

VALENTINO, Martin, Mr., First Secretarty, Chargé d'affaires a.i., Permanent Mission, Geneva.

PULLICINO, Simon, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

MALLIA-MILANES, Alfred, Mr., Malta Employers' Association; Substitute Member, Governing Body of the ILO.

Advisers and substitute delegates

SCICLUNA, Victor, Mr., Senior Vice-President, Malta Employers' Association.

SCICLUNA, John, Mr., Malta Federation of Industries.

MASINI, Franco, Mr., President, Malta Employers' Association.

Workers' Delegate

CALAMATTA, Jack, Mr., General Workers' Union; Substitute Member, Governing Body of the ILO.

Advisers and substitute delegates

AGIUS, Maurice, Mr., Confederation of Malta Trade Unions.

BUHAGIAR, Alfred, Mr., Senior Vice President, Confereration of Malta Trade Unions.

MELI, Alphonse, Mr., Deputy Secretary General, General Workers' Union.

Maroc Morocco Marruecos

Ministre assistant à la Conférence

HADDAOUI, Rafiq, M., Ministre de l'Emploi et des Affaires sociales.

Délégués gouvernementaux

BENHIMA, El Ghali, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

YAHIA, El Hassan, M., Inspecteur général, Ministère de l'Emploi et des Affaires sociales.

Conseillers techniques

HAKKOU, Mahmoud, M., Directeur du travail, Ministère de l'Emploi et des Affaires sociales.

LAGHRIFI, Abderrahmane, M., Chef du Service du législation, Ministère de l'Emploi et des Affaires sociales.

AOMARI, Bouchaïb, M., Chef du service des études.

NAJIB, Ahmed, M., Chargé d'études au Cabinet du Ministre de l'Emploi et des Affaires sociales.

BELAHCEN, Youssef, M., Chef du Service, Inspection du Travail, Ministère de l'Energie et des Mines.

ABOUTAHIR, Moulay Lahcen, M., Premier Secrétaire, Mission Permanente à Genève.

Délégué des employeurs

AZMANI, Abdallah, M., Président de la Fédération des chambres de commerce et d'industrie (FCCIM).

Conseiller technique et délégué suppléant

ABOU LAHCEN, Ahmed, M., Vice-président, fédération des chambres de commerces et d'industrie.

Conseillers techniques

BELARBI, Mohamed Abdelkader, M., Président, Commission sociale de la Confédération générale économique (CGEM).

BOULOUIZ, Allal, M., Président, Chambre de commerce et d'industrie d'Oujda.

EL HARRAS, Mohamed Larbi, M., Directeur, Fédération des Chambres de commerce et d'industrie.

IRAQI, Saïd, M., Directeur, Chambre de commerce et d'industrie de Settat; Membre adjoint suppléant, Conseil d'administration du BIT.

Délégué des travailleurs

BEN SEDDIK, Mahjoub, M., Secrétaire général, Union marocaine du travail (UMT); Membre, Conseil d'administration du BIT.

Conseillers techniques

AFILAL, Abderrazak, M., Secrétaire général, Union générale des travailleurs du Maroc (UGTM).

NOUBIR EL AMAOUI, Mohamed, M., Secrétaire Général de la Confédération Démocratique du Travail.

EL MOKHARIK, El Miloudi, M., Union marocaine du travail (UMT).

CHAHIR, Farouk, M., Union marocaine du travail (UMT).

BAHIJ, Mohamed, M., Union marocaine du travail (UMT).

CHERRAT, Mohamed Kafi, M., Union générale des travailleurs du Maroc (UGTM).

KAFOUNI, Houcine, M., Confédération Démocratique du Travail.

DARKAOUI, Elmahdi, M.

IOUY, Abdelaziz, M.

Maurice Mauritius Mauricio

Minister attending the Conference

FOKEER, Dharmanand Goopt, Mr., Minister of Labour & Industrial Relations.

Persons accompanying the Minister

CURE, Patrice Eugène, Mr., Minister-Counsellor and Chargé d'Affaires a.i., Permanent Mission, Geneva.

MUNISAMY, Renganaden, Mr., Attaché, Permanent Mission, Geneva.

Government Delegates

TOOFANY, Motallib, Mr., Permanent Secretary, Ministry of Labour & Industrial Relations.

BOLAKY, Cassam, Mr., Chief Labour Officer, Ministry of Labour and Industrial Relations.

Employers' Delegate

JEETUN, Azad, Mr., Director, Mauritius Employers Federation.

Workers' Delegate

ROY, Nurdeo Luchman, Mr., President, Mauritius Labour Congress.

Advisers

RAMASAWMY, Tangavelu, Mr., President, Federation of Progressive Unions.

BALLUCK, Awadh Koomarsing, Mr., Vice-President of the Federation of Civil Services Unions.

Mauritanie Mauritania Mauritania

Ministre assistant à la Conférence

OULD ABDI, Abdallahi, M., Ministre de la fonction publique du travail, de la jeunesse et des sports.

Délégués gouvernementaux

OULD SALEM, Ethmane, M., Directeur du travail.

OULD BAYA, Bah, M., Chef services des études et des relations extérieures.

Conseiller technique

OULD BOUH, Hammoud, M.

Délégué des employeurs

OULD SIDI, Mohamed Ali, M., Membre adjoint, Conseil d'administration du BIT.

Délégué des travailleurs

OULD BRAHIM, Mohamed Ely, M., Membre adjoint, Conseil d'administration du BIT.

Mexique Mexico México

Delegados gubernamentales

GONZALEZ MARTINEZ, Aida, Sra., Embajadora, Coordinadora General de Derechos de la Mujer.

VARGAS CAMPOS, Marcelo, Sr., Embajador, Represente Permanente Alterno, Missión Permanente en Ginebra.

Consejeros técnicos

PAZ CAMPOS, Eréndira, Sr., Ministro, Misión Permanente en Ginebra.

JIMENEZ HERNANDEZ, Dolores, Sra., Misión Permanente en Ginebra.

ROMERO ESQUIVEL, Eusebio, Sr., Misión Permanente en Ginebra.

Delegado de los empleadores

CORTINA LEGARRETA, Fernando, Sr., Presidente, CONCAMIN.

Consejero técnico y delegado suplente

DE REGIL GOMEZ MURIEL, Jorge A., Sr., Miembro adjunto, Consejo de Administración de la OIT.

Consejeros técnicos

YLLANES RAMOS, Fernando, Sr., Abogado General, CONCAMIN.

SANCHEZ DIAZ DE RIVERA, José Antonio, Sr., Presidente, Confederación Patronal de la República Mexicana (COPARMEX).

CARVAJAL BUSTAMANTE, Octavio, Sr., Presidente, Comisión de Trabajo y de Previsión Social, CONCAMIN.

DIAZ GUAJARDO, Amado, Sr., Asesor Jurídico, Cámara de la Industria de la Transformación de Nuevo León.

GUTIERREZ GARCIA, Reynold, Sr., Director de Relaciones Laborales, Grupo CYDSA, SA.

MACIAS SANTOS, Eduardo, Sr., Director Jurídico Laboral, Vitro Corporativo, S.A de C.V.

BUCHANAN ESPINOSA, Carlos, Sr., Miembro, Comisión Laboral de la Confederación Patronal de la República Mexicana (COPARMEX) y Consultor Laboral VISA-FEMSA.

SOTO PRIANTE, Sergio, Sr., Director, Relaciones Internacionales, COPARMEX.

GARDUÑO MORALES, Jorge Delfino, Sr., Director Jurídico y de Servicios, COPARMEX.

Delegado de los trabajadores

SANCHEZ MADARIAGA, Alfonso, Sr., Secretario de Relaciones del Comité Nacional de la CTM; Miembro, Consejo de Administratión de la OIT.

Consejeros técnicos

CAMACHO GUZMAN, Rafael, Sr., Consejero de la Secretaría General de la CTM.

SAN ROMAN ARREAGA, Héctor, Sr., Subsecretario de Relaciones de la CTM.

MUÑOZ MOSQUEDA, Gilberto, Sr., Secretario General, Sindicato de Trabajadores de la Industria Química, Petroquímica, Carboquímica, Similares y Conexos.
ESPONDA ZEBADUA, Gonzalo, Sr., Asesor Jurídico, Sindicato de la Industria Química.
CAVAZOS CORTES, Gerardo, Sr., Secretario de Acción Político, Sindicato Unico de Trabajadores Electricistas.
PEREZ TOVAR, Sergio, Sr., Secretario General, Sindicato Nacional de Trabajadores de la Industria Hulera.

République de Moldova
Republic of Moldova
República de Moldova

Government Delegates

NIDELCU, Dumitru, Mr., Minister of Labour, Social Protection and Family.
ZAPOROJAN, Gheorghe, Mr., Chief of the Department for Foreign Relations, Ministry of Labour, Social Protection and Family.

Adviser and substitute delegate

DEMERJI, Ilie, Mr.

Employers' Delegate

CUCU, Gheorghe, Mr., Vice-President of the Union of Industrialists.

Workers' Delegate

URECHEANU, Serafim, Mr., President of the Federation of Independent Trade Unions.

Mongolie Mongolia Mongolia

Minister attending the Conference

GOMBOJAV, Erdeniin, Mr., Minister for Population Policy and Labour.

Government Delegates

YUMJAV, Shirchinjavyn, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
ONON, Sodovyn, Mrs., Director, External Relations Division, Ministry of Population Policy and Labour.

Advisers and substitute delegates

SHAGDARSUREN, Sharyn, Mr., Counselor, Permanent Mission, Geneva.
OYUNCHIMEG, Nyamaagiin, Ms., Officer, External Relations Division, Ministry of Population Policy and Labour.
DASHNYAM, Ochirjavyn, Mr., Director, Overseas Employment Bureau, Ministry of Population Policy and Labour.
DAVAA, Batsuuriin, Mr., Director, Inspection Department, Ministry of Energy, Geology and Mining.

Employers' Delegate

JANTSAN, Dagdangiin, Mr., Vice-President, Association of Private Enterprises' Managers.

Workers' Delegate

ADIYA, Gorchinsurengiin, Mr., President, Confederation of Mongolian Trade Unions.

Adviser and substitute delegate

SUKHBAATAR, Zalmaagiin, Mr., Assistant to the President, Confederation of Trade Unions.

Mozambique

Minister attending the Conference

HUNGUANA, Teodato, Mr., Minister of Labour.

Government Delegates

FRANCISCO, Maria Noemia, Mrs.
CORREIA, Fontora, Mr.

Advisers and substitute delegates

VILANCULOS, Evaristo, Mr.
DIAS, Alcino, Mr.

Employers' Delegate

GUILANDE, Diogo, Mr.

Adviser

JULIAO, Alvaro, Mr.

Workers' Delegate

MABUMO, Estevao, Mr.

Adviser

NHACA, Soares Bunhaza, Mr., Secretary General, Mozambique Workers Organization.

Myanmar

Minister attending the Conference

THAUNG, Aye, Mr., Minister for Labour.

Government Delegates

HLAING, Tin Kyaw, Mr., Ambassador, Permanent Mission, Geneva.

SHWE, Tun, Mr., Director-General, Department of Labour.

Advisers and substitute delegates

THAN, Mya, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

OHN, Tun, Mr., Second Secretary, Permanent Mission, Geneva.

SWE, Nyunt, Mr., Second Secretary, Permanent Mission, Geneva.

MYAING, Linn, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

HLAING, Soe, Mr., Second Secretary, Permanent Mission, Geneva.

OHN, Tun, Mr., Personal Staff Officer, Ministry of Labour.

TIN, Kyaw, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

GYI, Ko Ko, Mr., Chairman, Union of Myanmar Chamber of Commerce & Industry.

Workers' Delegate

MAUNG, Win, Mr., Mining Engineer, Heinda Mines Project, No. (2) Mining Enterprise.

Namibie Namibia Namibia

Minister attending the Conference

WITBOOI, Hendrik, Mr., Minister, Labour and Human Resources Development.

Government Delegates

HIVELUAH, Tuli, Mr., Permanent Secretary, Ministry of Labour and Human Resources Development.

SHINGUADJA, Bro-Mathew, Mr., Labour Commissioner, Ministry of Labour and Human Resources Development.

Advisers

IITULA, Katrina, Mrs., Deputy Director, Minister of Labour and Human Resources Development.

KOOPER, Francios, Mr., Personal Assistant to the Minister, Ministry of Labour and Human Resources Development.

VAN DER WESTHUIZEN, Jacobus, Mr., Employment Officer, Ministry of Labour and Human Resources Development.

Employers' Delegate

HILL, Mike, Mr., President, Namibian Employers Federation.

Adviser

LOUW, Johan, Mr., General Manager, Namibian Employers Federation.

Workers' Delegate

KEMBA, Hangula, Mr., Second Vice President, National Union of Namibian Workers.

Advisers

MUHEUA, Vehonga Alphaus, Mr., Health and Safety, Committee Member National Union of Namibian Workers.

ESAU, Bernhardt, Mr., General Secretary, National Union of Namibian Workers.

Nepal

Minister attending the Conference

TAMRAKAR, Ramkrishna, Mr., Minister of State for Labour and Industry.

Government Delegates

REGMI, Govinda Prasad, Mr., Acting Director General, Department of Labour.
LACOUL, Banmali Prasad, Mr., Chargé d'Affaires a.i., Permanent Mission, Geneva.

Adviser

DHAKAL, Ram Babu, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

JYOTI, Padma, Mr., First Vice-President, FNCCI.

Workers' Delegate

BASNET, Laxman, Mr., Chairman, Nepal Trade Union Congress.

Nicaragua

Ministro asistente a la Conferencia

ROSALES ARGUELLO, Francisco, Sr., Ministro del Trabajo.

Delegados gubernamentales

GARACHE CASTELLON, Mario, Sr., Vice-Ministro del Trabajo.
SEVILLA SIERO, Alvaro, Sr., Embajador, Representante Permanente en Ginebra.

Consejeros técnicos

MIRANDA GOMEZ, Norman, Sr., Ministro Consejero, Representante Permanente Adjunto, Misión Permanente en Ginebra.
PORTA, Alvaro, Sr., Primer Secretario, Misión Permanente en Ginebra.
MONTENEGRO DIAZ, FANNY, Sra., Directora de Relaciones Internacionales y Cooperación Técnica, Ministerio del Trabajo.

Delegado de los empleadores

ARGUELLO CARDENAL, José, Sr., Directivo de la Cámara de Industria.

Consejeros técnicos

BARCENAS LEVY, Martín, Sr., Vice-Presidente de la Cámara de Comercio.
GURDIAN MENDEZ, Francisco Javier, Sr., Secretario Ejecutivo de la Unión de Productores Agropecuarios.

Delegado de los trabajadores

HUEMBES, Carlos, Sr., Secretario General de la Central de Trabajadores de Nicaragua (CTN).

Consejeros técnicos

ESPINOZA NAVAS, José, Sr., Secretario General de la Confederación de Unificación Sindical (CUS).
VARGAS, Dámaso, Sr., Secretario de Relaciones Internacionales de la Central Sandinista de Trabajadores (CST).

Niger

Ministre assistant à la Conférence

MADOUGOU, Salissou, M., Ministre de la Fonction publique, du Travail et de l'Emploi.

Délégués gouvernementaux

MAINA, Kochi Chegou, M., Secrétaire général adjoint, Ministère de la Fonction publique, du Travail et de l'Emploi.
MAMADOU, Baba Omar, M., Directeur du travail et de la sécurité sociale, Ministère de la Fonction publique, du Travail et de l'Emploi.

Conseiller technique

BARINGAYE, Akilou Ahmet, M., Caisse nationale de sécurité sociale.

Délégué des employeurs

SABO, Issoufou, M., Représentant du Bureau éxécutif, Syndicat patronal des entreprises et industries (SPEIN).

Délégué des travailleurs

MAYAKI, Ibrahim, M., Secrétaire général de l'Union des syndicats des travailleurs du Niger (USTN); Membre adjoint, Conseil d'administration du BIT.

Conseiller technique

DADDO, Mahaman Mansour, M., Secrétaire des relations extérieures de l'USTN.

Nigeria

Minister attending the Conference

OGBEMUDIA, S.O., Mr., Minister of Labour and Productivity, Federal Secretariat II.

Persons accompanying the Minister

OKOLOCHA, U.E., Mr., Special Assistant.
OMORODION, Iro, Mr., Personal Assistant.

Government Delegates

JEGA, Alhaji S.M., Mr., Director-General, Federal Ministry of Labour & Productivity, Federal Secretariat.
OKORONKWO, A.O., Mrs., Director, Trade Union Services and Industrial Relations.

Advisers and substitute delegates

LOMA, G.D., Mr., Director, Employment and Wages Dept., Federal Ministry of Labour & Productivity .
OKON, J.T., Mr., Deputy Director, International Labour Relations.
AHMAD, Alhaji Abdullah S., Mr., Labour Attaché, Permanent Mission, Geneva.
AJAYI, O.I., Mrs., Chief Labour Officer, Federal Ministry of Labour and Productivity.
METTEDEN, M.L., Mr., Ambassador, High Commission of Nigeria.
FASEHUN, O., Mr., Chargé d'affaires a.i., Permanent Mission, Geneva.
ADESIDA, F.O., Mr., High Commission of Nigeria.

Advisers

TUNJI-OLAGUNJU, O., Mrs., Managing Director, National Provident Fund, Management Board.
MALIKI, Alhaji M.N., Mr., Director-General, National Directorate of Employment.
AJAYI, Mrs., Ag. Director-General, National Productivity Centre.
SAMBO, M.M., Mr., Director, Finance and Supplies, National Directorate of Employment.
OKUSAMI, Mrs., Director (Special Duties).
ENABULELE, C.E., Mr., Deputy Director. Factories Inspectorate, Federal Ministry of Labour & Productivity.

Employers' Delegate

IMOISILI, Imonitie Christopher, Mr., Director General, Nigeria Employers' Consultative Association (NECA); Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

OLANIYI, E.O., Mr., Chairman, Industrial Relations (NECA).

Advisers

FAGBEMI, James, Mr., Immediate Past -President, Nigeria Employers' Consultative Association.
GIWA, Rufus, Mr., President, Nigeria Employers Consultative Association.

Workers' Delegate

BAFYAU, Paschal, Mr., President, Nigeria Labour Congress.

Advisers and substitute delegates

ANIGBO, A.M.O., Mr., Ag. Secretary General, Nigeria Labour Congress.
OSHIOMOLE, Adams A., Mr., Deputy President, Nigeria Labour Congress.

Norvège Norway Noruega

Minister attending the Conference

BERGE, Gunnar, Mr., Minister of Local Government and Labour.

Persons accompanying the Minister

ORSKAUG, Erik, Mr., State Secretary, Ministry of Local Government and Labour.
SKOGMO, Bjorn, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SAND, Ulf, Mr., Secretary General, Ministry of Local Government and Labour.
STANG, Per, Mr., Assistant Director General, Ministry of Local Government and Labour.
HANSEN, Erling, Mr., Head of Information, Ministry of Local Government and Labour.

Government Delegates

VIDNES, Oyvind, Mr., Counsellor, Permanent Mission, Geneva; Governing Body of the ILO.
BRUAAS, Odd, Mr., Adviser, Ministry of Local Government and Labour; Substitute Government Representative, Governing Body of the ILO.

Advisers

BJERKE, Ase Elin, Ms., Secretary, Permanent Mission, Geneva.
ENGDAHL, Sture, Mr., Civil Engineer, Directorate of Labour Inspection.
HAUGE, Anders D., Mr., Adviser, Ministry of Local Government and Labour.
NORDAAS, Ragnhild, Ms., Senior Executive Officer, Ministry of Local Government and Labour.

Other persons attending the Conference

KLUNGLAND, Rolf Terje, Mr., Member of Parliament.
LUND, Morten, Mr., Member of Parliament.
HAAKONSEN, Hilde, Ms., United Nations Association of Norway.

Employers' Delegate

BREVIG, Inger, Mrs., Assistant Director, Confederation of Norwegian Business and Industry (NHO).

Adviser and substitute delegate

MAGNUSSEN, Olav, Mr., Director, Confederation of Norwegian Business and Industry (NHO).

Advisers

STOKLAND, Kirsti, Mrs., Company Adviser, Confederation of Norwegian Business and Industry (NHO).
HALD, Niels Chr., Mr., Director, Confederation of Norwegian Business and Industry (NHO).
ODEGARD, Arvid R., Mr., Lawyer, Confederation of Norwegian Business and Industry, (NHO).
AASER, Svein, Mr., President, Confederation of Norwegian Business and Industry (NHO).
BERGE, Lars Chr., Mr., Deputy Director General, Confederation of Norwegian Business and Industry (NHO).
VIK, Kari Mette, Mrs., Secretary, Confederation of Norwegian Business and Industry (NHO).
GLAD, Karl, Mr., Confederation of Norwegian Business and Industry.
SWENSEN, Sören, Mr., Confederation of Norwegian Business and Industry.

Workers' Delegate

PEDERSEN, Evy Buverud, Mrs., National Elected Secretary, Norwegian Confederation of Trade Unions (LO).

Adviser and substitute delegate

DAHL, Karl Nandrup, Mr., Attorney at Law, Norwegian Confederation of Trade Unions (LO).

Advisers

MORIN, Aase, Mrs., Head, Equality Department, Norwegian Confederation of Trade Unions (LO).
NILSEN, Arnfinn, Mr., President, The Norwegian Union of General Workers.
GUNNES, Stein, Mr., Economist, NCTU Economic and Social Affairs Department, LO.

Nouvelle-Zélande New Zealand Nueva Zelandia

Minister attending the Conference

KIDD, Douglas, Mr., Minister of Labour.

Person accompanying the Minister

GIBSON, Les, Mr., Senior Private Secretary to the Minister of Labour.

Government Delegates

SILBERSTEIN, Joanne, Ms., Manager, Industrial Relations Policy, Industrial Relations Service, Department of Labour.

TOWNSEND, Lenore, Ms., Chief Adviser, Operations Policy, Occupational Safety and Health Service, Department of Labour.

Advisers

BISLEY, Alastair, Mr., Permanent Representative, Permanent Mission, Geneva.

BUCHANAN, Graeme, Mr., Senior Legal Adviser, Department of Labour.

DUNCAN, Lucy, Ms., Counsellor, Permanent Mission, Geneva.

RICHARDS, Margaret, Ms., International Liaison Officer, Department of Labour.

WILSON, Elizabeth, Ms., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

MARSHALL, Steve, Mr., Director-General, Employers' Federation; Substitute Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

HOLDSWORTH, Simon, Mr., Board Member, New Zealand Employers' Federation.

Workers' Delegate

DOUGLAS, Ken, Mr., President, Council of Trade Unions; Substitute Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

NOONAN, Rosslyn, Ms., National Executive Member, Council of Trade Unions.

Oman

Minister attending the Conference

AL-EISSAI, Ahmed Mohammed Salim, Mr., Minister of Social Affairs and Labour.

Government Delegates

AL-FARSY, Abdullah Mohammed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-YAHYAI, Homoud Ahmed, Mr., Deputy Director-General, Department of Social Affairs and Labour, Ministry of Social Affairs and Labour.

Advisers and substitute delegates

AL-KIYUMI, Amer Mubarak, Mr., Legal Expert, Under-Secretary's Office, Ministry of Social Affairs and Labour.

AL-MUSHAIKHI, Saïd Mohammed, Mr., Director, Office of the Minister, Ministry of Social Affairs and Labour.

Advisers

AL-FARSY, Ibrahim Mohammed Sharif, Mr., First Secretary, Permanent Mission, Geneva.

AL-MA'ANI, Humaid, Mr., Second Secretary, Permanent Mission, Geneva.

AL-AMRI, Said Abdulla M., Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

AL-RUBAI'EI, Hamdan Saif, Mr.

Workers' Delegate

AL-SHANFARY, Saïd Hassan, Mr.

Ouganda Uganda Uganda

Minister attending the Conference

EJALU, Ateker, Mr., Minister of Labour and Social Affairs.

Government Delegates

OGWAL, Tom, Mr., Permanent Secretary.
OLWENY, Claudius Mary, Mr., Labour Commissioner.

Advisers

NTAMBI, Kakima, Mr., Ambassador, Permanent Mission, Geneva.
KATEMBWE, Abel, Mr., Managing Director (NSSF).
LUYIMA, Harriet, Ms., Principal Labour Officer, International Labour Affairs.
NTEGE, Vincent, Mr., Principal Economist.

Employers' Delegate

RWAMURA KASWARRA, Joël Max, Mr., Executive Director, Federation of Uganda Employers; Substitute Deputy Member, Governing Body of the ILO.

Adviser

ZARAMBA NASIMOLO, Jenina, Mrs., Deputy General Manager, Personnel Uganda Commercial Bank.

Workers' Delegate

MUKASA, Mudirikadhi Katikagyira Mukasa, Mr., Secretary General, National Organization of Trade Unions.

Ouzbékistan Uzbekistan Uzbekistán

Government Delegates

UMAROV, H.T., Mr.
ABIDOV, A.A., Mr., Ministry of Labour.

Employers' Delegate

SALIMOV, T.I., Mr., Vice- Chairman, Union of Entrepreneurs, Uzbekistan.

Workers' Delegate

DJAMALOV, Kh. B., Mr., Chairman, Council of Trade Unions.

Adviser

MOUKHITOV, A.A., Mr.

Pakistan

Government Delegates

HAMEED, Sultan, Mr., Secretary of Labour, Manpower and Overseas Pakistanis.
KAMAL, Ahmad, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Adviser and substitute delegate

KHAN, Khalique Ahmed, Mr., Joint Secretary, Labour Division, Ministry of Labour.

Advisers

BALOCH, Irfan, Mr., Second Secretary, Permanent Mission, Geneva.
SYED, Fazal Hussain, Mr., Secretary Labour Punjab.

Employers' Delegate

TABANI, Ashraf W., Mr., President, Employers' Federation, Member, Governing Body of the ILO.

Adviser

SHARIF, Mohammed Mustafa, Mr., Secretary-General, Employers Federation of Pakistan.

Workers' Delegate

AHMED, Khurshid, Mr., General Secretary, All Pakistan Federation of Trade Unions, Deputy Member, Governing Body of the ILO.

Adviser

SHAHEEN, Abdul Qadir, Mr., General Secretary Peoples Labour Federation and President Pakistan WAPDA Union, General Secretary All Pakistan Railway Federation of Trade Union.

Panama

Ministro asistente a la Conferencia

ORDOÑEZ, Gregorio, Sr., Ministro de Trabajo y Bienestar Social.

Delegados gubernamentales

VALLARINO, Lourdes, Sra., Embajadora, Representante Permanente, Misión Permanente en Ginebra.

ROSAS, Jorge Rubén, Sr., Legislador de la Asamblea Legislativa; Representante gubernamental adjunto, Consejo de Administración de la OIT.

Consejeros técnicos

GONZALEZ, Sergio, Sr., Asesor legal del Ministro de Trabajo y Bienestar Social.

PINO, Bolivar, Sr., Asesor económico y de planificación del Ministro de Trabajo y Bienestar Social.

MANZUR, Beatriz, Sra., Jefa del Departamento de Colaboración con la OIT, Asesoría de Asuntos Internacionales del Ministerio de Trabajo y Bienestar Social.

Delegado de los empleadores

VALLARINO, Eduardo, Sr., Co-Presidente de la Fundación del Trabajo, Representante del Consejo Nacional de la Empresa Privada (CONEP).

Delegado de los trabajadores

SIMITI PALACIO, José Antonio, Sr., Secretario General de la Confederación Gremial de Trabajadores, Miembro del Cuerpo Colegiado Nacional de Trabajadores Organizados (CONATO).

Papouasie-Nouvelle Guinée
Papua New Guinea
Papua Nueva Guinea

Minister attending the Conference

MAIBAWA, Castan, Mr., Minister for Labour and Employment.

Government Delegates

JOEL, Aphmeledy Kaumata, Mr., Secretary, Department of Labour and Employment.

ARUA, Patrick Charles, Mr., Executive Officer (ILA), Department of Labour and Employment.

Advisers and substitute delegates

TWADDLE, John, Mr., Chief Mines Inspector

HARE, Lare, Mr., FAS (IREC), Department of Personnel Management.

Adviser

JOEL, Ruth, Mrs., Economist, Department of Finance and Planning.

Employers' Delegate

KEP, Max, Mr., Director, Labour, Economics and International Relations Employer Federation.

Workers' Delegate

PASKA, John, Mr., General Secretary, Trade Union Congress.

Adviser

KILA, Iga, Mr., Deputy President, Public Employees Association.

Paraguay

Delegados gubernamentales

MORALES, Juan Manuel, Sr., Ministro de Justicia y Trabajo.

GAUTO, Rigoberto, Sr., Encargado de Negocios a.i., n permanente en Ginebra.

Consejero técnico

QUIÑONEZ, Carlos Alberto, Sr.

Delegado de los empleadores

AVALOS, Cesar, Sr., Presidente de la Federación de la

Delegado de los trabajadores

ALVARENGA, Jorge, Sr., Secretario General de la Central Unitaria de Trabajadores (CUT).

Consejero técnico

OJEDA, Gregorio, Sr., Secretario General de la Confederación Paraguaya deTrabajadores (CPT).

Pays-Bas Netherlands Países Bajos

Ministers attending the Conference

DE VRIES, Bert, Mr., Minister of Social Affairs and Employment.

CORION, J.A., Mr., Minister of Labour and Social Affairs of the Netherlands' Antilles.

Person accompanying the Minister

FERINGA, Roel, Mr., Deputy Director for International Affairs.

Government Delegates

ROOD, Max, Mr., Professor, Labour Law, University of Leiden, former Minister of the Interior.

VAN DE REE, Willem, Mr., Chief, International Social Affairs Section, Ministry of Social Affairs and Employment.

Advisers and substitute delegates

BODDENS HOSANG, Johan Fredrik, Mr., Ambassador, Permanent Mission, Geneva.

HAGEN, Kees, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

STOKVIS, Laurent-Louis, Mr., Counsellor, Permanent Mission, Geneva.

VAN BLANKENSTEIN, Jan Reinoud, Mr., Deputy Chief, International Social Affairs Section, Ministry of Social Affairs and Employment.

BODELIER, Lei, Mr., Senior Policy Adviser, Labour Relations, Ministry of Social Affairs and Employment.

HAECK, Hens, Mr., Senior Policy Adviser, Labour Market Policy, Ministry of Social Affairs and

DE JONG, Heiko, Mr., Policy Adviser, Ministry of Labour and Social Affairs, Netherlands' Antilles.

KAREL, Elco, Mr., Director, Ministry of Labour and Social Affairs, Netherlands' Antilles.

SASTROWIJOTO, Paula H., Mrs., Third Secretary, Permanent Mission, Geneva.

WOLS, Roderick F.N.W., Mr., Policy Adviser, International Organisations Department, Ministry of Foreign Affairs.

Other persons attending the Conference

VAN HOOF, H.A.L., Mr., Member of Parliament.

VAN MIDDELKOOP, E., Mr., Member of Parliament.

BORSTLAP, Hans, Mr., Director General, General Policy Affairs, Ministry of Social Affairs and Employment.

SCHRAMA, Henk, Mr., Director for International Affairs, Ministry of Social Affairs and Employment.

VERBOOM, Jan, Mr., Netherlands Employment Service.

VAN NIEUWENHOVEN, J., Mrs., Member of Parliament.

Employers' Delegate

HUNTJENS, Ton, Mr., Director, International Social Affairs, Federation of Netherlands' Industry (VNO).

Adviser and substitute delegate

HAK, Cornélie, Ms., Deputy Member, Governing Body of the ILO.

Advisers

CORDESIUS, Marinus, Mr., Royal Netherlands' Horeca Federation.

VAN HAASTEREN, Fred, Mr., Netherlands Association of Temporary Work Agencies.

LIEUW, Johan, Mr., Director of the Curaçao Business Association, Netherlands' Antilles.

MUNTZ, Anne Marie, Mrs., Secretary, Association of Temporary Employment Agencies.

RUGGENBERG, Wim, Mr., Chairman, Association of Temporary Work Agencies.

SCHOENMAECKERS, Ton, Mr., Senior Adviser, Federation of the Netherlands' Christian Employers (NCW).

Workers' Delegate

VAN DEN BURG, Ieke, Mrs., Member, Executive Board, Netherlands' Trade Union Confederation (FNV).

Adviser and substitute delegate

OOSTVEEN, Marjon, Mrs., Executive Adviser, International Affairs, National Federation of Christian Trade Unions (CNV).

Advisers

CORET, P., Mr., Project Officer, Netherlands' Trade Union Confederation (FNV).
DRIJFHOUT, Dédé, Mrs., Policy Adviser, Central Union for Intermediate and Higher Level Employees (MHP).
ETTY, Tom, Mr., Adviser, International Affairs, Netherlands' Trade Union Confederation (FNV).
ROJER, Hubert Antonio, Mr., Chairman, General Civil Service Union (ABVO), Netherlands' Antilles.
SEMEREL, Oscar I., Mr., Secretary General, Central General di Trahado di Corsow (CGTC), Netherlands' Antilles.
VERBURG, Gerda, Mrs., Executive Member, National Federation of Christian Trade Unions (CNV).
PASSCHIER, C.E., Mrs., Netherlands' Trade Union Confederation. (FNV).

Pérou Peru Perú

Delegados gubernamentales

ANTONIOLI-VASQUEZ, Augusto, Sr., Ministro de Trabajo y Promoción Social.
URRUTIA CERUTI, José, Sr., Ambajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

GUTIERREZ, Gonzalo, Sr., Ministro Consejero de la Representación Permanente, Ginebra.
TINCOPA, Romy, Srta., Tercera Secretaria, Misión permanente en Ginebra.
DELUCCHI DE ANTONIOLI, Nelly, Sra.

Delegado de los empleadores

ZAVALA-COSTA, Jaime, Sr.

Consejeros técnicos

BARRENECHEA-CALDERON, Julio César, Sr.
ZEGARRA GARNICA, Federico, Sr.
DE ZAVALA, Fatima, Sra.

Delegado de los trabajadores

LUNA-ROJAS, Juan, Sr., Secretario General de la Confederación de Trabajadores del Perú (CTP).

Consejeros técnicos

LAZO-PERALTA, Alfredo, Sr., Secretario General de Central Autónoma de Trabajadores del Perú (CAT
HERNANDEZ -VALLE, Teodulo, Sr., Secretario Gen de la Confederación General de Trabajadores del P (CGTP).
PALOMINO SALCEDO, Moises, Sr., Secretario Gene de la Federación Nacional de Trabajadores Mineros Metalúrgicos y Siderúrgicas.
ORTIZ PRIETTO, Clara, Sra., Secretaria, Relaciones Internacionales de la Central de Trabajadores.

Philippines Philippines Filipinas

Minister attending the Conference

CONFESOR, Nieves R., Mrs., Secretary of Labor and Employment.

Person accompanying the Minister

CRUZ, Teresita, Ms., Technical Assistant.

Government Delegates

BAUTISTA, Lilia R., Mrs., Ambassador, Permanent Representative, Permanent Mission, Geneva.
LAGUESMA, Bienvenido E., Mr., Undersecretary, Department of Labour and Employment.

Advisers and substitute delegates

CARALE, Bartolome S., Mr., Chairman, National Lab Relations Commission.
PINEDA, Carmelita M., Ms., Executive Director, Nati Wages and Productivity Commission.

Advisers

OPLE, Blas, Mr., Senator, Chairman, Committee on Foreign Affairs.
HERRERA, Ernesto, Mr., Chairman, Committee on Labour, Employment and Human Resource Development

MACAPAGAL-ARROYO, Gloria, Mrs., Senator; Chairman, Committee on Economic Affairs.
MACEDA, Ernesto, Mr., Senator; Chairman, Committee on Crime.
ROCO, Raul, Mr., Senator; Chairman, Committee on Justice and Human Rights.
VELOSO, Alberto, Mr., Congressman; Chairman, Committee on Labour and Employment.
GULLAS, Eduardo, Mr., Congressman; Committee on Labour and Employment.
ISIDRO, Martin, Mr., Congressman; Member, Committee on Labour and Employment.
LOPEZ, Elias, Mr., Congressman; Committee on Labour and Employment.
RAMIREZ, Jose, Mr., Congressman; Chairman, Accounts Committee.
REYES, Carmencita, Mrs., Member, Committee on Women.
LAUREL-TRINIDAD, Lally, Mrs., Congresswoman; Member, Committee on Women.
DINGLASAN, Andres L., Mr., Congressman, Labour Sector Representative.
JABAR, Ramon, Mr., Congressman; Labour Sector Representative.
SORIANO, Wilhelm, Mr., Executive Director, Employees Compensation Commission.
MARAAN, Alex, Mr., Regional Director, Department of Labour and Employment.
DE CASTRO-MULLER, Bernarditas, Mrs., Second Secretary, Permanent Mission, Geneva.
PALMA, Leo, Mr., Labour Attaché, Permanent Mission, Geneva.

Other persons attending the Conference

HABITO, Cielito, Mr., Secretary of Economic Planning,
DE LA CRUZ, Zoilo, Mr., Congressman; Labour Sector Representative.
DEJON, Temistocles, Mr., Congressman; Labour Sector Representative.
MENZON, Paterno, Mr., Congressman; Labour Sector Representative.
VERCELES, Ernesto, Mr., Congressman; Labour Sector Representative.
VILLAVIZA, Alejandro, Mr., Congressman; Labour Sector Representative.
RELAMPAGOS, Elvi Peter L., Mr., Chief Technical Officer, Office of Senator Ernesto Herrera.

Employers' Delegate

TAN, Ancheta K., Mr., President, Employers' Confederation; Substitute Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

VARELA, Miguel, Mr., Vice President, Employers'

Advisers

PERIQUET, Aurelio Jr., Mr., Chairman, Employers' Confederation.
BAGABALDO, Aniano, Mr., Vice President, Employers' Confederation.
PAYOS, Ranulfo, Mr., Corporate Secretary, Employers' Confederation.
HERNANDEZ, Benildo, Mr., Vice President, Employers' Confederation.

Workers' Delegate

MENDOZA, Democrito, Mr., President, Trade Union Congress; Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

TAN, Juan C., Mr., President, Federation of Free Workers.

Advisers

OLIVEROS, Floro, Mr., Federation of Free Workers.
PADILLA, Roberto, Mr., President, National Mines and Allied Workers Union.
PUNO, Luisito, Mr., Chief Legal Counsel, Federation of Free Workers.
SENO, Cecilio, Mr., Vice President, Trade Union Congress.
TUPAZ, Vladimir, Mr., Secretary General, Trade Union of the Philippines and Allied Services.
ARELLANO, Ernesto, Mr., Convenor, Caucus for Labor Unity National Spokesperson, National Confederation of Labor.

Pologne Poland Polonia

Minister attending the Conference

MILLER, Leszek, Mr., Minister of Labour and Social Policy.

Person accompanying the Minister

KISZCZAK, Barbara, Mrs., Expert, Ministry of Labour and Social Policy.

Government Delegates

BASZNIAK, Krzysztof, Mr., Under Secretary of State, DEMBINSKI, Ludwik, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

HENCZEL, Remigiusz Achilles, Mr., Director of the International Cooperation Department, Ministry of Labour and Social Policy.

PRZYGODZKI, Stanislaw, Mr., Minister Plenipotentiary, Permanent Representative, Permanent Mission, Geneva.

Advisers

MOZDZENSKA-MROZEK, Danuta, Mrs., Vice-Chief, Labour Office.

SOBOTKA, Elzbieta, Mrs., Deputy Director of the Collective Labour Relations Department, Ministry of Labour and Social Policy.

LEMIESZEWSKA, Renata, Mrs., Expert, Ministry of Labour and Social Policy.

HAJDUK-WYKRETOWICZ, Jolanta, Mrs., Senior Expert, Ministry of Foreign Affairs.

STOBINSKI, Jerzy, Mr., Councellor to the Chairman, Higher Mining Office.

Employers' Delegate

MACIEJCZYK, Andrzej, Mr., General Director, Confederation of Polish Employers.

Adviser and substitute delegate

RACZKA, Krzysztof, Mr., Director, Legal Office, Confederation of Polish Employers.

Advisers

GERSDORF, Malgorzata, Mrs., Councellor to the President, Confederation of Polish Employers.

NAWRAT, Stanislaw, Mr., Vice-President, Board of Jastrzebie Zdroj Coal Mining Company, Confederation of Polish Employers.

SMIGIEL, Mariusz, Mr., Councellor to the Chairman of Employers, Gdansk, Confederation of Polish Employers.

Workers' Delegate

KRZAKLEWSKI, Marian, Mr., President, National Commission of Independent and Self-Governing Trade Union "Solidarnosc".

Adviser and substitute delegate

TYMOWSKI, Andrzej, Mr., Councellor to the President, Independent and Self-Governing Trade Union "Solidarnosc - 80".

Advisers

CHROSTEK, Leokadia, Mrs., President, Federation of Trade Unions of Workers of Cooperatives and Trade, Polish Trade Unions Alliance.

DRZEWICKI, Krzysztof, Mr., Councellor, National Commission, Independent and Self-Governing Trade Union "Solidarnosc".

KOTOWICZ, Wlodzimierz, Mr., Councellor, Polish Trade Unions Alliance.

NOGAL, Wieslaw, Mr., Vice-Chief Redactor of the weekly "Plon", Polish Union of Farmers and Farmers' Organizations.

WOZNIEWSKI, Krzysztof, Mr., Expert, Legal Office, National Commission, Independent and Self-Governing Trade-Union "Solidarnosc".

WOJCIK, Tomasz, Mr., Member, Presidium of the National Commission; President, Regional Board of the "Dolny Slask", Independent and Self-Governing Trade Union "Solidarnosc"; Deputy Member, Governing Body of the ILO.

Portugal

Ministres assistant à la Conférence

FALCAO E CUNHA, José, M., Ministre de l'Emploi et de la Sécurité sociale.

PINTO CARDOSO, António Morgado, M., Secrétaire d'Etat de l'Emploi et de la Formation professionnelle.

Personnes accompagnant le Ministre

DA SILVA, Zózimo, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

SALDANHA SERRA, Joao Pedro, M., Directeur de Cabinet.

Délégués gouvernementaux

RIBEIRO LOPES, Fernando, M., Directeur général des conditions du travail, Ministère de l'Emploi et de la Sécurité sociale.

CRISTINA DE BARROS, Luis, M., Représentant permanent adjoint, Mission permanente à Genève.

Conseiller technique et délégué suppléant

TOMÉ DE ALMEIDA, Luis, M., Conseiller , Mission permanente à Genève.

Conseillers techniques

GONÇALVES DA SILVA, Rui, M., Directeur régional du travail de la région autonome de Madère.
BASTOS, Luis, M., Directeur régional de l'emploi de la région autonome des Açores.
PINTO BELO, José, M., Directeur des services du travail et de l'emploi du territoire de Macao.
ROSA MACEDO, José, M., Chef de division, Direction générale des conditions de travail.
GOUVEIA ARAUJO, Liliana, Mme, Premier secrétaire, Mission permanente à Genève.
ROBERT LOPES, Maria Helena, Mme, Direction générale des conditions de travail.
VITORINO GRILO, António Sérgio, M., Institut de l'emploi et de la formation professionnelle.
DE FIGUEIREDO FERNANDES, Aníbal, M., Direction générale des conditions de travail.
PACCETTI CORREIA, Maria Teresa, Mme, Direction générale des conditions de travail.

Représentants d'un Etat ou province

BRAZAO E CASTRO, Eduardo A., M., Secrétaire régional des affaires parlementaires et de la commmunication de la région autonome de Madère.
GASPAR DA SILVA, António J., M., Secrétaire régional de la jeunesse, de l'emploi, du commerce, de l'industrie et de l'énergie de la région autonome des Açores.
BASTO PEREZ, Ana Maria, Mme, Secrétaire adjoint pour la Santé et les Affaires sociales du territoire de Macao.

Délégué des employeurs

VAN ZELLER, Francisco Bello, M., Vice-président, Association portugaise des entreprises industrielles de produits chimiques.

Conseiller technique et délégué suppléant

PENA COSTA, Marcelino, M., Directeur, Confédération du commerce portugais. (CCP).

Conseillers techniques

FERNANDES SALGUEIRO, Heitor, M., Directeur général adjoint, Confédération de l'industrie portugaise (CIP).
VIEIRA, Ana Cristina, Mme, Confédération du commerce portugais.
ROCHA NOVO, Grégório, M., Confédération de l'industrie portugaise.
FERNANDES, Rui Manuel P., M., Secrétaire général de l'association commerciale et industrielle de Funchal, Madère.
CORREIA CUSTÓDIO, Mario Jorge, M., Secrétaire général de la chambre de commerce et de l'industrie des Açores.

Délégué des travailleurs

TORRES COUTO, José Manuel, M., Secrétaire, Union générale des travailleurs (UGT).

Conseiller technique et délégué suppléant

HUGO SEQUEIRA, Victor, M., Vice-secrétaire général, Union générale des travailleurs (UGT).

Conseillers techniques

MONTEIRO VELUDO, José, M., Vice-secrétaire général, Union générale des travailleurs (UGT).
DE CARVALHO, Carlos António, M., Membre du conseil national de la confédération générale des travailleurs (CGTP-IN).
GUIMARÃES, Wanda, Mme, Membre du secrétariat national de l'UGT.
PIRES MARQUES, Fernando Manuel, M., Expert de la CGTP-IN.
COUTO DOS SANTOS, Rui Fernando R., M., Expert de la CGTP-IN.

Qatar

Minister attending the Conference

AL DERHEM, Abdul Rahman Bin Saad, Mr., Minister of Labour, Social Affairs and Housing.

Government Delegates

AL MAHMOUD, Mohamed Saad, Mr., Expert for Labour Affairs.
DAHAM, Najeeb Mubarak, Mr., Labour Inspector.

Advisers and substitute delegates

AL-SULAITI, Hamad Khamis, Mr., Minister's Office Director.
AL-THANI, Sheikh Fahad Awaida, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

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Employers' Delegate

AL-THANI, Abdul Aziz Mohammud Bin Saud, Mr., Director of Administrative Affairs, Chamber of Commerce and Industry.

Workers' Delegate

AL-BUAINAIN, Abdul Rahman Nasser, Mr., Head of Workers' Committee, Qatar General Petroleum Corporation.

Roumanie Romania Rumania

Ministre assistant à la Conférence

POPESCU, Dan-Mircea, M., Ministre du Travail et de la Protection sociale.

Personnes accompagnant le Ministre

NEAGU, Romulus, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

SARBU, Marian, M., Secrétaire d'Etat au Ministère du Travail et de la Protection sociale.

PARTENIE, Octavian, M., Secrétaire d'état, Chef de l'office des relations avec les syndicats et le patronat.

GIURESCU, Ion, M., Sous-secrétaire d'état, Office des relations avec les syndicats et le patronat.

Délégués gouvernementaux

POPESCU, Andrei, M., Directeur, Direction des relations internationales, Ministère du Tràvail et de la Protection sociale; représentant gouvernemental, Conseil d'administration du BIT.

MIRCEA, Tudor, M., Conseiller, Mission permanente à Genève.

Conseillers techniques et délégués suppléants

BADICA, Gheorghe, M., Directeur général, Direction de la législation du travail, Ministère du Travail et de la Protection sociale.

BABEANU, Constantin, M., Expert, relations avec l'OIT, Ministère du Travail et de la Protection sociale.

MANEA, Lucian, M., Conseiller du Ministre du Travail et de la Protection sociale.

Conseillers techniques

LEUCA, Mitrica, M., Directeur, Département de la protection du travail, Ministère du Travail, et de la Protection sociale.

VOICULESCU, Nicolae, M., Troisième secrétaire, Ministère des Affaires étrangères.

MIHAI, Petrica, M., Secrétaire privé du Ministre du Travail et de la Protection sociale.

MARGINEANU, Sergiu, M., Premier secrétaire, Mission permanente à Genève.

GREBLA, Toni, M., Premier secrétaire, Mission permanente à Genève.

Personne désignée en conformité avec l'article 2, alinéa 3 i)

PREDESCU, Ovidiu, M., Représentant gouvernemental au secrétariat tripartite pour le dialogue social.

Délégué des employeurs

DOBRIN, Mircia, M., Directeur général "ELPEGA", Confédération nationale du Patronat Roumain (CNPR).

Conseillers techniques et délégués suppléants

MANOLACHE, Emil, M., Directeur général "UGIR", CNPR.

CHELARIU, Stefan, M., Président du Collège directeur, Union Nationale du Patronat Roumain, UNPR.

PACURARU, Ion, M., Directeur, Direction des relations internationales, CNPR.

Conseillers techniques

HIDOS, Sorin, M., Conseiller, CNPR.

SANDU, Ion, M., Premier Vice-président du collège directeur, UNPR.

GHEORGHITOIU, Constantin, M., Vice-président du collège directeur, UNPR.

POPOVICI, Liviu, M., Porte-parole, UNPR.

ALEXANDRU, Blaj, M., Directeur général, Régie autonome de l'Houille.

Personne désignée en conformité avec l'article 2, alinéa 3 i)

ZARA, Paul, M., Représentant des employeurs au secrétariat tripartite pour le dialogue social.

Délégué des travailleurs

TODORAN, Pavel, M., Vice-président de CNSLR-'Fratia'.

Conseillers techniques et délégués suppléants

HOSSU, Bogdan, M., Président de la Confédération nationale syndicale "Cartel Alpha" (CNS Cartel Alfa); membre adjoint suppléant, Conseil d'administration du BIT.

COSTIN, Dumitru, M., Président du Bloc National Syndical (BNS).

MITREA, Miron, M., Président exécutif, CNSLR-Fratia.

Conseillers techniques

LUCA, Liviu, M., Vice-président, CNSLR-Fratia.

RADI, Aurel, M., Président de la fédération syndicale Metrou-CNS Cartel Alpha.

CONDESCU, Marin, M., President,fédération des syndicats minières - CNS Cartel Alpha.

POPESCU, Corneliu, M., Vice-président, BNS.

EFRIMESCU, Ioan, M., Secrétaire général, BNS.

COSMA, Miron, M., Président de la confédération syndicale minières.

LUPESCU, Ioana, Mme, Directeur, Direction des relations internationales - CNSLR-Fratia.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

STEFAN, Ioan, M., Représentant syndical au secrétariat tripartite pour le dialogue social.

MANOLE, Sarbescu, M., Président de la confédération syndicale "Metal".

CONTESCU, Valentina, Mme, Chef du département juridique, CNS Cartel Alpha.

CRISTESCU, Dan, M., Secrétaire général, Fédération syndicale Famille-Construct BNS.

CONSTANTIN, Mihai, M., Conseiller, Confédération syndicale "METAL".

Royaume-Uni United Kingdom Reino Unido

Minister attending the Conference

FORSYTH, Michael, Mr., Minister of State for Employment.

Persons accompanying the Minister

BUCKLEY, Peter, Mr., Private Secretary.

TUCKER, Clive, Mr., Head, International Division, Employment Department.

Government Delegates

WESTON, Mark, Mr., Head, International Relations Branch, Employment Department.

HARTWELL, Matilda, Ms., Grade 7, Employment Department; Member, Governing Body of the ILO.

Advisers and substitute delegates

WILLIAMS, Nigel, Mr., Permanent Representative, Permanent Mission, Geneva.

ANDREWS, Keith, Mr., Senior Executive Officer, Employment Department.

Advisers

CHAPLIN, Edward, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

GREEN, Geoff, Mr., HM Principal Inspector of Mines, Health and Safety Executive.

HIPKIN, Mary, Ms., Grade 7, Employment Department.

NORTON, Simon, Mr., Head, Industrial Relations Branch, Employment Department.

LLOYD, Patrick, Mr., Grade 7, Employment Department.

SIMMONS, Tim, Mr., First Secretary, Permanent Mission, Geneva.

PERRY, Geoff, Mr., First Secretary, Permanent Mission, Geneva.

SWARBRICK, Ailsa, Ms., Higher Executive Officer, Employment Department.

BOARDMAN, Sarah, Ms., Third Secretary, Permanent Mission, Geneva.

BLAGGROVE, Angella, Ms., Executive Officer, Employment Department.

CLAGUE, Johnathan, Mr., Executive Officer, Department of Industry, Isle of Man.

YEUNG, Chi-kin, Mr., Chief Labour Officer, Labour Department, Hong Kong.

PARKER, Peter, Mr., Head, Industrial Relations Branch, Employment Department.

Employers' Delegate

MACKIE, Anne, Ms., CBI Consultant on International Labour Affairs; Member, Governing Body of the ILO.

Adviser and substitute delegate

FRANCE, Deborah A., Ms., Head, International Social Affairs, Confederation of British Industry.

Advisers

CASTLE, Charles H.A.F., Mr., CBI Consultant on International Social Affairs.

CHESHIRE, Don, Mr., Director, Organisation Resources Counsellors.

DAVIES, Howard, Mr., Director General, Confederation of British Industry.

JONES, Barrie, Mr., Head of Mining, British Coal Corporation.

LITTLE, Christine, Mrs., Chief Executive, Federation of Recruitment and Employment Services Ltd.

WILD, Alan, Mr., Director of Employee Relations and Policy, Guinness Brewing Worldwide.

HO, Sai-chu, Mr., Employers' Representative, Labour Advisory Board, Hong Kong.

SEATH, David, Mr., British Coal Corporation.

ALLEN, Leonard, Mr., Consultant, Federation of Recruitment and Employment Services.

Workers' Delegate

BRETT, William, Mr., General Secretary, Institute of Professionals, Managers and Specialists; Vice-President, Governing Body of the ILO.

Adviser and substitute delegate

STEYNE, Simon, Mr., International Department, Trades Union Congress.

Advisers

LAMBERT, David, Mr., Honorary Vice-President, National Union of Knitwear, Footwear and Apparel Trades; member of the TUC General Council.

LOVE, Ina, Ms., Member, National Executive Committee of UNISON; Member of the TUC General Council.

SAUNDRY, Richard, Mr., Head, Industrial Relations, National Union of Mineworkers.

SMITH, Alec, Mr., Former Secretary, Clothing and Textiles Section, GMB; Former President, TUC General Council.

THOMAS, Ken, Mr., Former General Secretary, Civil and Public Services Association; Former Member of the TUC General Council.

CHEUNG, Kwok-bui, Mr., Employees' Representative, Labour Advisory Board, Hong Kong.

MONKS, John, Mr., General Secretary, Trades Union Congress.

LUXTON, David, Mr., National Officer, IPMS.

Fédération de Russie
Russian Federation
Federación de Rusia

Ministre assistant à la Conférence

MELIKIAN, G. G., M., Ministre du Travail.

Personnes accompagnant le Ministre

AREFIEV, E.P., M., Chef adjoint, administration du gouvernement de la Fédération de Russie.

POPOV, N. K., M., Premier chef adjoint, Administration régionale de Tula.

Délégués gouvernementaux

EVLYUKHIN, Yu. Ya., M., Directeur, Département de la coopération internationale, Ministère du Travail.

BORSHCHEVSKY, E. I., M., Directeur adjoint, Département de la coopération économique, Ministère des Affaires étrangères.

Conseillers techniques et délégués suppléants

LOCHTCHININE, V. V., M., Représentant permanent adjoint, Mission permanente à Genève.

KRASSILNIKOV, S. R., M., Chef adjoint, Département de la coopération internationale, Ministère du Travail.

Conseillers techniques

ORLOV, A. V., M., Premier Conseiller, Mission permanente à Genève.

GERBOV, V. M., M., Chef, Section des relations avec l'OIT, Ministère du Travail.

SUBBOTIN, A. I., M., Vice-président, Inspection fédérale des mines et de l'industrie.

MELEKH, A. I., M., Troisième Secrétaire, Mission permanente à Genève.

Autre personne assistant à la Conférence

KALASHNIKOV, S. V., M., Président de la commission de DUMA (travail et support sociale).

Délégué des employeurs

KOLMOGOROV, V. P., M., Vice-président, Alliance Russe des industriels et des entrepreneurs (RSPP).

Conseiller technique et délégué suppléant

LISURENKO, A. V., M., Président du conseil, association Russe "Rostopprom".

Conseillers techniques

DIKOLENKO, Ye. Ya., M., Directeur général adjoint, Compagnie "Rosugol".

KRETOV, M. A., M., Expert, RSPP, Directeur général, Association "Konsul".

ALEKSEYEV, S. M., M., Expert, RSPP, Président du Conseil des directeurs, "Mejdounarodnaya Gueologuitcheskaya Kompaniya" Joint Stock Company.

KOSTIN, A. F., M., Premier Directeur général adjoint, Congrès des entrepreneurs russes.

REKOCH, K. Kh., M., Expert, RSPP, Institut moscovite des relations internationales.

BEDNOV, Sergei S., M., Vice-président, Chambre de commerce.

Délégué des travailleurs

SHMAKOV, M. V., M., Président, Fédération des syndicats indépendants de Russie (FNPR).

Conseiller technique et délégué suppléant

OPELLO, S. A., M., Secrétaire, Directeur, Département des relations internationales, FNPR.

Conseillers techniques

UDKO, V. I., M., Président, Comité russe des syndicats indépendants de l'industrie minière.

EDVEDEV, V. I., M., Secrétaire, FNPR.

RYLOV, K. D., M., Secrétaire, FNPR.

OLOVYEV, A. K., M., Secrétaire, FNPR.

IBOROV, N. A., M., Président, Conseil du Congrès des syndicats russes.

VOV, O. I., M., Secrétaire aux affaires internatioanles, Association des syndicats russes (SOTSPROF).

Saint-Marin San Marino San Marino

Ministre assistant à la Conférence

ODESCHI, Claudio, M., Ministre du Travail et de la Coopération.

Personne accompagnant le Ministre

UGLI, Nazzareno, M., Expert du département du travail

Délégués gouvernementaux

ECCHETTI, Domenico, M., Coordinateur des secteurs production et travail.

HOMAS, Dieter E., M., Ambassadeur, représentant permanent, Mission permanente à Genève.

Conseillers techniques et délégués suppléants

ZEILER-WERBROUCK, Huguette, Mme, Conseillère, Mission permanente à Genève.

ALBERTINI, Maria Alessandra, Mme, Conseillère d'Ambassade, Direction des affaires politiques du département des affaires étrangères.

MANUZZI, Marino, M., Directeur du bureau du travail ai.

Délégué des employeurs

MORRI, Alessandro, M., Secrétaire général, Association nationale de l'industrie.

Conseillers techniques et délégués suppléants

MENICUCCI, Romina, Mlle, Fonctionnaire, Association nationale de l'industrie.

BATTISTINI, Giorgio, M., Vice-président, Union nationale des artisans.

Conseillers techniques

VAGNINI, William, M., Fonctionnaire de l'association nationale de l'industrie.

STEFANELLI, Davide, M., Membre, Conseil de direction, Union nationale des artisans.

Délégué des travailleurs

GHIOTTI, Giovanni, M., Secrétaire général, Confédération du travail.

Conseiller technique et délégué suppléant

MAURIACA, Carlos, M., Responsable, Bureau international de la confédération du travail.

Conseillers techniques

LEARDINI, Livia, Mme, Membre, Comité de direction, Fédération unitaire de l'emploi public, Confédération du travail.

BECCARI, Marco, M., Secrétaire général, Confédération démocratique des travailleurs.

GIARDI, Maurizio, M., Membre, secrétariat, Confédération démocratique des Travailleurs.

Sao Tomé-et-Principe
Sao Tome and Principe
Santo Tomé y Príncipe

Ministre assistant à la Conférence

PIRES TINY, Olegário, M., Ministre de la Justice, Travail et Administration publique.

Délégués gouvernementaux

SUOSA ARAGAO, André Aureliano Neto de, M.
ESPIRITO SANTO, Juvenal Pires do, M.

Conseiller technique

BANDEIRA VAZ DA CONCEIÇÃO, Alda, Mme, Conseillére technique.

Délégué des employeurs

TRINDADE TINY, Eugénio Rodrigues da, M., Chambre de commerce, d'industrie et agriculture.

Délégué des travailleurs

PIRES, Francisco Furtunato, M., Union nationale des travailleurs

Conseiller technique

BONFIM RITA, Cosme Afonso, M.

Senegal

Ministre assistant à la Conférence

DIOP, Serigne, M., Ministre de l'Emploi, du Travail et de la Formation professionnelle.

Personne accompagnant le Ministre

KA, Ibra Déguène, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

DIONGUE, Babacar, M., Directeur du travail et de la sécurité sociale .

DIALLO, Souleymane, M., Chef, Division du travail et des relations internationales.

Conseiller technique et délégué suppléant

FALL, Couty, Mme, Directeur général, Caisse de sécurité sociale.

Conseillers techniques

GUEYE, Sidy Mouhamed, M., Directeur de l'emploi.
BASSENE, Marcel, M., Président, Commission sociale de l'assemblée nationale.
NIANG, Ismaïla, M., Conseiller technique du département.
NDIAYE, Ibou, M., Ministre-Conseiller, Mission permanente à Genève.
FALL, Ibrahima, M., 2ème Conseiller, Mission permanente à Genève.

Délégué des employeurs

SOW, Amadou Moctar, M., Président, Conseil national du patronat.

Conseillers techniques

BEYE, Papa Ibrahima, M., Secrétaire général du CNP.
MBACKE, Aramino, M., Président, Commission sociale du CNP.
NDIAYE, Mamadou Moussa, M., Coordonnateur, Commission sociale, hygiène sécurité (CNES).
CAMA, Mansour, M., Président, Confédération nationale des employeurs, (CNES).
DIOP, Youssoupha, M., Secrétaire général, CNES.
BOYE, Tidiane, M., Secrétaire permanent, CNES.

Délégué des travailleurs

DIOP, Madia, M., Secrétaire général, Confédération nationale des travailleurs (CNTS).

Conseiller technique et délégué suppléant

NIASSE, Doudou Issa, M., Secrétaire général adjoint, CNTS.

Conseillers techniques

MBAYE, Rawane, M., Secrétaire confédéral chargé des relations extérieures, CNTS.
DIOP, Amadou Assane, M., Secrétaire confédéral chargé des finances, CNTS.
MEDOR, Pierre, M., Secrétaire confédéral, chargé de la coopération , CNTS
GUIRO, Mody, M., Secrétaire confédéral chargé des affaires économiques, CNTS.

LL, Oumar, M., Secrétaire confédéral chargé de l'éducation, CNTS.
RONE, Mbagnick, M., Assistant du Secrétaire général, CNTS.
CK, Mademba, M., Secrétaire général, Union nationale des syndicats autonomes.
W, Alioune, M., Secrétaire général, Union démocratique des travailleurs.
)P, Djiby, M., Président, Bureau de la CSA.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

GNE, Mariétou, Mme, Membre du mouvement des femmes CNTS.
EYE, Abdoulaye, M., Chargé des relations extérieures, Union nationale des syndicats autonomes du Sénégal (UNSAS).
)P, Malick, M., Secrétaire Général Adjoint, Union nationale des syndicats autonomes du Sénégal (UNSAS).
GNE, Babacar, M., Secrétaire général, Confédération démocratique des syndicats autonomes.
EYE, Mbaye, M., Secrètaire général adjoint, Confédération démocratique des syndicats autonomes.

Seychelles

Government Delegates

RMINIE, William E., Mr., Minister of Employment and Social Affairs.
CGAW, Marja, Mrs., Principal Secretary, Ministry of Employment and Social Affairs.

Employers' Delegate

LTAN, Gilbert, Mr., Executive Secretary, Federation of Employers' Associations of Seychelles.

Workers' Delegate

ARLES, Olivier, Mr.

Adviser

UZIER, Duncy, Mr.

Sierra Leone Sierra Leone Sierra Leona

Minister attending the Conference

BROWNE, Alex R.E., Mr., Secretary of State, Labour, Energy and Power.

Government Delegates

BECKLEY, Naomi D.M., Mrs., Permanent Secretary, Department of Labour, Energy and Power.
GENDA, Joseph, Mr., Commissioner of Labour.

Employers' Delegate

KING, Jonathan, Mr., Executive Secretary, Sierra Leone Employers' Federation.

Workers' Delegate

YILLAH, Kandeh, Mr., Secretary-General, Sierra Leone Labour Congress; Substitute Deputy Member, Governing Body of the ILO.

Singapour Singapore Singapur

Minister attending the Conference

GOH, Chee Wee, Mr., Minister of State for Labour.

Government Delegates

ONG, Yen Her, Mr., Divisional Director, Labour Relations, Ministry of Labour.
TEN-KONG, Siew Hiong, Mrs., Assistant Director, Labour Standards.

Advisers and substitute delegates

KESAVAPANY, K., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
TAN, Yee Woan, Ms., First Secretary, Permanent Mission, Geneva.
CHEONG, Kok Wah, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

TAN, Peng Boo, Mr., Executive Director, Singapore National Employers' Federation.

Workers' Delegate

TAN, Dennis, Mr., First Secretary, Industrial Relations, National Trades Union Congress.

Adviser and substitute delegate

LIM, Boon Heng, Mr., Secretary-General, National Trades Union Congress.

Advisers

CHEN, John, Mr., Assistant Secretary-General, National Trades Union Congress.
PANG, Victor, Mr., Vice-President, National Trades Union Congress.
TAY, Thomas, Mr., General Secretary, Singapore Maritime Officers' Union.
HALIMAH, Bte Yacob, Mrs., Deputy Director (Legals), National Trades Union Congress.
LEOW, Ching Chuan, Mr., General Secretary, Singapore Organisation of Seamen.

Slovaquie Slovakia Eslovaquia

Minister attending the Conference

BROCKA, Julius, Mr., Minister of Labour, Social Affairs and Family.

Government Delegates

HETTES, Miloslav, Mr., Ministry of Labour, Social Affairs and Family.
KRASNOHORSKA, Maria, Mrs., Permanent Mission, Geneva.

Advisers

KIMLIKOVA, Eva, Mrs., Adviser, Ministry of Foreign Affairs.
HIJJ, Jan, Mr., Adviser, Ministry of the Economy.
HOMOLA, Andrej, Mr., Adviser, Ministry of Labour, Social Affairs and Family
VOJNAROVA, Anna, Mrs., Adviser, Ministry of Labour, Social Affairs and Family.
PETRIK, Teodor, Mr., Adviser, Ministry of the Economy.

Employers' Delegate

LACH, Michal, Mr., President, Association of Employers' Unions and Associations.

Advisers

WEBER, Peter, Mr., Vice-President, Association of Employers' Unions and Associations.
BOROSKA, Fedor, Mr.
KATRIAK, Martin, Mr.
SLUNCIK, Peter, Mr.

Workers' Delegate

ENGLIS, Alojz, Mr., President, Confederation of Trade Unions.

Advisers

STEVKO, Vaclav, Mr., Vice-President, Confederation of Trade Unions.
FORROVA, Magdalena, Mrs.
SEVCECH, Juraj, Mr.
MESIARIK, Marian, Mr.

Slovénie Slovenia Eslovenia

Minister attending the Conference

PUHAR, Jozica, Mrs., Minister of Labour, Family and Social Affairs.

Government Delegates

BEBLER, Anton, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
BITENC PENGOV, Tina, Mrs., Councellor, Ministry of Labour, Family and Social Affairs.

Advisers and substitute delegates

LOGAR, Andrej, Mr., Councellor, Permanent Mission, Geneva.
TOPLAK, Tomaz, Mr., Councellor, Ministry of Labour, Family and Social Affairs.

Adviser

CEROVAC, Matjaz, Mr., Chief Inspector, Mining Industry.

Employers' Delegate

JPANCIC, Darko, Mr., Secretary-General, Association of Employers.

Adviser and substitute delegate

OCMUR, Majda, Mrs., Secretary, Association of Employers.

Adviser

NKO NATLACEN, Metka, Mrs., Councellor, Legal Department, Chamber of Commerce.

Workers' Delegate

IKLIC, Gregor, Mr., Association of Free Trade Unions.

Advisers and substitute delegates

ELDAR, Stefan, Mr., Confederation of the New Trade Unions.
BOLJ, Dusan, Mr., Confederation of the Trade Unions of Slovenia "PERGAM".

Soudan Sudan Sudán

Minister attending the Conference

SIANO, Dominic, Mr., Minister of Labour and Administrative Reform.

Government Delegates

IDOUB, AbdelRahman Yousif, Mr., First Under-Secretary, Ministry of Labour.
HASSAN, Alsabty Mohamed, Mr., Director of International Relations, Ministry of Labour.

Advisers and substitute delegates

HLOUL, Ali Ahmed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SSAN, Abdelmoneim, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.
NAO, Osama, Mr., Senior Labour Relations Officer, Ministry of Labour.
SSAN, Mohamed Yousif, Mr., Second Secretary, Permanent Mission, Geneva.

Advisers

ELKARIB, Mohamed A., Mr., Counsellor, Permanent Mission, Geneva.
RUAI, Alier Deng, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

KORDOFANI, Faiz, Mr., Manager, Chamber of Industries.

Adviser and substitute delegate

ELSAYED, Izeldien, Mr., President, Sudanese Businessmen and Employers' Federation .

Workers' Delegate

ABDOUN, Tag Elsir, Mr., President, Sudan Workers' Trade Unions Federation.

Advisers

GHANDOUR, Ibrahim, Mr., Sudan Workers' Trade Unions Federation.
ALMANAN, Elsadig Atta, Mr., Sudan Workers' Trade Unions Federation.
ALI, Hassan Mohamed, Mr., Sudan Workers' Trade Unions Federation.

Sri Lanka

Minister attending the Conference

ABOOSALLY, M.L.M., Mr., Minister of Labour & Vocational Training.

Persons accompanying the Minister

GOONETILLEKE, B.A.B., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
WICKREMASINGHE, W.P.R.B., Mr., Minister, Permanent Mission, Geneva.
ABOOSALLY, Salma, Mrs., Coordinating Secretary to the Minister of Labour & Vocational Training.
MANANWATTA, S.B., Mr., Consultant (Foreign Employment).

Government Delegates

PIYADIGAMA, D.H.N., Mr., Secretary, Ministry of Labour & Vocational Training.
WEERAKOON, G., Mr., Commissioner of Labour.

Advisers and substitute delegates

MALINI PEIRIS, V., Mrs., Senior Assistant Secretary, Ministry of Labour and Vocational Training.
JAYAWARDANE, H.T.M., Mr., Deputy Commissioner of Labour.
ATHUKORALE, N.A., Mr., Deputy Commissioner of Labour.
SENADHIRA, G.T., Mr., First Secretary, Permanent Mission, Geneva.
AZEEZ, A.L.A., Mr., Third Secretary, Permanent Mission, Geneva.
SOYSA, Rameeza, Ms., Private Secretary to Hon. Minister of Labour.
PADMINI PIYADIGAMA, Anula, Ms.

Employers' Delegate

AMARASINGHE, E.F.G., Mr., Secretary-General, Employers' Federation of Ceylon; Substitute Deputy Member, Governing Body of the ILO.

Workers' Delegate

SUNDERAM, Manthiri Peruman, Mr., Secretary, (International Affairs), Ceylon Workers' Congress.

Advisers

SANDRASEKARA,, Harry, Mr., Secretary (Industrial Relations), Ceylon Workers Congress.
SENEVIRATNE, R., Mr., General Secretary, Lanka Jathika Estate Workers' Union.
VELAUTHAN, K., Mr., Director, (Workers Education), Lanka Jathika Estate Workers' Union.
ATHUKORALE, P., Mr., Deputy Chief Organiser, Jathika Sevaka Sangamaya.
PERERA, K.J.U., Mr., Member of the Working Committee, Jathika Sevaka Sangamaya.

Suède Sweden Suecia

Minister attending the Conference

HÖRNLUND, Börje, Mr., Minister of Labour.

Persons accompanying the Minister

EKSTRÖM, Göte, Mr., Under-Secretary of State, Ministry of Labour.
MAHL, Christer, Mr., Assistant Under-Secretary, Ministry of Labour.

Government Delegates

JONZON, Björn, Mr., Deputy Assistant Under-Secretary, Ministry of Labour.
WIKLUND, Kerstin, Ms., Deputy Assistant Under-Secretary, Ministry of Labour.

Advisers

ANDERSSON, Rune, Mr., Head of the Engineering Department, National Board of Occupational Safety and Health.
ERIKSSON, Christer, Mr., Head of Section, Ministry of Labour.
HÖÖK, Lars Olof, Mr., Senior Programme Officer, Swedish International Development Authority.
KRUSE, Anders, Mr., General Counsel, National Labour Market Board.
WIKSTRÖM, Stig, Mr., Head of Section, Ministry of Labour.

Other persons attending the Conference

JONSSON, Elver, Mr., Member of Parliament, Vice Chairman of the Committee on the Labour Market.
EXNER, Lahja, Ms., Member of Parliament.
CEDERSCHIÖLD, Charlotte, Ms., Member of Parliament.
ÖSTLUND, Sten, Mr., Member of Parliament.
STRID-JANSSON, Laila, Ms., Member of Parliament.
HALVARSSON, Isa, Ms., Member of Parliament.
GAJE, Susanne, Ms., Deputy Secretary, Parliament Committee on the Labour Market.

Employers' Delegate

SELANDER, Sten, Mr., Legal Counsel, Swedish Employers' Confederation.

Advisers and substitute delegates

LAURIN, Ulf, Mr., President, Swedish Employers' Confederation.
ÖSTERBERG GROLL, Sonja, Ms., International Secretary, Swedish Employers' Confederation.

Advisers

CARLBERG, Sigurd, Mr., Director, Swedish Commercial and Service Employers' Association.

HULDT, Bengt, Mr., Director-General, Employers' Association of Swedish Mines.

MYRDAL, Hans-Göran, Mr., Director, Swedish Employers' Confederation.

REGNELL, Margareta, Ms., Director, Swedish Employers' Confederation.

Workers' Delegate

EDSTRÖM, Ulf, Mr., International Secretary, Swedish Trade Union Confederation.

Adviser and substitute delegate

ZETTERVALL-THAPPER, Keth, Ms., International Secretary, Swedish Confederation of Professional Employees.

Advisers

BODEN, Anna-Carin, Ms., Investigator, Swedish Association of Health Officers.

NIIA, Ella, Ms., Legal Adviser, Swedish Trade Union Confederation.

STENDALEN, Anders, Mr., First Secretary, Swedish Metal Workers' Union.

DERGEL, Leif, Mr., Trade Union Official, Swedish Confederation of Professional Employees.

JEANNERET, Lena, Ms., Interpreter, Swedish Trade Union Confederation.

Suisse Switzerland Suiza

Délégués gouvernementaux

NORDMANN, Jean-Luc, M., Directeur de l'office fédéral de l'industrie, des arts et métiers et du travail (OFIAMT).

ELMIGER, Jean-Jacques, M., Chef du service des affaires internationales de l'OFIAMT.

Conseiller technique et délégué suppléant

DUNANT, Christian, M., Ministre, chef adjoint, Mission permanente, à Genève.

Conseillers techniques

ENZ, Annette, Mme, Service des affaires internationales, OFIAMT.

IMESCH, Elisabeth, Mme, Chef de la Section organisations internationales, Office fédéral des assurances sociales.

NÜNLIST, Stefan, M., Secrétaire d'ambassade, Mission permanente à Genève.

STOFFEL, Marie-Louise, Mme, Adjointe, Division du marché du travail, OFIAMT.

BRANDT, Philippe, M., Département fédéral des affaires étrangères, Berne.

BÜRGI, Christina, Mme, Département fédéral des affaires étrangères, Berne.

GUYOT, Alexandre, M., Département fédéral des affaires étrangères, direction des organisations internationales, Berne.

Délégué des employeurs

DECOSTERD, Roger, M., Conseiller de Nestlé SA en affaires sociales, Saint-Légie; Membre adjoint suppléant, Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

PLASSARD, Alexandre, M., Secrétaire, Union centrale des associations patronales suisses, Zurich.

Conseillers techniques

LEHMANN, Daniel, M., Secrétaire, USAM, Berne.

MATTHEY, Blaise, M., Secrétaire permanent, Union des associations patronales genevoises (UAPG), Genève.

MEUWLY, Olivier, M., Secrétaire, USAM, Berne.

STAUB, Georg, M., Secrétaire, Fédération suisse des entreprises de placement privé et de travail temporaire (FSEPT), Zurich.

MÜGGLER, Urs, M., Président suisse, entreprises de placement privé et de travail temporaire (FSEPT), Zurich.

Délégué des travailleurs

BOILLAT, Jean-Pierre, M., Secrétaire, Union syndicale suisse (USS), Berne.

Conseiller technique et délégué suppléant

CRIDAZZI, Ursula, Mme, Secrétaire, Fédération des sociétés suisses d'employés (FSE), Zurich.

Conseillers techniques

MOSIMANN, Hans-Jakob, M., Secrétaire central, Syndicat suisse des services publics (SSP/VPOD), Zurich-Hottingen.

NEURY, Cynthia, Mme, Secrétaire du centre de coopération technique et de recherche pour l'éducation des travailleurs dans les pays en voie de developpement (CECOTREC), Genève.

RINGEISEN ARNOLD, Barbara, Mme, Dép. politique professionelle, Société suisse des employés de commerce (SSEC), Zurich.

SCHMID, Pierre, M., Vice-président, Syndicat de l'industrie, de la construction et des services (FTMH), Berne.

STUDER, Martin, M., Responsable, Service "sécurité au travail" du syndicat du bâtiment et du bois (FOBB), Zurich.

TORCHE, Denis, M., Secrétaire central, Confédération des syndicats chrétiens (CSC), Berne.

Suriname

Minister attending the Conference

KROSS, Jacques Ruben Constantijn, Mr., Minister of Labour.

Government Delegates

DAAL-VOGELLAND, Marny Yvette, Ms.

TJOA, Twie G.N., Ms.

Employers' Delegate

BIJNOE, George, Mr., Secretary-General, Suriname Trade & Industry Association.

Workers' Delegate

WATERBERG, Freddy, Mr.

Swaziland Swaziland Swazilandia

Minister attending the Conference

SHABANGU, A.H.N., Mr., Minister of Labour and Public Services.

Person accompanying the Minister

SHABANGU, Nomsa M., Mrs.

Government Delegates

CEKO, Sandile B., Mr., Principal Secretary, Ministry of Labour and Public Services.

BHEMBE, Ralph, Mr., Commissioner of Labour, Ministry of Labour and Public Services.

Adviser and substitute delegate

DLAMINI, Kahbo J., Mrs., Senior Labour Officer.

Employers' Delegate

HLOPHE, Musa I.N., Mr., F.S.E

Workers' Delegate

NCONGWANE, Vincent V., Mr., Swaziland Federation of Labour.

République arabe syrienne
Syrian Arab Republic
República Arabe Siria

Ministres assistant à la Conférence

KHALIL, Aly, M., Ministre des affaires sociales et du travail.

HATEM, Souleyman, M., Vice-Ministre des affaires sociales et du travail.

Délégués gouvernementaux

YASER, Naser Aldin, M., Directeur des relations internationales, Ministère des affaires sociales et du travail.

KASSAB, Abdul-Sattar Yassine, M., Directeur du travail, Ministère des affaires sociales et du travail.

Conseillers techniques et délégués suppléants

KHOURY, Clovis, M., Chargé d'affaires, Mission permanente à Genève.

ABDEL-FATTAH, Ali, M., Directeur des services sociaux, Ministère des affaires sociales et du travail.

AL BOUNNI, MARWAN, M., Directeur des assurances sociales, Damas.

IBRAHIM, Mahmoud, M., Directeur de l'hôpital des ouvriers, Damas.

BITAR, Ilias, M., Directeur des études juridiques au Ministère des affaires sociales et du travail.

SALLOUM, Abdel-Hamid, M., Premier secrétaire, Mission permanente à Genève.

AL-DAWALIBI, Hamza, M., Premier secrétaire, Mission permanente à Genève.

KAYALI, Chaghaf, Mlle, Première secrétaire, Mission permanente à Genève.

AL-JARF, Abir, Mlle, Troisième secrétaire, Mission permanente à Genève.

Délégué des employeurs

JAWISH, Mostafa, M., Directeur général, établissment général des industries textiles.

Conseillers techniques et délégués suppléants

AL-HENDI, Yehia, M., Président, Chambre d'industrie de Damas.

MALAKANI, Abdul-Hamid, M., Directeur général, Chambre d'industrie de Damas.

Délégué des travailleurs

ISSA, Mostafa, M., Secrétaire des relations arabes et internationales à la Fédération générale des syndicats des travailleurs.

Conseiller technique et délégué suppléant

AL-LOUZY, Ibrahim, M., Secrétaire des services de santé, Fédération générale des syndicats des travailleurs.

Conseiller technique

TAHA, Wajeh, M., Fédération générale des syndicats des travailleurs.

Tadjikistan Tajikistan Tayikistán

Government Delegates

ZUKHUROV, Zuhurdyum, Mr., Minister of Labour and Employment.

KRAVCHENKO, Alexander I., Mr., Director, Department for Social Development, Ministry of Labour and Employment.

Employers' Delegate

BAZAROV, Shavkat, Mr., President, National Association of Small and Medium-sized Enterprises.

Workers' Delegate

SALIKHOV, Murodaly, Mr., Chairman, Trade Union Federation.

République-Unie de Tanzanie United Republic of Tanzania República Unida de Tanzania

Minister attending the Conference

DIRIA, A.H., Mr., Minister for Labour and Youth Development.

Government Delegates

ABDALLAH, Ramadhani S., Mr., Minister, CMO's, Zanzibar.

BILAL, B.G., Mr., Labour Commissioner, Minister Zanzibar.

Advisers and substitute delegates

MTANGO, E.E.E, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

RUTABANZIBWA, A.C., Mr., Labour Officer.

Advisers

MKULO, M.M., Mr., Director-General, NPF.

MANGACHI, M.W., Mr., Minister-Counsellor, Permanent Mission, Geneva.

MVULA, C.H., Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

MAENDA, A.T., Mr., Executive Director, Association of Tanzania Employers (ATE).

Adviser and substitute delegate

LWALI, J.M., Mr.

Advisers

MATTAKA, D.E., Mr., Director-General, Parastatal Pension Fund (PPF).
MAGANYA, Pakoni A., Mr., Principal, High Precision Center (HPTC).

Workers' Delegate

NYAMUHOKYA, Peter B., Mr., Chairman, Organization of Tanzanian Trade Union (OTTU).

Adviser and substitute delegate

MPANGALA, Bruno, Mr., Secretary-General, Organization of Tanzanian Trade Union (OTTU).

République tchèque
Czech Republic República Checa

Minister attending the Conference

VODICKA, Jindrich, Mr., Minister of Labour and Social Affairs.

Government Delegates

VENERA, Zdenek, Mr., Chargé d'affaires a.i., Permanent Mission, Geneva.
VONKOVA, Jirina, Mrs., Deputy Minister of Labour and Social Affairs.

Advisers and substitute delegates

BERANEK, Milan, Mr., Deputy Director, International Economic Organizations Department, Ministry of Foreign Affairs.
FUCHS, Miroslav, Mr., Deputy Director, International Department, Ministry of Labour and Social Affairs.

Advisers

BARTOS, Josef, Mr., Chairman, Czech Mining Office.
UCHYTIL, Ales, Mr., Director, International Department, Ministry of Labour and Social Affairs.
PARIZKOVA, Ladislava, Mrs., Ministry of Labour and Social Affairs.
PRENOSILOVA, Vera, Mrs., Ministry of Labour and Social Affairs.
BRUMOVSKY, Karel, Mr., Head of Division, Ministry of Labour and Social Affairs.
PINTER, Ivan, Mr., Second Secretary, Permanent Mission, Geneva.
SKODA, Pavel, Mr., Ministry of Foreign Affairs.

Employers' Delegate

PRIOR, Pavel, Mr., Vice-President, Union of Industries and Transport.

Advisers and substitute delegates

JIZDNY, Antonin, Mr., President, Federation of Unions of Employers.
STADNIK, Jiri, Mr., Secretary-General, Confederation of Unions of Employers and Entrepreneurs.

Advisers

SKALA, Jiri, Mr., Union of Entrepreneurs in Building.
PAUL, Roman, Mr., Union of Entrepreneurs.
KUBICKOVA, Daniela, Mrs., Union of Industries and Transport.
POSTA, Vaclav, Mr., Federation of Unions of Employers.

Workers' Delegate

FALBR, Richard, Mr., Chairman, Czecho-Moravian Chamber of Trade Unions; Member, Governing Body of the ILO.

Adviser and substitute delegate

BERAN, Vlastimil, Mr., Head, International Division, Czecho-Moravian Chamber of Trade Unions.

Advisers

RYCHLY, Ludek, Mr., Czecho-Moravian Chamber of Trade Unions.
WOLF, Stanislav, Mr., Trade Union of Workers in Mining, Geology and Oil Industry.
HORAKOVA, Ivana, Mrs., Czecho-Moravian Chamber of Trade Unions.

Thaïlande Thailand Tailandia

Minister attending the Conference

KAEOTHONG, Phaithoon, Mr., Minister of Labour and Social Welfare.

Persons accompanying the Minister

VANASIN, Boon, Mr., Adviser to the Minister.
PAEPUANG, Chalerm, Mr., Adviser to the Minister.

Government Delegates

PRAMMANEE, Sawai, Mr., Permanent Secretary, Ministry of Labour and Social Welfare.
BUNNAG, Tej, Mr., Ambassador, Permanent Mission, Geneva.

Advisers and substitute delegates

REANTRAGOON, Senchai, Mr., Director-General, Department of Employment, Ministry of Labour and Social Welfare.
CHANTARAT, Rungsarit, Mr., Director-General, Department of Labour Protection and Welfare, Ministry of Labour and Social Welfare.
CHANDRAVITHUN, Nikom, Mr., Chief Labour Advisor to the Minister.
PHAYUNGTPONGS, Narong, Mr., Deputy Director-General, Office of Social Security Ministry of Labour and Social Welfare.
CHANDRAPRASERT, Elawat, Mr., Deputy Director-General, Department of Public Welfare, Ministry of Labour and Social Welfare.
SOPHASTIENPHONG, Thawatchai, Mr., Minister, Office of Commercial Affairs, Permanent Mission, Geneva.
KUNNAVATANA, Mallika, Mrs., Director, Office of Labour and Social Welfare Studies, Ministry of Labour and Social Welfare.
PAYAKANITI, Supatra, Mrs., Director, International Affairs Division, Office of Permanent Secretary, Ministry of Labour and Social Welfare.
CHAVALITNITIKUL, Chaiyuth, Mr., Director, National Institute for Improvement of Working Conditions and Environment, Ministry of Labour and Social Welfare.
SUEBWONGPAT, Sutassanee, Mrs., Director, Finance Division, Office of the Permanent Secretary, Ministry of Labour and Social Welfare.
VACHARATHIT, Viraphand, Mr., Minister Counsellor, Permanent Mission, Geneva.
NAKCHUEN, Kamjorn, Mr., Senior Legal Adviser, Department of Labour Protection and Welfare, Ministry of Labour and Social Welfare.
LIMSUWAT, Ariya, Ms., Senior Officer, International Affairs Division.

Employers' Delegate

THANESUEN, Thiva, Mr., President, Employers' Confederation of Thailand (ECOT).

Advisers and substitute delegates

CHIEMPRICHA, Boonsang, Mr., Vice-President, ECOT.
HONGSAKUL, Chalit, Mr., Secretary-General, ECOT.

Advisers

SUCKRASORN, Chit, Mr., Vice-President, ECOT.
RUJIROJANASKUL, Kanatat, Mr., Treasurer, ECOT.
CHIEMPRICHA, Jitpranee, Mrs., Member, ECOT.
HETRAKUL, Preeyaporn, Mrs., Member, ECOT.
VASURAT, Jirayudh, Mr., President, Employers' Confederation of Thai Trade and Industry (ECON THAI).
JUANGTRAKUL, Jannien, Mr., Vice-President, ECON THAI.
AKHOMTHON, Chavlit, Mr., Secretary-General, ECON THAI.

Workers' Delegate

TECHATEERAVAT, Thavee, Mr., Secretary-General, Thai Trade Union Congress.

Advisers and substitute delegates

CHAILUNGGA, Jumrus, Mr., Secretary-General, National Congress of Thai Labour.
THITAYANPONG, Preecha, Mr., Secretary-General, National Free Labour Union Congress.
PHOLCHAROEN, Thawatchai, Mr., Secretary General, National Congress of Private Employees.
BANDARSAK, Ampom, Mr., President, Confederation of Thai Labour.
KLUNSUWAN, Banyat, Mr., Member, State Enterprises Relations Confederation.
CHAROENPHAO, Panit, Mr., President, Thai Trade Union Congress.
THAILUAN, Panus, Mr., President, National Congress of Thai Labour.

Togo

Délégués gouvernementaux

BINGUITCHA-FARE, Ismaïl, M., Ministre de l'Emploi, du Travail, de la Fonction publique et des Affaires sociales.
BLEDJE, Max Djifa, M., Directeur général du travail et des lois sociales.

Délégué des employeurs

SEDDOH, Kwaku Gadzodzi, M., Directeur général adjoint, CICA.

Délégué des travailleurs

TOZOUN, Kokou Biossey, M., Secrétaire général, Union générale des syndicats libres (UGSL).

Conseillers techniques

GBIKPI-BENISSAN, Tétévi, M., Secrétaire général, Union nationale des syndicats indépendants du Togo (UNSIT).

DOEVI-TSIBIAKU, Dolayi Mawulom, M., Secrétaire général, Confédération nationale des travailleurs du Togo (CNTT).

Trinité-et-Tobago
Trinidad and Tobago
Trinidad y Tabago

Minister attending the Conference

COLLIS, Valentine Kenneth, Mr., Minister of Labour and Cooperatives.

Government Delegates

SPENCER, Trevor, Mr., Ambassador, Permanent Mission, Geneva.

MC SHINE, Louis, Mr., Permanent Secretary, Ministry of Labour and Cooperatives.

Advisers and substitute delegates

GONZALES, Annette, Mrs., Counsellor, Permanent Mission, Geneva.

PLACIDE, Lawrence, Mr., First Secretary, Permanent Mission, Geneva.

HENRY, Donna, Mrs., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

MILLETTE, Emru, Mr., Director, Employers' Consultative Association of Trinidad and Tobago; Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

HILTON-CLARKE, Walton Allison, Mr., Executive Committee Member, Employers' Consultative Association of Trinidad and Tobago.

Workers' Delegate

ABERDEEN, Albert, Mr., First Vice President, National Trade Union Centre of Trinidad and Tobago.

Advisers and substitute delegates

JOHN, Selwyn, Mr., General Secretary, National Trade Union Centre of Trinidad and Tobago.

HINDS, Owen, Mr., Trustee, National Trade Union Centre of Trinidad and Tobago.

Tunisie Tunisia Túnez

Ministre assistant à la Conférence

KHALIL EL FADHEL, Mohamed, M., Ministre des Affaires sociales.

Personne accompagnant le Ministre

ENNACEUR, Mohamed, M., Ambassadeur, Représentant permanent à Genève; Représentant gouvernemental, Conseil d'administration du BIT.

Délégués gouvernementaux

KCHAOU, Mohamed, M., Directeur général du travail, Ministère des Affaires sociales; Représentant gouvernemental suppléant, Conseil d'admnistration du BIT.

BAATI, Moncef, M., Conseiller, Mission permanente à Genève.

Conseillers techniques et délégués suppléants

TEBOURBI, Habib, M., Conseiller, Mission permanente à Genève.

RIHANI, Hamouda, M., Directeur, Coopération internationale, Ministère des Affaires sociales.

Conseillers techniques

CHOUBA, Samia, Mme, Sous-directeur des relations extérieures, Ministère des Affaires sociales.

MAMOU, Hédi, M., Directeur général de l'emploi et de l'emigration, Ministère de la Formation professionnelle et de l'Emploi.

MABROUK, Abdelmajid, M., Directeur, Ministère de la Formation professionnelle et de l'Emploi.

EL GHARSI, Mohsen, M., Ingénieur de sécurité, Institut de la santé et de la sécurité du travail.

JMAL, Abderraouf, M., Chef de service, Ministère des Affaires sociales.

Délégué des employeurs

JILANI, Hédi, M., Président, Union tunisienne de l'Industrie, du commerce et de l'artisanat.

Conseiller technique et délégué suppléant

M'KAISSI, Ali, M., Directeur, Département des relations du travail et des affaires sociales (UTICA); Membre adjoint suppléant, Conseil d'administration du BIT.

Conseillers techniques

BEN M'BAREK, Khaled, M., Membre du bureau exécutif, UTICA.

DARGHOUTH, M'Hamed, M., Membre du bureau exécutif, TICA.

BEN MUSTAPHA, Ezzeddine, M., Membre du bureau exécutif, Union tunisienne de l'agriculture et de la pêche.

BOUMIZA, Khaled, M., Cadre à l'Union tunisienne de l'industrie, du commerce et de l'artisanat (UTICA).

Délégué des travailleurs

SAHBANI, Ismaïl, M., Secrétaire général, union générale tunisienne du travail.

Conseiller technique et délégué suppléant

BOUSLAH, Mohamed Khereddine, M., Membre du bureau exécutif, UGTT.

Conseillers techniques

GHODHBANI, Hédi, M., Membre du bureau exécutif, UGTT.

EL YACOUBI, Moncef, M., Membre du bureau exécutif, UGTT.

EL BRIKI, Abid, M., Membre du bureau exécutif, UGTT.

SAHRAOUI, Abdelmajid, M., Membre du bureau éxécutif de l'Union générale tunisienne du travail (UGTT).

Turquie Turkey Turquía

Minister attending the Conference

MOGULTAY, Mehmet, Mr., Minister of Labour and Social Security.

Person accompanying the Minister

MOGULTAY, Ayse, Mrs.

Government Delegates

AKTAN, Gündüz, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

TERZI, Osman, Mr., Deputy Under Secretary, Ministry of Labour and Social Security.

Advisers and substitute delegates

CANKOREL, Bilge, Mr., Minister Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva.

SEREF, Midhat, Mr., Counsellor (Social and Labour Affairs), Permanent Mission, Geneva.

Advisers

KUTAL, Metin, Mr., Advisor, Ministry of Labour and Social Security.

TASKENT, Savas, Mr., Advisor, Ministry of Labour and Social Security.

SUZEK, Sarper, Mr., Faculty of Law, University of Ankara.

INAL, Mhmet Ali, Mr., Head, Research, Planning and Coordination Board (RPC Board), Ministry of Labour and Social Security.

SABIR, Handan, Ms., Director, Centre for Occupational Health and Safety, Ministry of Labour and Social Security.

ADALI, Murat, Mr., First Secretary, Permanent Mission, Geneva.

AKSAHIN, Sahabettin, Mr., Head of Department (RPC Board), Ministry of Labour and Social Security.

GULDERE, Bogaç, Mr., Second Secretary, Permanent Mission in Geneva.

CEYLAN, Tuncay O., Mr., Chief of Cabinet, Ministry of Labour and Social Security.

Employers' Delegate

ATASAYAR, Kubilay, Mr., Secretary General, Confederation of Employer's Associations of Turkey (TISK); Substitute Deputy Member, Governing Body of the ILO.

Advisers

EREZ, Mesut, Mr., Chairman, Executive Board, Employers' Association of Cement Producers.
OGUZMAN, Kemal, Mr., Member, Faculty of Law, University of Istanbul.
CIFTER, Algun, Mr., Deputy Secretary-General, Turkish Employers' Association of Metal Industries (MESS).
EVIN, Vefik, Mr., Secretary-General, Foundation of Education of MESS.
OZUSTUN, Engür, Mr., Coordinator for Industrial Relations, Akcimento and Trade SA.
ALTINBASAK, Talha, Mr., Second President, Turkish Employers' Association of Textile Industry.
RONA, Ercüment, Mr., Secretary-General, Turkish Employers' Association of Textile Industry.
ARSLAN, Türker, Mr., Deputy Secretary-General, Turkish Employers' Association of Textile Industry.
PIRLER, Bülent, Mr., Deputy Secretary-General, TISK.
BAYAZIT, Sancar, Mr., General Secretary, Cement Producers Association.

Workers' Delegate

MERAL, Bayram, Mr., President, Confederation of Trade Unions of Turkey (TURK-IS).

Advisers

DENIZER, Semsi, Mr., Secretary-General, TURK-IS.
YILMAZ, Sevket, Mr., President, TEKSIF.
BARUT, Faruk, Mr., President, TES-IS.
OZBEK, Mustafa, Mr., President, Turkish Metal Workers Union.
ERALAN, Tamer, Mr., President, CIMSE-IS.
BALTA, Orhan, Mr., President, TEKGIDA-IS.
CETIN, Izzet, Mr., President, TURK HARB-IS.
ALCAN, Hikmet, Mr., President, SEKER-IS.
ERCAKIR, Güral, Mr., President, AGAC-IS.
BASOGLU, Mustafa, Mr., President, SAGLIK-IS.

Ukraine Ukraine Ucrania

Ministre assistant à la Conférence

KASKEVITCH, Mikhail, M., Ministre du Travail.

Délégués gouvernementaux

LIPATOV, Valentine, M., Vice-ministre des Affaires étrangères.
SLIPTCHENKO, Olexandre, M., Ambassadeur, Représentant permanent à Genève.

Conseillers techniques et délégués suppléants

VINOKOUROV, Andrei, M., Chef adjoint du Département, Ministère des Affaires étrangères.
IVANKEVITCH, Victor, M., Chef adjoint de la Division au Cabinet des Ministres.
DUBA, Anatoli, M., Président du Comité d'état.
YANKO, Stanislav, M., Vice-président du Comité d'état de l'industrie charbonnière.
FICHTCHENKO, Serguei, M., Chef adjoint de la Division au Cabinet des Ministres.
REVA, Sergui, M., Premier Secrétaire, Mission permanente à Genève.

Délégué des employeurs

MAYKO, Vitali, M., Vice-président de l'Union ukrainienne des employeurs.

Conseiller technique et délégué suppléant

PONOMAREV, Vassili, M., Directeur général du groupement industriel de relais et moyens d'automatisation à Kiev.

Délégué des travailleurs

STOYANE, Alexandre, M., Président, Fédération des syndicats de l'Ukraine.

Conseillers techniques et délégués suppléants

FESSENKO, Konstantine, M., Président du Conseil du syndicat des travailleurs de l'industrie charbonnière.
CHILOV, Vassili, M., Chef adjoint de la Division, Fédération des syndicats de l'Ukraine.

Uruguay

Ministro asistente a la Conferencia

REILLY SALAVERRY, Ricardo, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

BERTHET, Miguel J., Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.
BERRO, Roberto, Sr., Subdirector General , Ministerio del Trabajo y Seguridad Social.

Consejeros técnicos

VANERIO, Gustavo, Sr., Consejero.
CABRERA, Alfredo, Sr., Inspector General del Trabajo y la Seguridad Social, Ministerio de Trabajo y Seguridad Social.
CHABEN LABADIE, Nelson, Sr., Primer Secretario, Misión permanente en Ginebra.

Delegado de los empleadores

PENINO, Nelson, Sr., Cámara de Industrias.

Consejero técnico y delegado suplente

BARRENECHEA, Rafael, Sr., Asociación Comercial.

Consejero técnico

VARELA TRAVERSO, Jacabo, Sr., Cámara Nacional de Comercio; miembro adjunto suplente, Consejo de Administración de la OIT.

Delegado de los trabajadores

MELGAREJO GARCIA, Alberto, Sr., Plenario Intersindical de Trabajadores (PIT-CNT).

Consejero técnico y delegado suplente

VARELA, Raúl, Sr., PIT-CNT.

Venezuela

Ministro asistente a la Conferencia

GARRIDO MENDOZA, Juan Nepomuceno, Sr., Ministro del Trabajo y Desarrollo Social.

Delegados gubernamentales

TARRE MURZI, Alfredo, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.
ARRAEZ, Gisela, Sra., Consejero, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

MENDEZ, Wilmer, Sr., Segundo Secretario, Misión Permanente en Ginebra.
FONSECA, Violeta, Sra., Segundo Secretario, Misión Permanente en Ginebra.
AROCHA, Lesbia Yaneth, Sra., Tercer Secretario, Misión Permanente en Ginebra.

Consejeros técnicos

RODRIGUEZ NAVARRO, Reinaldo José, Sr., Ministerio del Trabajo.
HERNANDEZ ALVAREZ, Oscar, Sr., Ministerio del Trabajo.

Delegado de los empleadores

ROMERO NAVA, Edgar, Sr., Presidente de la Federación Venezolana de Cámaras y Asociaciones de Comercios y Producción (FEDECAMARAS).

Consejeros técnicos

DE ARBELOA, Bingen, Sr., President de la Comisión OIT/OIE; Miembro adjunto suplente, Consejo de Administración de la OIT.
VERA C., Juan Vicente, Sr.
GARRIDO SOTO, Alexis, Sr.
MONGIAT MONGIAT, Pio, Sr.
TRULLAS, Pedro, Sr.
CARDOZO, Omar, Sr.
FITZGERALD, Lya Rita, Sra.
FEO LA CRUZ, Alejandro, Sr.
GUEVARA, Arturo, Sr., Federación Venezolana de Cámaras y Asociaciones de Comercio y Producción (FEDECAMARAS).

Delegado de los trabajadores

BELTRAN VALLEJO, José, Sr., Presidente de la CTV.

Consejeros técnicos

RAMIREZ LEON, Federico, Sr., CTV.
NAVARRO, Carlos, Sr., CTV.
GIL R., Casto, Sr., CTV.
MELENDEZ, Rafael, Sr., CTV.
CORONEL, Salomón, Sr., CTV.
DEUTSCH, Haydée, Sra., CODESA.
LEON TRUJILLO, Pedro, Sr., CGT.
CROPEZA, Virgilio, Sr., CUTV.
SALAS, Silfo, Sr., CTV.
PETIT, Ramón, Sr., CTV.

Personas designadas de conformidad con el articulo 2, párrafo 3 i)

SAAVEDRA, Valentín, Sr., CTV.
URBIETA, Jesús, Sr., INAESIN-CTV

PLAT, Emilio, Sr., CTV.
ROJAS MEDINA, José, Sr., (INAESIN-CTV)
MARIN, Iraida, Sra., CTV.

Viet Nam

Ministre assistant à la Conférence

TRAN DINH HOAN, M., Ministre du Travail, des Invalides et des Affaires sociales.

Délégués gouvernementaux

NGUYEN, Luong, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
VU LAM THOI, M., Directeur adjoint, Département de la coopération internationale , Ministère du Travail, des Invalides et des Affaires sociales.

Conseillers techniques et délégués suppléants

VUONG DINH, Van, M., Premier Secrétaire, Mission permanente à Genève.
VU HUY, Tan, M., Premier secrétaire, Mission permanente à Genève.

Conseillers techniques

NGUYEN KIM, Phuong, M., Expert, Département de la coopération internationale, Ministère du Travail, des Invalides et des Affaires sociales.
DUNG, Nguyen Huu, M.

Délégué des employeurs

NGUYEN TIEN QUAN, M., Directeur général, Centre de soutien au développement des entreprises non-étatiques.

Délégué des travailleurs

HOANG MING CHUC, M., Vice-président , Confédération générale du travail.

Conseiller technique et délégué suppléant

NGUYEN XUAN TAM, M.

Yemen

Minister attending the Conference

AL BATANI, Mohamed Abdullah, Mr., Minister, Social Insurance and Labour.

Government Delegates

AL DHOBEE, Ali Mohamed, Mr., Vice-Minister, Social Insurance and Labour.
AL HAKIM, Yahia Abdulrahman, Mr., Deputy-Minister.

Advisers and substitute delegates

HAJAR, Zaid Mohamed, Mr., Minister Plenipotentiary, Permanent Mission.
MOKBEL, Mohamed Ahmed, Mr., Counsellor at Ministry.
OBAD, Ali Saleh, Mr., Counsellor at Ministry.
AL NEMR, Mohamed Saleh, Mr., Relations, Director-General.
SHAWALAH, Abu Baker, Mr., Director, Minister's Office.

Employers' Delegate

TABET, Ahmed Mohamed, Mr., Counsellor, Secretary General, Union of Chambers of Commerce and Industry.

Advisers and substitute delegates

EL RUBEIDY, Abdallah Hamoud, Mr., General Director, Union of Chambers of Commerce and Industry.
AL-RADHI, Ahmed Mohamed Zaid, Mr.

Workers' Delegate

AL KAHLANY, Yahia Mohamed, Mr., Secretary General, Workers Unions.

Adviser and substitute delegate

AL GHADRY, Mohamed Mohamed, Mr., Member, Executif Office, Trade Unions.

Zaire

Ministre assistant à la Conférence

KISHWE MAYA, Adolf, M., Ministre du Travail, de la Main-d'oeuvre et de la Prévoyance sociale.

Délégués gouvernementaux

AYITS BUT'ONGOL, M., Secrétaire général, Ministère du Travail, de la Main-d'oeuvre et de la Prévoyance sociale.

MARUME MULUME, M., Attaché financier, Chargé d'affaires.

Délégué des employeurs

LUBOYA DIYOKA, Edouard, M., Administrateur délégué, Association nationale des entreprises du Zaïre (ANEZA).

Délégué des travailleurs

KATALAY MULELI SANGOL, M., Président, Union nationale des travailleurs (UNTZA).

Conseillers techniques et délégués suppléants

BINTOU' A-TSHIABOLA, Raphapel, M., Président national, F.G.T.Z.

MUSAS ZAND, Augustin, M., Secrétaire général du syndicat national des travailleurs de la Regideso (SYNATREG). Président national de la (COOSEPP).

Conseillers techniques

KIKONGI DI MWINSA LEKULA, Fernand, M., Président, Confédération syndicale.

MBIKAYI MABULUK, Steve, M., Secrétaire général, syndicat national des agents du groupe ONATRA, (SYNAGON).

KALOMBO SUMBAGA, Thomas, M., Secrétaire général, syndicat des travailleurs de la REGIDESO.

OKENDE SENGA, Cherubin, M., Secrétaire général, syndicat SATOZAC.

MBIKAYI MABULUKI, Steve, M., Syndicat national, agent du groupe ONATRA.

Zambie Zambia Zambia

Minister attending the Conference

ZIMBA, Newstead Lewis, Mr., Minister of Labour and Social Security.

Government Delegates

NYIRENDA, Gerald Peter, Mr., Permanent Secretary, Ministry of Labour and Social Security.

NYIRENDA, Evans Julius, Mr., Labour Commissioner, Ministry of Labour and Social Security.

Adviser and substitute delegate

KALILO, Godfrey Chilufya, Mr., Chief Inspector of Mines, Mines Safety Department.

Advisers

CHABALA, Isaiah Z, Mr., Permament Representative, Geneva.

SINYINZA, P.N., Mr., Counsellor (Economics)

Employers' Delegate

SANYAMBE, Mukubesa, Mr.

Adviser and substitute delegate

MWILA, Max Musunga, Mr.

Advisers

MUSENGE, Dann Kunda, Mr.

MUSANA, Davey, Mr.

IMASIKU, Francis Lubinda, Mr., Manager- Safety, Zambia Consolidated Copper Mines Ltd.

Workers' Delegate

SHAMENDA, Fackson Uphum, Mr.

Adviser and substitute delegate

KUNDA, Francis, Mr.

Zimbabwe

Minister attending the Conference

NKOMO, J.L., Mr., Minister of Public Service, Labour and Social Welfare; Chairman, Governing Body of the ILO.

Government Delegates

CHITAURO, F., Mrs., Deputy Minister of Public Service, Labour and Social Welfare.
JOKONYA, T.J.B., Mr., Ambassador, Permanent Mission, Geneva.

Advisers and substitute delegates

SIBANDA, M.J.M., Mr., Permanent Secretary, Ministry of Public Service, Labour and Social Welfare.
MASOKA, N., Mr., Director, Labour Administration, Ministry of Public Service, Labour and Social Welfare.
HOVE, M.C., Mr., Minister Counsellor, Permanent Mission, Geneva.

Advisers

MUTUBUKI, N., Mr., National Social Security Authority.
CHIPARE, G.M., Mr., Counsellor, Permanent Mission, Geneva.
KHUMALO, S.D., Mr., First Secretary, Permanent Mission, Geneva.
NDAONA, J.N., Ms., First Secretary, Permanent Mission, Geneva.
MUPEZENI, K., Mr., First Secretary, Permanent Mission, Geneva.
CHIKOROWONDO, M., Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

CHIWESHE, E., Mr., President, EMCOZ; Substitute Deputy Member, Governing Body of the ILO.

Advisers and substitute delegates

HENSON, Mr., EMCOZ.
EAGLING, J.A., Mr., Zimbabwe Chamber of Mines.

Workers' Delegate

SIBANDA, G., Mr., President, ZCTU; Deputy Member, Governing Body of the ILO.

Advisers and substitute delegates

TSVANGIRAI, M., Mr., Secretary-General, ZCTU.
CHIFAMBA, S., Mr., Commercial Workers Union.
NJEKESA, Mr.

OBSERVATEURS

OBSERVERS

OBSERVADORES

Bermudes Bermuda Bermudas

Representatives

PEARMAN, John Irving, Mr., Minister of Labour and Home Affairs.
WILSON, Edwin, Mr., Labour Relations Officer.
TUCKER, Dennis, Mr., Bermuda Employers Council.
SIMMONS, Ottiwell A., Mr., President, Bermuda Industrial Union.

République pop. démo. de Corée Democratic people's rep. of Korea República Popular demo. de Corea

Représentants

TCHEUL, Ri, M., Ambassador, Représentant permanent, Mission permanente à Genève.
CHANG ON, Han, M., Mission permanente à Genève.
TCHEUL SOU, Kim, M., Premier secrétaire, Mission permanente à Genève.

Saint-Siège The Holy See Santa sede

Représentants

TAURAN, Jean-Louis, M., Mgr. Secrétaire pour les Relations avec les Etats.
TABET, Paul F., M., Nonce Apostolique, Observateur permament du Saint-Siége à Genève.
PIERRE, Christophe, M., Conseiller, Mission Genève.
ROCH, Raymond, M., Membre
GUERRA, Paolo, M., Membre
DE GREGORI, Massimo, M., Membre

REPRÉSENTANTS DES NATIONS UNIES, DES INSTITUTIONS SPÉCIALISÉES ET D'AUTRES ORGANISATIONS INTERNATIONALES OFFICIELLES

REPRESENTATIVES OF THE UNITED NATIONS, SPECIALIZED AGENCIES AND OTHER OFFICIAL INTERNATIONAL ORGANIZATIONS

REPRESENTANTES DE LAS NACIONES UNIDAS, DE LOS ORGANISMOS ESPECIALIZADOS Y DE OTRAS ORGANIZACIONALES OFICIALES

Nations Unies
United Nations
Naciones Unidas

KHMELNITSKY, S., Mr., External Relations and Inter-Agency Officer.
SALIBA, Milad, Mr., Senior Officer, Office of the Executive Secretary, (ECE).
PASTIZZI-FERENCIC, Dunja, Mrs., Deputy Executive Secretary, (ECE).

***

ABRASZEWSKI, A., Mr., Chairman, Joint Inspection Unit.
HERNÁNDEZ-SANCHEZ, H.L., Mr., Joint Inspection Unit.
OTHMAN, H.I., Mr., Joint Inspection Unit.
QUIJANO, R., Mr., Joint Inspection Unit.

Conférence des Nations Unies sur le commerce et le développement
United Nations Conference on Trade and Development
Conferencia de las Naciones Unidas sobre Comercio y Desarrollo

TSYBA, P., Mr., Senior Economic Affairs Officer, Policy Coordination and External Relations Service.
OGNIVTSEV, V., Mr., Economic Affairs Officer.

Haut Commissariat des Nations Unies pour les réfugiés
Office of the United Nations High Commissioner for Refugees
Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados

WALZER, Gerald, Mr., Deputy High Commissioner.
BERGLUND, Stefan, Mr., Inter-Organization Cooperation Section, External Relations Division.

Fonds des Nations Unies pour la population
United Nations Population Fund
Fondo de Población de las Naciones Unidas

EL-HENEIDI, Roushdi, Mr., Director, European Liaison Office.
LASSONDE, Louise, Ms., External Relations Officer, European Liaison Office, Geneva.

Programme des Nations Unies pour le développement
United Nations Development Programme
Programa de las Naciones Unidas para el Desarrollo

BONEV, Evlogui, Mr., Senior Adviser, Geneva Office.
SPETH, James Gustave, Mr., Administrator.

Programme alimentaire mondial
World Food Programme
Programa Mundial de Alimentos

KAESS, B. G., Mr., Chief, Geneva Office.

Organisation des Nations Unies pour l'alimentation et l'agriculture
Food and Agriculture Organization of the United Nations
Organización da las Naciones Unidas para la Agricultura y la Alimentación

PURCELL, Arturo, Mr., Senior Liaison Officer, Liaison Office, Geneva.

Organisation des Nations Unies pour l'éducation, la science et la culture
United Nations Educational, Scientific and Cultural Organization
Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura

MALHOTRA, P., Mr., Officer in charge, Liaison Office, Geneva.

Organisation mondiale de la santé
World Health Organization
Organización Mundial de la Salud

KAWAGUCHI, Yuji, Mr., Director, Division of Interagency Affairs.
MIKHEEV, M., Mr., Chief, Office of Occupational Health.
MARTI, R.M., Mr., Adviser, Division of Budget and Finance.

Banque internationale pour la reconstruction et le développement
International Bank for Reconstruction and Development
Banco Internacional de Reconstrucción y Fomento

AMOAKO, K.Y., Mrs., Director, Education and Human Resources.

Fonds monétaire international
International Monetary Fund
Fondo Monetario Internacional

JUNZ, H.B., Mrs., Special Trade Representative, Director, Geneva Office.
BHATIA, R.J., Mr., Special Representative to the United Nations.
TAPLIN, G.B., Mr., Assistant Director, Geneva Office.
SCOTT, N., Mr., Consultant, Geneva Office.
HUSSAIN, Atiya, Ms.

Organisation des Nations Unies pour le développement industriel
United Nations Industrial Development Organization
Organización de las Naciones Unidas para el Desarollo Industrial

AKPA, Akmel, M., Office-in-Charge, UNIDO office, Geneva.

Agence internationale de l'énergie atomique
International Atomic Energy Agency
Organismo Internacional de Energía Atómica

OPELZ, Merle S., Ms., Head, Geneva Office.
WEBSTER, Aileen B., Ms., Geneva Office.

Accord général sur les tarifs douaniers et le commerce
General Agreement on Tariffs and Trade
Acuerdo General sobre Aranceles Aduaneros y Comercio

FRANK, Alain, Mr., Director, External Relations Division.
ELGIN, Richard, Mr., Director, Technical Barriers to Trade and Trade and Environment Division.
SHAW, Sabrina, Ms., Economic Affairs Officer, Technical Barriers to Trade and Trade and Environment Division.

Organisation internationale pour les migrations
International Organization for Migration
Organización Internacional para las Migraciones

SCHATZER, Peter, Mr., Director, External Relations.
MAROOFI, M.Y., Mr., Regional Assistant, Regional Bureau for Asia and Oceania.
GHOSH, Bimal, Mr., Senior Consultant.

Centre régional africain d'administration du travail
African Regional Labour Administration Centre
Centro Regional Africano de Administración de Trabajo

KOUAMOU, Etienne, M., Directeur.

Organisation de l'unité africaine
Organization of African Unity
Organización de la Unidad Africana

WEGE NZOMWITA, Venant, Mr., Deputy Permanent Observer.
FARAG, Aziz, Mr., Minister's Counsellor, Labour & Social Affairs.

Communauté des Caraïbes
Caribbean Community Secretariat
Comunidad del Caribe

GOOLSARRAN, S. J., Mr., Deputy Programme Manager, Labour and Human Development.

Organisation arabe du travail
Arab Labour Organization
Organización Arabe del Trabajo

RASSOUL, Bakr Mahmoud, M., Directeur général
EL TELAWI, Adnan, M., Chef, délégation permanente à Genève.
AHMED, Suliman Aly, M., Chef, Département des relations extérieures.
KHAIRY, Hachem A., M., Directeur Général adjoint.
ABOU SENINA, Zakaria, M., Directeur de départements de protection de la main d'oeuvre.

Ligue des Etats arabes
League of Arab States
Liga de Estados Arabes

ASKALANI, Nehad, M., Ambassadeur, Représentant permanent.
HARGUEM, Ahmed, M., Représentant permanent adjoint.
ALMOMAN, Ala, M., Mission permanente, Genève.
EL HAJJE, Osman, M., Mission permanente, Genève.
AEID, Salah, M.

Organisation de coopération et de développement économiques
Organisation for Economic Co-operation and Development

WOOD, Bernard, Mr., Director.
BALLIVET, Hélène, Mrs., Geneva Liason Office.

Communautés européennes
European Communities
Communidades Europeas

FLYNN, Padraig, M., Membre de la Commission, chargé des affaires sociales et de l'emploi.
LENG, Jean-Pierre, M., Ambassadeur, Chef de la délégation permanente à Genève, Commission.
JONES, Hywel Ceri, M., Directeur général, Direction générale emploi, relations industrielles et affaires sociales, Commission.
HAIGH, Ronald, M., Chef d'unité, Direction générale emploi, relations industrielles et affaires sociales, Commission.
DEVONIC, Fay, Mlle, Chef d'unité, Direction générale emploi, relations industrielles et affaires sociales, Commission.
DUFOUR, Christian, M., Attaché, délégation permanente à Genève, Commission.
ARESINI, Giorgio, M., Administrateur principal, Direction générale emploi, relations industrielles et affaires sociales, Commission.
TEN GEUZENDAM, Johan, M., Administrateur principa Direction générale emploi, relations industrielles et affaires sociales, Commission.
FUENTE, A., M., Administrateur principal, Direction générale emploi, relations industrielles et affaires sociales, Commission.

ROTHER, Eggehard, M., Administrateur principal, Direction générale emploi, relations industrielles et affaires sociales, Commission.
MILLEROT, D., M., Administrateur adjoint, Direction générale emploi, relations industrielles et affaires sociales, Commission.
PARIS, J.- J., M., Consultant, Direction générale emploi, relations industrielles et affaires sociales, Commission.
SENTENSTEIN, Egon, M., Administrateur principal, Conseil.
YOUSSOUROUM, Noë, M., Administrateur principal, Conseil.
DE DALMAU, Maria do Carmo, Mme, Administrateur, Conseil.

Conseil de l'Europe
Council of Europe
Consejo de Europa

GUTHRIE, Robin, M., Directeur, Affaires sociales et économiques.
NAGEL, S.G., M., Chef, Division de la sécurité sociale et de l'emploi.

Organisation européenne pour la recherche nucléaire
European Organization for Nuclear Research
Organización Europea para la Investigación Nuclear

DUFOUR, J.-M., M., Conseiller juridique.
DANEY, Xavier, M.

Conseil nordique
Nordic Council
Consejo Nórdico

ÖHRSVIK, Lena, Mrs., Chairman, Social Commitee
NÄSLUND, Ingrid, Mrs., MP Sweden.
ROSSI, Markku, Mr., MP Finland.
JENSSEN, Jorgen Hans, Mr., MP Denmark.
STILLING PEDERSEN, Inger, Ms., MP Denmark
LOHINIVA, Greta, Mrs., Finland
SÖDERMAN, Anita, Mrs., Sverige.
EINARSSON, Ingimar, Mr., Secretary, Social Committee

REPRÉSENTANTS D'ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES

REPRESENTATIVES OF NON-GOVERNMENTAL ORGANIZATIONS

REPRESENTANTES DE ORGANIZACIONES NO GUBERNAMENTALES

Alliance coopérative internationale
International Co-operative Alliance
Alianza Cooperativa Internacional

MARCUS, Lars, Mr., President.

Confédération internationale des syndicats libres
International Confederation of Free Trade Unions
Confederación Internacional de Organizaciones Sindicales Libres

TROTMAN, LeRoy, Mr., President.
FRISO, Enzo, Mr., General Secretary.
LAURIJSSEN, Eddy, Mr., Assistant General Secretary.
RYDER, Guy, Mr., Director, Geneva Office.
CUNNIAH, Dan, Mr., Assistant Director, Geneva Office.
ANDERSON, Luis A., Mr., General Secretary, ICFTU Inter-American Regional Organization of Workers.
KAILEMBO, Andrew, Mr., Regional Secretary, ICFTU African Regional Organization.
IZUMI, Takashi, Mr., General Secretary, ICFTU Asian and Pacific Regional Organization.
STEWART, Lois, Ms., Head, ICFTU Equality Department.
HODDER, Kathryn, Ms., Trade Union Rights Department.
JUSTICE, Dwight, Mr., Economic and Social Policy Department.
CANAK, Branislav, Mr., President, Nezavisnost, Serbia.
GORANI, H., Mr., President, BSPK, Kosovo.
MAUNG, Maung, Mr., Secretary, Federation of Trade Unions, Burma.
HAN, Dong Fang, Mr., Workers' Autonomous Federation, China.
BLUMER, Eva, Ms., Geneva Office.
RAMPAK, Zainal, Mr., President, Malaysian Trades Union Congress (MTUC).
RAJASEKARAN, G., Mr., General Secretary, MTUC.
MAGOUB, Sid Ahmed, Mr., Sudan Workers' Trade Union Federation.
SOMBES, Louis, Mr., General Secretary, Confederation of Cameroon Trade Unions.
ZIDANA, Kele, Mr., Representative, Southern Africa.
PURSEY, Stephen, Mr.
DJIBRINI, Asali, Mr., General Secretary, UST, Chad

Confédération mondiale du travail
World Confederation of Labour
Confederación Mundial del Trabajo

CUSTER, Carlos L., M., Secrétaire général.
HINNEKENS, Jean, M., Secrétaire confédéral.
BENYDIN, Toolsiraj, M., Secrétaire confédéral.
UYTENHOVE, Dirk, M., Secrétaire exécutif.
FAUCHERE, Béatrice, Mme, Représentante permanente à Genève.
BUCHS, Carole, Mme, Secrétariat, Genève.
ROBEL, Blaise, M., Conseiller.
CICERON, Gaston, M., Conseiller.
PARVIN, M., M.
ESHAGI, M., M.
AKPEMADO, Eugène, M., Vice-président.
MAHAN GAHE, Basile, M.
ROUSSEAU, Véronique, Mme
MIETLICKA, Aleksandra, Mme
NACSA, Beata Eva, Mme
PUNO, Luisito Enriquez, Mr.
BILEKO, Gaston, Mr.
CONTESCU, Valentina, Mme
GREBLIAUSKAS, Petras, Mr.
MATE, Kwabena Asare Adair, Mr.
SIMANUYKALID, , Mr.
LYSENKO, , Mr.
BALLUCK, , Mr.
MORA, , Mme
GREGA, Pierre, Mr.
BERTHOUD, Alain, Mr.
BOUZIA, Mohamed, Mr.
DERKAOUI, Mohamed, Mr.
IOUY, Abdelaaziz, Mr.
CHENNAF, Abderrahman, M.
REBELLO, Noel, Mr.

Fédération syndicale mondiale
World Federation of Trade Unions
Federación Sindical Mundial

ZHARIKOV, Alexander, Mr., General Secretary.
DIOP, G., Mr., Vice-President.
POTAPOV, A., Mr., Representative at the ILO.
RETUREAU, D., Mr., Representative at the ILO.

Organisation internationale des employeurs
International Organization of Employers
Organización Internacional de Empleadores

KAPARTIS, Costas, Mr., Secretary-General.
PEÑALOSA, Antonio, Mr., Deputy Secretary-General.
ULBRICHT, Jutta, Ms., Executive-Secretary.
GUEYE, Charles, Mr., Adviser.
JAMES, George, Mr., Adviser.
DEJARDIN, Jean, Mr., Deputy Executive Secretary.
PERKINS, Barbara, Ms., Deputy Executive Secretary.
OZAINNE, Béatrice, Ms., Management Assitant.

Organisation de l'unité syndicale africaine
Organisation of African Trade Union Unity
Organización para la Unidad Sindical Africana

JALLOUD, Salem, Mr., President.
SUNMONU, Hassan A., Mr., Secretary-General.
DIOP, Demba, Mr., Assistant Secretary-General.
BESHA, Michael P., Mr., Assistant Secretary-General.
MUJYAMBERE, Augustin, Mr., Teasurer General.
GBOLU, E.K., Mr., Head, Technical Cooperation Section.
GHEDAN, Muftah, Mr., Personal Assistant to the President.
APEKEY, Ann D., Ms., Coordinator, Women Section.
GUEYE, Sidi Tidjani, Mr., President, Federation of Migrant African Workers in France.
PONGAULT, G., Mr., Secretary-General, African Coordinating Committee on Trade Union Action against Apartheid and Colonialism.
SHAHEED, Salem, Mr., Secretary-General, Pan-African Federation of Banks, Insurance and Financial Institutions.
HADID, Mohamed Abdalla, Mr., Secretary-General, Pan-African Federation of Workers in Building and Wood Industries.
HASSEN, Mohamed, Mr., Secretary-General, Pan-African Federation of Workers of Posts and Telecommunications.
BEDIAKO, T.A., Mr., Secretary-General, All Africa Teachers Organisation.
SHAMEKH, Ali, Mr., Secretary-General, Pan-African Federation of Petroleum, Energy and Allied Industries.
ZITOUNI, L., Mr., Secretary General, Pan-African Federation of Mines.
KHELOUFI, Abdelkarim, Mr., Secretary-General, Pan-African Federation of Food, Tobacco and Allied Industries.
HAMID, Mokhtar Abdel, Mr., President, Pan-African Federation of Agriculture Trade Unions.
MOUTARI, Laouali, Mr., Secretary-General, Organisation of Trade Unions of West Africa.
MOUSSENI, Jules André, Mr., Secretary-General, Organisation of Trade Unions of Central Africa.
TSVANGIRAI, Morgan, Mr., Secretary-General, Southern African Trade Union Coordinating Council.
TLILI, Mustapha, Mr., Secretary-General, Union of Maghreb Arab Trade Unions.
SOMBES, Luis, Mr.
NXUMALO, Jabulani, Mr., Assistant Secretary-General, Swaziland Federation of Trade Unions.
MOROENA, Triphina, Ms., National Congress of Trade Unions.
BOA, Edmond, Mr., Treasurer General, FETAF.

Confédération panafricaine des employeurs
Pan-African Employers' Confederation
Confederación Panafricana de Empleadores

JILANI, Hédi, Mr., President.
KASWARRA, Joël, Mr., Vice-President.
MOUKOKO KINGUE, Félix, Mr., Vice-President.
OWUOR, Tom, Mr., Secretary-General.
GLÈLÈ, Lucien, Mr., Deputy Secretary-General.
TOURÉ, Ousmane, Mr., Treasurer.
SCHOEIB, Adel, Mr., Deputy Treasurer.
ALI OULD SIDI MOHAMED, Mohamed, Mr., Member.
ABOUGHE-OBAME, Jean, Mr., Member.
JEETUN, Azad, Mr., Member.
IMOISILI, Imonitie C., Mr., Member.
CHIWESHE, Ernest, Mr., Member.

Alliance internationale des femmes
International Alliance of Women
Alianza Internacional de Mujeres

GEORGALLA, Sofia, Ms., Managing Director, Bank of Cyprus.
PETERS, Marijke, Ms., Treasurer, IAW.
IRRGANG, Gisela, Ms., Representative, German affiliates.

Amnesty International

JAMES, Mel, Ms., Coordinator of Relations with Intergovernmental Organizations.
COLLINS, Jo, Ms.

Assemblée mondiale de la jeunesse
World Assembly of Youth
Asamblea Mundial de la Juventud

PAKARINEN, Heikki, Mr., Secretary General.

Association internationale de la sécurité sociale
International Social Security Association
Asociación Internacional de la Seguridad Social

HOSKINS, Dalmer D., M., Secrétaire général.
THIEL, Wilhelm, M., Président, Commission permanente de prévention des risques professionnels; Directeur général, Institut général de l'assurance contre les accidents du travail et les maladies professionnelles, Autriche.
BÉDARD, Robert, M., Adjoint au Secrétaire général.

Association mondiale des services d'emploi publics
World Association of Public Employment Services
Asociación Mundial de los Servicios Públicos de Empleo

DIXON, Lionel, Mr., President.

Caritas Internationalis

FURIC, M., Mr., Permanent Delegate, Geneva.

Centrale latinoaméricaine des travailleurs
Latin American Central of Workers
Central Lationoamericana de Trabajadores

MARIUS, Luis Enrique, Sr., Secretario General Adjunto.
GOMEZ EZGUERRA, Julio Roberto, Sr., Secretario General, Confederación General de Trabajadores Democráticos.

Centre international pour les droits syndicaux
International Centre for Trade Union Rights
Centro Internacional para los Derechos Sindicales

HENDY, John, Mr., President.
TODD, Ron, Mr., Vice President.
EL FADL, Fathi, Mr., Executive Officer.
PONORAMEV, Vladimir, Mr., Executive Officer.
SIBLEY, Tom, Mr., Executive Officer.

Comité consultatif mondial des amis
Friends World Committee for Consultation

GRACE, Brewster, Mr., Representative, Geneva.
BRETT, Rachel, Ms., Associate Representative, Geneva.
TURNER, Catherine, Ms., Quaker United Nations Office.

Commission internationale de juristes
International Commission of Jurists
Comisión Internacional de Juristas

DIENG, Adama, Mr., Secretary General.
ARTUCIO, Alejandro, Mr., Legal Officer for Latin America.
RISHMAWI, Mona, Ms., Director, Centre for the Independence of Judges and Lawyers (CIJL).
AMOAH, Philip, Mr., Legal Officer for Africa.
PARAKH, Dilbur, Mr., Legal Officer for Asia.
DAVIES, Trevor, Mr., Executive Officer, Finance and Administration
WILBORN, Peter, Mr., Assistant, CIJL.
BOVAY, Nicolas, Mr., Press Officer.
MOELJADI, Nana, Ms., Assistant to the Secretary-General.

Confédération européenne des syndicats
European Trade Union Confederation
Confederación Europea de Sindicatos

GABAGLIO, Emilio, M., Secrétaire général.

LAPEYRE, Jean, M., Secrétaire général adjoint.
JÄÄSKELÄINEN, Markku, M., Secrétaire général adjoint.
COLDRICK, Peter, M., Secrétaire confédéral.
BUSCHAK, Willy, M., Secrétaire confédéral.
ANDRE, Maria-Helena, Mme, Secrétaire confédéral.
HERTOGS, Béatrice, Mme, Secrétaire confédéral.
LANGEWIESCHE, Renate, Mme, Assistante.

Confédération européenne des syndicats indépendants
European Confederation of Independent Trade Unions
Confederación Europea de Sindicatos Independientes

VOSSENKUHL, Ursula, Mme, Secrétaire générale.

Confédération générale des syndicats
General Confederation of Trade Unions

SCHERBAKOV, Vladimir, M., Président.
YOURGENS, Igor, M., Premier Vice-président.
KRAVTSOV, Valeri, M., Chef, Département international.
KANAYEV, George, M., Expert, Département international.
ABAKIROV, Emilbek, M., Président du conseil de la fédération des syndicats du Kirghizstan.
KATAEV, Valèry, M., Expert du département international du comité éxécutif de la CGS.

Confédération internationale des cadres
International Confederation of Executive Staff
Confederación Internacional de Técnicos

LARSEN, Friis, Mr., Secretary-General.
LARSEN, Lone, Ms.
SAVARD, Robert, Mr.
DESLAURIERS, Robert, Mr.

Confédération internationale des entreprsies de travail temporaire
International Confederation of Temporary Work Organizations
Confederación Internacional de las Empresas de Trabajo Temporero

GUEISSAZ, Pascal, M.
DAVIDSON, Ken, M.
FORTESCUE, Jamie, M.
ALLEN, Leonard, M.
LABADIE, Jean-Georges, M.
VAN HAASTEREN, Fred, M.

Confédération internationale des fonctionnaires
International Confederation of Public Service Officers
Confederacion Internacional de Funcionarios

KENTER, Luc, M., Président.
TRAUSCH, Pierre, M., Vice-président.
HAGEDORN, Werner, M., Vice-président.
CHAPUIS, Christian, M., Secrétaire général.
BALSIGER, Urs, M., Trésorier.
DALEIDEN, Irène, Mme
DALEIDEN, Joss, M.
ENGLARO, Josiane, Mme

Confédération internationale des syndicats arabes
International Confederation of Arab Trade Unions
Confederación Internacional de Sindicatos Arabes

DJEMAM, Hacene, M., Secrétaire général.
BADER, Sabri, M., Vice-secrétaire général.
MIRO, Adib, M., Secrétaire.
MAATOUK, Rajab, M., Secrétaire.
ZAIDAN, Fadel, M., Secrétaire.
SOUKOUTI, Nour Eddin, M., Conseiller.

Confédération syndicale mondiale des enseignants
World Confederation of Teachers
Confederación Sindical Mundial de la Enseñanza

VAN BENEDEN, Louis, M., Président.
DENIS, Roger, M., Secrétaire général.
VAN OVERBEEK, Cees, M., Trésorier.
BÄHR, Hans, M., Membre du Bureau.

Congrès juif mondial
World Jewish Congress
Congreso Judío Mundial

ABRAM, Morris A., Mr., Ambassador.
LACK, Daniel, Mr., Legal Adviser.
SHOYER, Paula, Mrs.

Conseil international d'éducation des adultes
International Council for Adult Education
Consejo Internacional de Educación de Adultos

QUIROZ, Ana Maria, Ms., Secretary-General.
WHITEHOUSE, John R.W., Mr., Consultant.

Conseil international des femmes
International Council of Women
Consejo Internacional de Mujeres

DE BOCCARD, Jeanne-Marie, Mme, Représentante permanente auprès des Nations Unies, Genève.
PASCHOUD VAN DE KERCHOVE, Francine, Mme, Représentante auprès des Nations Unies, Genève.
DE WIT, Georgette, Mme, Présidente, Commission permanente travail des femmes.

Conseil international des femmes juives
International Council of Jewish Women
Consejo Internacional de Mujeres Judías

SEIGEL, Leila, Ms., Representative, Geneva.
BENSOUSSAN, Jocelyne, Ms.
FARHI, Andrée, Ms.

Conseil international des infirmières
International Council of Nurses
Consejo Internacional de Enfermeras

KINGMA, Mireille, Mrs., Consultant.

Conseil syndical du Commonwealth
Commonwealth Trade Union Council
Consejo Sindical de la Commonwealth

QUINN, P., Mr., Director.
JOHNSTONE, A., Mr., Director Designate.
WILLIAMS, J., Mr., Administrator.
FAULKNER, S., Mr., Education Officer.
POWER, L., Mr., Education Officer.

Fédération abolitionniste internationale
International Abolitionist Federation
Federación Abolicionista Internacional

SACKSTEIN, Hélène, Ms., Executive Secretary.

Fédération africaine des syndicats des mines, de l'énrgie, chimie et assimilés
African Federation of Miners, Energy, Chemical and Allied Trade Unions
Federación Africana de Sindicatos Mineros, de la Energía, la Química y Afines

ZITOUNI, Lemtai, M., Secrétaire général.
N'KUMA, Paul, M., Vice-président.
SAAD, Abdelhafid, M., Secrétaire général adjoint.

KOLEIB ALI, Abdelhafid, M., Secrétaire général adjoint.

Fédération arabe des employés des banques, assurances et affaires financières
Arab Federation of Employees in Banking, Insurance and Finance
Federación Arabe de Empleados de la Banca, Seguros y Negocios Financieros

GLIAH, Salah, M., Secrétaire général.
CHAHATA, Farouk, M., Conseiller.

Fédération arabe des travailleurs de l'imprimerie et de l'information
Arab Labour Federation of Printing and Inofrmation Workers
Federación Arabe de Trabajadores de las Artes Gráficas y la Información

ALZILITNI, Mahmud Mustafa, Mr., General Secretary.

Fédération arabe des travailleurs des transports
Arab Federation of Transport Workers
Federación Arabe de los Trabajadores del Transporte

SHERIF, Bashir, Mr., General Secretary.

Fédération internationale des associations de spécialistes de la sécurité et de l'hygiène du travail
International Federation of Associations of Specialists in Occupational Safety and Industrial Hygiene
Federación Internacional de Asociaciones de Especialistas de la Seguridad e Higiene del Trabajo

BRESSON, Gilbert, M., Président.

Fédération internationale des associations pour l'éducation des travailleurs
International Federation of Workers' Education Associations
Federación Internacional de Asociaciones para la Educación de los Trabajadores

BARNEA, Aaron, Mr., General Secretary.

Fédération internationale des employés, techniciens et cadres
International Federation of Commercial, Clerical, Professional and Technical Employees
Federación Internacional de Empleados, Técnicos y Profesionales

JENNINGS, Philip J., Mr., General Secretary.
SCHWASS, Hans J., Mr., Executive Secretary.
CHIFAMBA, Shangwa, Mr., President, AFRO-FIET.
ANDERSSON, Carin, Ms., Project Officer.
BECK, Nicholas, Mr., Secretary, Trade Section.
FOGARIN, Alessandro, Mr., Education Consultant.
FURSTENBORG, Jan, Mr., Secretary, Trade section.
HILL, Craig, Mr., Secreatry, Trade Section.
MALMA, Luis, Mr., Education Secretary, IRO-FIET.
NG, Christopher, Mr., Regional Secretary, APRO-FIET.
PETA, Gregory, Mr., Co-ordinator, AFRO-FIET.
REQUENA, Raúl, Mr., Regional Secretary, IRO-FIET.
ROHDE, Gerhard, Mr., Secretary, Trade Section.

TESCH-SEGOL, Bernadette, Ms., Director, EURO-FIET Brussels Office.
WIKLUND, Benny, Mr., Education Officer.
KOUDOUGOU, Zakari, Mr., Vice President.

Fédération internationale des femmes de carrières libérales et commerciales
International Federation of Business and Professional Women
Federación Internacional de Mujeres de Negocios y Profesionales

BUTLER, Angela, Ms.
ROBADEY, Irène, Ms.

Fédération internationale des femmes des carrières juridiques
International Federation of Women in Legal Careers
Federación Internacional de Mujeres Juristas

BARTER-HEMMERICH, Ursula, Mme

Fédération internationale des femmes diplômées des universités
International Federation of University Women
Federación Internacional de Mujeres Universitarias

PRIVAT, Christiane, Mme

Fédération internationale des mineurs
Miners International Federation
Federación Internacional de Mineros

STENDALEN, Anders, Mr., President.
BERGER, Hans, Mr., Vice-President; President, IGBE, Germany.
MAITLAND, John, Mr., Vice-President; General President, UMW, Australia.
MOTLATSI, James, Mr., Vice-President; President, NUM, South Africa.
MEHTA, Kanti, Mr., Vice-President; President, INMF, India.
SCHALKHAMMER, Antal, Mr., Vice-President; President, BDSz, Hungary.
TRUMKA, Richard, Mr., Vice-President; President, UMWA, USA.
MICHALZIK, Peter, Mr., General Secretary.
ROLAND, Damien, Mr., Assistant to the General Secretary.
BROWNE, Ann, Ms., Projects Officer.
CLEMENT, David, Mr.
LINDQVIST, Erland, Mr., Education Officer.
PICKERING, Jon, Mr., Research Officer.
RIVAS, Cristhian, Mr., Latin America Representative.
WIEDER, Andreas, Mr., Adviser, IGBE.
MIATCHIN, Viktor, Mr., Adviser, NPRUP.
LUDWIG, W.P., Mr., Federal President, Australian Workers' Union.
NKUNA, Paul, Mr., Vice-President, AFMECATU.
MALULEKE, Jesse, Mr., Official, NUM, South Africa.

Fédération internationale des organisations de travailleurs de la métallurgie
International Metalworkers' Federation
Federación Internacional de Trabajadores de las Industrias Metalúrgicas

MALENTACCHI, Marcello, Mr., General Secretary
FOWLER, David, Mr., Assistant General Secretary.
CASSERINI, Karl, Mr., Former Assistant General Secretary.
COLETTI, Carla, Ms., Women, Youth, Vocational Training, Migrant Workers.
FREDRICKS, Brian, Mr., Aerospace, Africa Desk.
KAMADA, Hiroshi, Mr., Engineering.
MACSHANE, Denis, Mr., Communications.
MUREAU, Anne-Marie, Ms., EC and Eastern Europe.
OLSEN, Poul Erik, Mr., Education.
UNTERWEGER, Peter, Mr., Automobile.

Fédération internationale des ouvriers du transport
International Transport Workers' Federation
Federación Internacional de los Trabajadores del Transporte

COCKROFT, David, Mr., Acting General Secretary.
BROTHERS, Graham, Mr., Assistant General Secretary.
SELANDER, Ake, Mr., Assistant General Secretary.
WADA, Shigeru, Mr., Asia/Pacific Regional Secretary.

MARGES, Kees, Mr., Education and Projects Officer.

Fédération internationale syndicale de l'enseignement
World Federation of Teachers' Unions
Federación Internacional Sindical de la Enseñanza

MONTANT, Gérard, M., Secrétaire général.
MONTEUX, Daniel, M., Représentant permanent auprès de l'UNESCO.
NAILLOD, Marie-Christine, Mme, Secrétaire.

Fédération internationale des syndicats de travailleurs de la chimie, de l'énergie et des industries diverses
International Federation of Chemical, Energy and general Workers' Unions
Federación Internacional de Sindicatos de Trabajadores de la Química, de la Energía e Industrias Diversas

THORPE, Victor E., Mr., General Secretary.
CATTERSON, James A., Mr., Research Director.
GREEN, Reg, Mr., Health and Safety Director.
RAINA, Jyrki, Mr., Energy Programme Coordinator.
SCHMITT, Peter, Mr., Central and Eastern European Coordinator.
JUNG-SUN, Phee, Mr., Education Officer.
KARABAY, Vahdettin, Mr.
YALNIZ, Durmus Ali, Mr.

Fédération internationale des travailleurs du bâtiment et du bois
International Federation of Building and Woodworkers
Federación Internacional de Trabajadores de la Construcción y la Madera

ASP, Ulf, Mr., General Secretary.
WHITEHOUSE, Robin, Mr., Assistant General Secretary.
FAIRCLOUGH, Andrew, Mr., Education Officer.
WINTOUR, Nora, Ms., Education Officer.
HELLMAN, Marion, Ms., Research Officer.
FITZPATRICK, Sarah, Ms., Assistant Researcher.
SUK-BUM, Bae, Mr., President, Korean Federation of Construction Trade Unions (KFCTU).
KYUNG-YEOL, Choi, Mr., Assistant Director of Solidarity, KFCTU.
NIELSEN, Hans Wenzel, Mr.

Fédération internationale des travailleurs du textile, de l'habillement et du cuir
International Textile, Garment & Leather Workers' Federation
Federación Internacional de Trabajadores del Textil, Vestuario y Cuero

KEARNEY, Neil, Mr., General Secretary.
CARTER, Laura, Ms.
BUDAK, Ridvan, Mr.

Fédération internationale de la vieillesse
International Federation on Ageing
Federación Internacional de la Vejez

HOSKINS, Irene, Ms.

Fédération mondiale des associations pour les Nations Unies
World Federation of United Nations Associations
Federación Mundial de Asociaciones pro Naciones Unidas

WEYDERT, Marc, Mr., Permanent Representative, Geneva.
FUCHS, Annette, Ms.

Fédération mondiale des travailleurs de l'agriculture et de l'alimentation
World Federation of Agriculture and Food Workers
Federación Mundial de Trabajadores de la Agricultura y la Alimentación

SEMEREL, Oscar I., Sr., Presidente.

COMEZ CERDA, Jose J., Sr., Secretario Ejecutivo.
VALPOORT, Kenneth E., Sr., Secretario General; Comisión Latino Americana de Trabajadores de Hospitalidad, Turismo.

Fédération mondiale des travailleurs de l'industrie
World Federation of Industry Workers
Federación Mundial de Trabajadores de la Industria

MOHR, Jean-Marc, M., Membre du bureau FMTI, Secrétaire général de la Fédération Nationale des Mineurs de la CTFC.

Fédération mondiale des travailleurs scientifiques
World Federation of Scientific Workers
Federación Mundial de Trabajadores Científicos

JAEGLE, André, M., Secrétaire général.
HASSAN, Madeleine, Mme

Fédération panafricaine des syndicats de l'agriculture
Pan-African Federation of Agricultural of Trade Unions
Federación Panafricana de Sindicatos Agrícolas

HAMID, Moukhtar Abdel, Mr., President.

Institut Hassan Fathy pour les travailleurs de la construction
Hassan Fathy Institute for Construction Workers
Instituto Hassan Fathy para los Trabajadores de la Construcción

O'LEARY, Jim, Mr., Director.

LOFBLAD, John, Mr., Geneva Representative.
SCRIVANI, Luigi, Mr.
NJEKESA, Edward, Mr.

Internationale de l'éducation
Education International
Internacional de la Educación

HATWOOD FUTRELL, Mary, Ms., President.
VAN LEEUWEN, Fred, Mr., General Secretary.
HARRIS, Bob, Mr., Executive Director, Intergovernmental Relations.
HANLEY, Sheena, Ms., Deputy General Secretary.
JOUEN, Elie, Mr., Deputy General Secretary.
FOUILLOUX, Monique, Ms., Coordinator.
FREDERIKSSON, Ulf, Mr., Coordinator.
JENTER, Anne, Ms.
PUTZHAMMER, Heinz, Mr.
VALENTIN, Jean-Pierre, M.

Internationale du personnel des Postes, Télégraphes et Téléphones
Postal, Telegraph and Telephone International
Internacional de Correos, Telégrafos y Teléfonos

BOWYER, Philip, Mr., General Secretary.
AUBRY, Jean-Michel, Mr., Assistant General Secretary.
PEDERSEN, John, Mr., Assistant Secretary.
NEDZYNSKI, Stefan, Mr., Honorary General Secretary.
CHAROENWAL, Mit, Mr.
JOHANNING, Rolf, Mr.
MARTI, Monique, Ms.

Internationale des services publics
Public Services International
Internacional de Servicios Públicos

ENGELBERTS, Hans, Mr., General Secretary.
LEATHER, Alan, Mr., Deputy General Secretary.
WAGHORNE, Mike, Mr., Assistant General Secretary.
TURNER, Brian, Mr., Finance Officer.
TAYLOR, Adrienne, Ms., Regional Vocational Secretary for Asia and the Pacific.
KPODAR, Téko, Mr., Regional Vocational Secretray for Africa.
SALOMON, Maria, Ms., Press and Publicity Officer.

BANKS, Andy, Mr., Education Officer.
BORKENHAGEN, Gisela, Ms., Education Project Coordinator.
CARL, Alice, Ms., Research and Information Officer.
LEFEBVRE, Jean, Mr.
ONZARI, Ivan Rene, Mr.
TOURNEAU, Guy, Mr.
ÖNAL, Ismail, Mr.
TOP, Yücel, Mr.
IKISIVRI, Ali Riza, Mr.
BUDAK, Ridvan, Mr.
KARLI, Hulusi, Mr.
BAYKARA, Vicdan, Mr.
HOVDENAKK, Ingjerd, Mr.
MONSBAKKEN, Jan A., Mr.
KARABAY, Vahdettin, Mr.
YALNIZ, Durmus-Ali, Mr.
VIDELA, Hugo Edgardo, M.
VILLAFAÑE, Lorenzo José, M.

Internationale socialiste des femmes
Socialist International Women
Internacional Socialista de Mujeres

STASIUS, Karine, Ms.

Jeunesse ouvrière chrétienne internationale
International Young Christian Workers
Juventud Obrera Cristiana Internacional

FERREIRA DA COSTA, Gilberto, Sr., Secretario General.

Ligue internationale des femmes pour la paix et la liberté
Women's International League for Peace and Freedom
Liga Internacional de Mujeres por la Paz y la Libertad

BALLANTYNE, Edith, Ms., International President.
KOLTHOFF, Kirsti, Ms., International Treasurer.
LOCHBIHLER, Barbara, Ms., Secretary General.
BURKE, Colleen, Mrs., Human Rights Intern.
VELASQUEZ, Isabell, Ms., Development Intern.

Mouvement international ATD Quart Monde
International Movement ATD Fourth World
Movimiento Internacional ATD Cuarto Mundo

DE VOS VAN STEENWIJK, A.A., Mme, Présidente.
BRAND, Eugen, M., Secrétaire général.
REDEGELD, Ton, M., Conseiller.
ROMAZZOTTI, Bruno, M., Représentant à Genève.

Mouvement mondial des travailleurs chrétiens
World Movement of Christian Workers
Movimiento Mundial de Trabajadores Cristianos

RONCIN, Michel, M.

Organisation arabe des droits de l'homme
Arab Organisation for Human Rights
Organización Arabe de Derechos Humanos

AL-JADIR, Adib, Mr.
AL-ATTAR, Hassan, Mr.
KHARAT, Labib, Mr.

Organisation internationale des mineurs
International Miners' Organisation
Organización Internacional de Mineros

SIMON, Alain, M., Secrétaire Général.
CHERIKH, Madjid, M., Collaborateur.
BERKOUTOV, Oleg, M., Collaborateur.
KAFOUNI, Houcine, M.
SCARGILL, Arthur, Mr., Président.
BEDREDDINE, Mohamed lakhdar, Mr., Vice-président.

Organisation mondiale contre la torture World Organization Against Torture Organización Mundial Contra la Tortura

SOTTAS, Eric, M., Directeur.
MEJIA, Fernando, M., Directeur adjoint.
MANN, Katharine, Mme, Responsable de programme.

Organisation des travailleurs de l'Afrique centrale Organization of Trade Unions of Central Africa Organización de Trabajadores de Africa Central

MOUSSENI, André Jules, M., Secrétaire général.
BAKOT, Ndjock Emmanuel, M., Expert en matière économique et financière.
SONNY, Colé Théophile, Mr.
MOMBOUNOU, Joseph, Mr., Secrétaire général adjoint.

Pax Christi international

VITTORI, Jacques, M., Représentant permanent à Genève.
MEUNIER, Robert, M.
SCHAAD, Evelyn, Mme

Secrétariat international des syndicats des arts, des mass média et du spectacle/Fédération internationale des travailleurs de l'audiovisuel International Secretariat for Arts, Mass Media and Entertainment Trade Unions/International Federation of Audiovisual Workers Secretariado Internacional de los Sindicatos de Artes, Medios de Comunicación y Espectáculo/Federación Internacional de Sindicatos de Trabajadores en Actividades Audiovisuales

BACHER, Walter, Mr., President; General Secretary, KMFB, Austria.
GOLODNER, Jack, Mr., 1st Vice-President; President, AFL-CIO, USA.
WILSON, Jim, Mr., General Secretary.
ROBADEY, Irène, Ms., Representative, Geneva.

Société internationale de droit du travail et de la sécurité sociale International Society for Labour Law and Social Security Sociedad Internacional del Derecho del Trabajo y de la Seguridad Social

BERENSTEIN, Alexandre, M., Président d'honneur.
SCHREGLE, Johannes, M., Président d'honneur.

Soroptimist International

HERTZ, Kirsten, Mrs.

Union générale des chambres de commerce, industrie et agriculture des pays arabes
General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries
Unión General de Cámaras de Comercio, Industria y Agricultura de los Países Arabes

GHANTOUS, Elias, Mr., Assistant Secretary General.

Union internationale chrétienne des dirigeants d'entreprise
International Christian Union of Business Executives
Unión Internacional Cristiana de Dirigentes de Empresa

LAUPRÊTRE, Georges, M., Représentant auprès de l'OIT et de l'OIE.

Union internationale des organismes familiaux
International Union of Family Organizations
Unión Internacional de Organismos Familiares

BOUE, René, M., Membre, Comité de direction; Président , Commission familles des milieux populaires; représentant permanent auprès de l'OIT.

GUILLAUME, Marie-Luce, Mme, Maitre-assistant à l'université de Fribourg.

ODIER, Jean-Jacques, Mr., Membre du conseil général de l'UIOF.

Union internationale des syndicats des travailleurs du bâtiment, du bois et des matériaux de construction
Trade Unions International of Workers of the Building, Wood and Building Materials Industries
Unión Internacional de Sindicatos de Trabajadores de la Construcción, Madera y Materiales de Construcción

BRUN, Robert, Mr., President.

PERÄ, Mauri, Mr., General Secretray.

GELMI, Guerrino, Mr., Assistant of the General Secretary.

Union internationale des syndicats des travailleurs de l'énergie
Trade Unions International of Workers in Energy
Unión Internacional de los Sindicatos de Trabajadores Energéticos

MIELNICKI, Eugeniusz, M., Secrétaire général.

BOBAK, Bohumir, M., Conseiller, interprète.

Union internationale des syndicats des travailleurs de la fonction publique et assimilés
Trade Unions International of Public and Allied Employees
Unión Internacional de Sindicatos de Trabajadores de Servicios Públicos y Similares

PORTMANN, Philippe, M.

Union internationale des syndicats des travailleurs des industries alimentaires, tabacs, hôtels et branches connexes
Trade Unions International of Food, Tobacco, Hotel and allied Industries' Workers
Unión Internacional de Sindicatos de Trabajadores de las Industrias Alimenticia, Tabacalera, Hotelera y Similares

LINARES, José de Jesús, Sr., Secretario General.
VARLAMOV, Bogomil Vladimirov, Sr., Asesor Político.

Union internationale des syndicats du textile, de l'habillement et des cuirs et peaux
Trade Unions International of Textile, Clothing, Leather and Fur Workers
Unión Internacional Sindical de Trabajadores del Textil, Vestido, Cuero y Pieles

SIDOROV, Evgueny, Mr., General Secretary.

Union internationale des syndicats des travailleurs des transports
Trade Unions International of Transport Workers
Unión Internacional de Sindicatos de Trabajadores de los Transportes

TOTH, Joszeph, Mr., General Secretary.
PEREZ, Bertha, Ms., Collaborator, Interpreter.

Union internationale des travailleurs de l'alimentation, de l'agriculture, de l'hôtellerie-restauration, du tabac et des branches connexes
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
Unión Internacional de Trabajadores de la Alimentación, Agrícolas, Hoteles, Restaurantes, Tabaco y Afines

BUDIN, Barbro, Mr.
GALLIN, Dan, Mr., General Secretary.
LEATHWOOD, Barry, Mr.
LONGLEY, Sue, Ms.
OSWALD, Ron, Mr.
ROSSMAN, Peter, Mr.
STASIUS, Horst, Mr.
PIEDRAHITA, Herbert Maradiago, Mr.
GARZÓN MACEDA, Lucio, Mr.

Union interparlementaire
Inter-Parliamentary Union
Unión Interparlamentaria

CORNILLON, Pierre, M., Secrétaire général.
JOHNSSON, Anders, M., Secrétaire général adjoint.
TCHELNOKOV, Serguei, M., Chargé des questions économiques et sociales.

Union mondiale des organisations féminines catholiques
World Union of Catholic Women's Organizations
Unión Mundial de las Organizaciones Femeninas Católicas

DURRER, Maryse, Mrs., Permanent Representative, Geneva.
ZURCHER, Suzanne, Mrs., Permanent Representative, Geneva.

Union mondiale ORT
World ORT Union
Unión Mundial ORT

ISLER, Ellen, Ms., Director General.
FELDMAN, Simon, Mr., Director, International Cooperation.
KASTEL, Samy, Mr., Deputy Director, International Cooperation.

Union mondiale des professions libérales
World Union of Professions
Unión Mundial de las Profesiones Liberales

TINAYRE, Alain, M., Président.
GENTY, Claude-Laurent, M., Secrétaire général.

Union syndicale des travailleurs du Maghreb arabe
Union of Workers of the Arab Maghreb
Unión Sindical de Trabajadores del Maghreb Arabe

ALI MILAD, Abdul Salam, M., Secrétaire général.
BOUBAKER, Mokhtar, M., Directeur exécutif.

Zonta International

BRIDEL, Danielle, Mme, Représentante permanente auprès de l'ONU, Genève.

MOUVEMENT DE LIBERATION

LIBERATION MOUVEMENT

MOVIMIENTO DE LIBERACION

DELEGATIONS

Palestine Palestine

Palestina

RAMLAWI, Nabil, Mr., Ambassador, Permanent Observer, Geneva.
JADALLAH, Mohamed, Mr.
AL-ADJOURI, Taissir, Mr.
ABDUL-GHANI, Khaled, Mr.
JERIES, Mousa, Mr.

BUREAUX DE LA CONFERENCE, DES COMMISSIONS ET DES GROUPES

OFFICERS OF THE CONFERENCE, THE COMMITTEES AND THE GROUPS

MESAS DE LA CONFERENCIA DE LAS COMISIONES Y DE LOS GRUPOS

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GRAY, Charles, M., délégué des travailleurs (Etats-Unis)

Vice-président

MATINCHEV, Evgueniy, M., délégué gouvernemental (Bulgarie)
OULD SIDI, Mohamed Ali, M., délégués des employeurs (Mauritanie)
MENDOZA, Democrito, M., délégué des travailleurs (Philippines)

Secrétaire général

HANSENNE, Michel, M., Directeur général du Bureau international du Travail

Bureaux des Commissions

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Président

ILABACA ORPHANOPOULOS, J.L., M. (Chili)

Vice-présidents

M'KAISSI, A.,M. (Employeur, Tunisie)
BRETT, W., M. (Travailleur, Royaume-Uni)

Commission de vérification des pouvoirs

Président et membre gouvernemental

SPENCER, T., M. (Trinité-et-Tobago)

Vice-présidents

FUNES DE RIOJA, D., M. (Employeur, Argentine)
TROTMAN, L., M. (Travailleur, Barbade)

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GOPALAN, S., M. (Inde)

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TAPIOLA, K., M. (Finlande)

Commission des finances

Président

ZHANG, Y., Mme (Chine)

Vice-président

RANDIGA, S., M. (Kenya)

Commission de l'application des normes

Président

ELMIGER, J.-J., M. (Suisse)

Vice-présidents

WISSKIRCHEN, A., M. (Employeur,Allemagne)
PEIRENS, W., (Travailleur,Belgique)

Commission du travail à temps partiel

Président

ROOD, M., M. (Pays-Bas)

Vice-présidents

NOAKES, B., M. (Employeur, Australie)
VAN DEN BURG, I., Mme (Travailleur, Pays-Bas)

Commission sur la sécurité et la santé dans les mines

Président

BEKES, A., M. (Hongrie)

Vice-présidents

PIRIE, J., M. (Employeur, Canada)
MAITLAND, J., M. (Travailleur, Australie)

Commission des agences de l'emploi privé

Président

OKORONKWO, A., Mme (Niger)

Vice-présidents

HULTIN, G., M. (Employeur, Finlande)
LYNCH, L., M. (Travailleur, Etats-Unis)

Commission de l'apartheid

Président

BALOPI, P., M. (Botswana)

Vice-présidents

HERNANDEZ, B., M. (Employeur, Philippines)
BRETT, W., M. (Travailleur, Royaume-Uni)

Commission du règlement

Président

RHENAN SEGURA, J., M. (Costa Rica)

Vice-présidents

HAK, C., Mlle (Employeur, Pays-Bas)
AHMED, K., M. (Travailleur, Pakistan)

Bureaux des groupes

Groupe gouvernemental

Président

AL-GHAZAWY, Salah, M. (Jordanie)

Groupe des employeurs

Président

OECHSLIN, J.-J., M. (France)

Vice-présidents

M'KAISSI, A., M. (Tunisie)
TSUJINO, H., M. (Japon)
DE ARBELOA, B., M. (Vénézuela)
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